

MANATEE COUNTY ZONING ORDINANCE
PDMU-96-08(Z)(P)(F) - EGAN ADAMS/ADAMS CITGO US 41

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 96-018 THE MANATEE COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM GC/AI & GC/CH/AI (GENERAL COMMERCIAL) TO PDMU (PLANNED DEVELOPMENT MIXED USE) RETAINING THE CH (COASTAL HAZARD) AND AI (AIRPORT IMPACT) OVERLAY DISTRICTS; PROVIDING AN EFFECTIVE DATE; AND (2) APPROVAL OF PRELIMINARY AND FINAL SITE PLANS TO ALLOW A NEW MARINE FUELING DOCK AND CONVENIENCE STORE WITH RETAIL GASOLINE SALES.

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FILED

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 GC/AI & GC/CH/AI (General Commercial) to PDMU (Planned Development Mixed Use) retaining the CH (Coastal Hazard) and AI (Airport Impact) Overlay Districts.

B. The said Board of County Commissioners held a public hearing on October 28, 1997, 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 and Final Site Plans are hereby APPROVED to allow a new marine fueling dock and convenience store with retail gasoline sales, granting Special Approval for a mixed use project in an R/O/R Future Land Use Category and for a project located partially in the Coastal High Hazard Area Overlay with the following stipulations:

STIPULATIONS:

1. Prior to use or operation of the marine fueling facility, the applicant shall demonstrate compliance with 603.14.5.3., and 603.14.5.4.(1)(2)(3)(4)(5)(6), Operational Guidelines for Waterfront Uses. The applicant shall erect "idle/no-wake", Manatee awareness, and Manatee Education signs in locations approved by the Planning Department.
2. The right-of-way for the reconstructed entrance to Bowlees Creek shall be dedicated to the County within 30 days of this approval. The improvements to be constructed shall conform to the drawing titled "Proposed Entrance to Bowlee's Creek Mobile Court", dated 4/97 and prepared by the Manatee County Transportation Department.
3. Prior to use or operation of the marine fueling facility, an enhanced Oil Spill Contingency Plan and employee operations manual shall be approved by the Environmental Management and Planning Departments.
4. A variable width buffer, as shown on the Final Site Plan, shall be provided around the wetlands located adjacent to the northern and western portion of the site prior to issuance of a building permit for the dock. A buffer enhancement plan to provide additional plantings of native plant species shall be installed and approved by the Environmental Management Department prior to use or operation of the fueling facility. All corrections to the Final Site Plan for details and delineation of wetlands and wetland buffers shall be completed and approved by EMD prior to sign off. The Conservation Easement shall also be finalized in a form acceptable to the County Attorney's Office and recorded prior to Final Site Plan sign off.
5. Prior to issuance of a building permit for the dock, approved copies of all required DEP and Corps of Engineers Permits and any required lease from the Board of Trustees of the Internal Improvement Trust Fund shall be provided to the Environmental Management Department.

6. All requirements shown on the approved plans for FSP/AP-96-70 and detailed in the approval letter dated May 5, 1997 shall remain in full force and effect, except as may be superseded or amended by this permit.
7. Marine fueling operation shall be limited to daylight hours only. An employee whose sole duties are marine fueling shall be present during any hours that fueling takes place and shall fuel all boats. No self service or customer fueling shall be permitted at any time.
8. Boat sales, boat moorage, slip rental, boat rentals, personal watercraft rentals, live aboards, boat maintenance, and repair activities shall be prohibited at this dock. This stipulation does not apply to temporary moorage associated with boats using the fuel facility or convenience store.
9. No vehicle parking associated with passenger pickup, loading, or provisioning of boats at the dock shall be allowed. Boats being fueled may utilize the convenience store facilities.
10. A completed application for Fugitive Particulate Abatement shall be submitted to EMD prior to Final Site Plan sign off by EMD.

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 GC/AI & GC/CH/AI (General Commercial) to PDMU (Planned Development Mixed Use) retaining the CH (Coastal Hazard) and AI (Airport Impact) Overlay Districts, 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.

