

MANATEE COUNTY ZONING ORDINANCE
PDC-97-07 (Z)(P) - LOU E., LETA S., & MARTIN E. LOUISO/VERNA TRADING POST

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM NC-S (NEIGHBORHOOD COMMERCIAL-SMALL) TO PDC (PLANNED DEVELOPMENT COMMERCIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A CONVENIENCE STORE WITH GAS PUMPS AND A COMMERCIAL RETAIL STORE; GRANTING SPECIAL APPROVAL FOR A NON-RESIDENTIAL PROJECT EXCEEDING 3,000 SQ. FT.

RECEIVED
R. G. SHORE, CLERK
MANATEE COUNTY, FL.

SEP 11 10 28 AM '98

BOARD RECORDS
FINANCIAL SERVICES

DEPARTMENT OF COUNTY CLERK
MANATEE COUNTY, FLORIDA

98 AUG 24 PM 2:05

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission of said County, as well as all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 4 of this Ordinance from NC-S (Neighborhood Commercial-Small) to PDC (Planned Development Commercial).

B. The said Board of County Commissioners held a public hearing on June 23, 1998 regarding said proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, the Manatee County Land Development Code, and has further considered the information received at said public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

Section 2. The Preliminary Plan is hereby APPROVED to allow a convenience store with gas pumps and a commercial retail store; granting Special Approval for a non-residential project exceeding 3,000 sq. ft., with the following stipulations:

STIPULATIONS

1. A Wellhead Impact Report shall be submitted and approved by the Environmental Management Department prior to Final Site Plan approval if the proposed development is within the exclusionary zone. At a minimum, the report should indicate the exact distance from the proposed underground petroleum storage tanks to the nearest wellhead(s), steps that will be taken to prevent leaking and spills, how the proposed tanks and protection methods are in compliance with Chapter 62-762, FAC. This report shall be prepared by a Florida registered Professional Engineer.
2. The proposed underground petroleum storage tanks shall be consistent with Chapter 62-762, FAC, and include double-walled tanks with interstitial monitoring, double-walled integral piping, dispenser sumps, submersible pump sumps, automatic tank gauging, in-line leak detectors with automatic shutoff, sump sensors, and dispenser tilt sensors.
3. The development shall incorporate a Florida rural architectural. Design elements shall be reviewed by staff at Final Site Plan approval.
4. Additional medium-height canopy trees shall be planted, offset from the proposed canopy trees to further screen and provide noise abatement to the loading area on the north side of the 3,000 square foot retail building.
5. Signs for the development shall be uniform with the architectural design. Pole signs shall utilize materials consistent with finish building materials to conceal support structure (e.g., poles) between 20 and 100% of sign width with a maximum sign height of 10 feet. Ground signs shall be limited to 40 square feet for the development. Design elements shall be reviewed by staff at Final Site Plan approval.

THIS IS A CORRECTIVE DOCUMENT

- 6. All roof-mounted H.V.A.C. equipment, loading areas, and dumpsters for structures shall be screened from view from Verna-Bethany Road, State Road 70, and adjacent properties with screening materials consistent with the exterior finish materials of the buildings, landscaping, or other opaque materials consistent with Section 715 of the L.D.C.
- 7. The eastern access driveway on State Road 70 shall be located entirely within the legal description advertised for this project or SR 70 Right-of-Way. Access to SR 70 shall be approved by FDOT and may be located to the east of the present site with the proper County permits.
- 8. Uses on this site shall be limited to those permitted under the Neighborhood Commercial-Small District zoning classification, as specified in Section 602.1.5.1.
- 9. No outdoor storage of materials shall occur on this site.
- 10. No motor vehicle repair shall occur on this site.
- 11. No outdoor speakers shall be utilized at this development except the required speakers for gasoline pumps.

Section 3. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County, Ordinance No. 90-01, the Manatee County Land Development Code, is hereby amended by changing the zoning district classification of the property identified in Section 4 herein from NC-S (Neighborhood Commercial-Small) to)PDC (Planned Development Commercial), and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

THE WESTERLY 297 FEET; BEING PARALLEL TO THE EASTERLY RIGHT OF WAY OF VERNA BETHANY ROAD, OF THE BELOW DESCRIBED PROPERTY:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 20 EAST, MANATEE COUNTY, FLORIDA; THENCE S 89°30'42" E ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 33.00 FEET TO THE EAST MONUMENTED RIGHT-OF-WAY LINE OF VERNA BETHANY ROAD; THENCE S 00°39'19" W ALONG SAID EAST MONUMENTED RIGHT-OF-WAY LINE, A DISTANCE OF 351.92 FEET FOR A POINT OF BEGINNING, THENCE CONTINUE S 00°39'19" W ALONG SAID EAST MONUMENTED RIGHT-OF-WAY LINE, A DISTANCE OF 650.23 FEET TO A POINT ON THE NORTH MONUMENTED RIGHT-OF-WAY LINE OF STATE ROAD 70; THENCE S 89°47'32" E ALONG SAID NORTH MONUMENTED RIGHT-OF-WAY LINE, A DISTANCE OF 602.00 FEET; THENCE N 00°39'19" E, 650.32 FEET; THENCE N 89°48'05" W 602.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO PLATTED RIGHT-OF-WAY NOT VACATED BY OFFICIAL RECORD BOOK 1487, PAGES 7889-7897.

Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 23rd day of June, 1998 and corrected by the Board of County Commissioners on July 28, 1998.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Janice M. Glass*
Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

By: *Susan B. Romine*

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office. Witness my hand and official seal this 19th day of August 1998.
R. B. SHORE
Clerk of Circuit Court
By: *Angela [Signature]*

THIS IS A CORRECTIVE DOCUMENT

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
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FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State
DIVISION OF ELECTIONS

RECEIVED
R B SHORE, CLERK
MANATEE COUNTY, FL.

SEP 11 10 28 AM '98

BOARD RECORDS DEPT.
~~FINAL DOCUMENT~~

September 4, 1998

Honorable R. B. Shore
Clerk to Board of County Commissioners
Manatee County
Post Office Box 25400
Bradenton, Florida 34206-5400

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter dated August 19, 1998, your faxes of explanation dated August 28, 1998 and September 1, 1998, and a certified copy each of Manatee County Ordinance Numbers listed below, which were filed in this office on August 24, 1998:

PDR-97-12 (Z) (P) - corrective document.

PDC-97-07 (Z) (P) - which corrects the number from PDC-98-07 (Z) (P)

Z-97-08 - which corrects the number from Z-98-08.

The copy of each showing the filing date is enclosed.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw

Enclosures