BEGINNING AT A POINT FOUND BY MEASURING FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26, SOUTH 1°30'02" EAST, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF NORTHWEST QUARTER, A DISTANCE OF 245.41 FEET TO THE POINT OF INTERSECTION OF SAID EAST LINE OF NORTHWEST QUARTER OF NORTHWEST QUARTER AND THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 45 (U.S. 41), THIS POINT BEING THE ABOVE MENTIONED POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SOUTH 1°30'02" EAST, A DISTANCE OF 702.91 FEET TO THE SOUTHERLY BANK OF BOWLEES CREEK; THENCE LEAVING SAID EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER MEANDERING IN AN EASTERLY DIRECTION ALONG SOUTHERLY BANK OF BOWLEES CREEK, A DISTANCE OF 303 FEET MORE OR LESS TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 45, (U.S. 41); THENCE ALONG WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES AND DISTANCES: NORTH 28°58'02" WEST, 166.50 FEET MORE OR LESS; THENCE SOUTH 61°01'58" WEST, 42.00 FEET; THENCE NORTH 16°50'24" WEST, 207.0 FEET; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, ON A RADIUS OF 1687.04 FEET, A DISTANCE OF 258 FEET MORE OR LESS TO THE AFOREMENTIONED POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED TO STANDARD OIL COMPANY (INCORPORATED IN KENTUCKY) FORM WALTER H. WARE AND MADELINE S. WARE, HIS WIFE, BY DEED FILED JUNE 4, 1959, AND RECORDED IN DEED BOOK 407, PAGE 58 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT, HOWEVER, TO THE FOLLOWING:

1. A DRAINAGE EASEMENT GRANTED ON JULY 12, 1974, BY STANDARD OIL COMPANY, A DIVISION OF CHEVRON OIL COMPANY, A CALIFORNIA CORPORATION, TO THE STATE OF FLORIDA FOR THE USE AND BENEFIT OF THE STATE ROAD DEPARTMENT.
2. POWER POLES, GUY WIRES AND ANCHORS ON CAPTION PROPERTY AS SHOWN ON SURVEY PREPARED BY RAMON KISSINGER UNDER DATE OF APRIL 27, 1959.
3. OUTFALL DITCH EASEMENT DEED TO THE STATE OF FLORIDA, CONVEYING THE RIGHT AND EASEMENT TO CONSTRUCT, EXCAVATE AND MAINTAIN OUTFALL AND DRAINAGE DITCHES AND DRAINS UPON AND THROUGH AN AREA LYING WITHIN 100 FEET OF THE CENTER LINE OF BOWLEES CREEK CHANNEL, AS CONTAINED IN DEED BOOK 238, PAGE 241 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

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

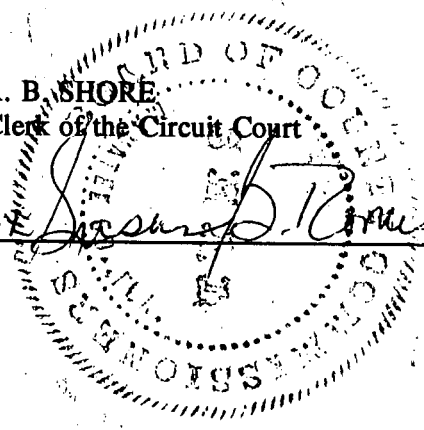
PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 28th day of October, 1997.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Patricia M. Glass
Chairman

ATTEST:

R. B. SHORE
Clerk of the Circuit Court
R. B. Shore



STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true
copy of ORDINANCE NO. 96-08 adopted by the
Board of County Commissioners of said County on
the 28th day of October, 1997, this 4th day
of November, 1997, in Bradenton, Florida.
By R. B. Shore
Clerk of Circuit Court

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing



FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State
DIVISION OF ELECTIONS

MEMBER OF THE FLORIDA CABINET
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
Ringling Museum of Art

November 7, 1997

Honorable R. B. Shore
Clerk to Board of County Commissioners
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA
Nov 14 8 37 AM '97

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of November 3, 1997 and certified copy of Manatee County Ordinance No. PDMU 96-08 (Z) (P) (F), which was filed in this office on November 6, 1997.

The duplicate copy showing the filing date is being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw

Enclosure