

DEC 2 2 07 PM '99

MANATEE COUNTY ZONING ORDINANCE
PDMU-99-06(Z)(G) - MICHA LAND, LTD/ROYAL PALM

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 PDR (PLANNED DEVELOPMENT RESIDENTIAL AND PDC (PLANNED DEVELOPMENT COMMERCIAL) TO PDMU (PLANNED DEVELOPMENT MIXED USE); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW A 168,000 SQUARE FOOT SHOPPING CENTER, 350 MULTI-FAMILY UNITS, A LARGE GROUP CARE HOME FOR 126 RESIDENTS, AND 80 MULTI-FAMILY UNITS (SENIOR APARTMENT COMPLEX) GRANTING SPECIAL APPROVAL TO A PROJECT: (1) LOCATED ADJACENT TO A PERENNIAL STREAM; (2) EXCEEDING A NET DENSITY OF 9.0 DWELLING UNITS PER ACRE; AND (3) LOCATED IN THE COASTAL PLANNING AREA.

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 PDR (Planned Development Residential) and PDC (Planned Development Commercial) to PDMU (Planned Development Mixed Use).

B. The Board of County Commissioners held a public hearing on November 16, 1999 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 General Development Plan is hereby APPROVED to allow a 168,000 square foot shopping center, 350 multi-family units, a Large Group Care Home for 126 residents, and 80 multi-family units (senior apartment complex), granting Special Approval for a project: (1) located adjacent to a perennial stream; (2) exceeding a net density of 9.0 dwelling units per acre; and (3) located in the Coastal Planning Area, with the following stipulations:

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CLERK OF CIRCUIT COURT
MANATEE COUNTY, FLORIDA

STIPULATIONS

1. The preservation of significant trees within the parking areas of the shopping center and multi-family sites shall be a condition of Preliminary and Final Site Plan approvals. Sufficient area around the trees, as determined by a registered Landscape Architect, shall be provided to reasonably guarantee their survival.
2. The access drive for the shopping center shall provide cross access to the parcel to the east.
3. Prior to the issuance of the building permit for the 101st multi-family unit in Parcel B, two means of access, pursuant to Section 712.2.8 shall be provided.
4. Multi-family buildings shall maintain a minimum setback of 50 feet from the PDC zoned parcels to the northeast.
5. Access and circulation for the out parcels in Parcel A shall be determined upon completion of the traffic study.
6. No vehicular access for the project shall be directly from or to U.S. 301. Vehicle access from and to State Road 70 shall be limited to one drive as shown on the GDP. Prior to Final Site Plan approval, a non-ingress and egress easement, acceptable to Manatee County, shall be provided along State Road 70 and U.S. 301.
7. A six foot (6') high opaque fence shall be located along the southern property line adjacent to the group care and senior apartment uses.
8. The site shall be evaluated for Species of Endangered, Threatened, or Special Concern. The methods and personnel used in this evaluation shall be approved by the EMD. This plan shall be required prior to any Final Site Plan(s) approvals, and may result in required revisions to the General Development Plan.
9. A hurricane evacuation plan shall be submitted to the Division of Emergency Management for review and approval, prior to any Final Site Plan approvals for residential development.
10. Prior to Preliminary Site Plan approval for the Group Care facility, the applicant shall demonstrate that all buildings containing beds are located outside of the Category 1, 2, and 3 hurricane evacuation zones, as defined by the latest SLOSH (sea, lake, and overland surges from hurricanes) Maps.
11. A pedestrian connection shall be provided between Parcels A and B.

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 PDR (Planned Development Residential) and PDC (Planned Development Commercial) to PDMU (Planned Development Mixed Use), 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.

FROM A RAILROAD SPIKE FOUND AT THE NE CORNER OF THE NW 1/4 OF SECTION 17, TOWNSHIP 35 SOUTH, RANGE 18 EAST; RUN S 00° 05' 36" E ALONG THE EAST LINE OF THE SAID NW 1/4, A DISTANCE OF 47.33 FEET TO A FOUND CONCRETE MONUMENT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD 70, SECTION 1316-101; AND N 89° 56' 01" W, ALONG THE SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 50.00 FEET TO INTERSECT THE WEST RIGHT OF WAY LINE OF 33RD STREET EAST AS SHOWN ON THE MANATEE COUNTY RIGHT OF WAY MAP THEREOF RECORDED IN ROAD PLAT BOOK 7, PAGE 57, AND THE POINT OF BEGINNING; THENCE S 00° 05' 36" E, ALONG SAID WEST RIGHT OF WAY AND 50 FEET WEST OF AND PARALLEL TO THE SAID EAST LINE OF THE NW 1/4, A DISTANCE OF 187.28 FEET; THENCE S 89° 07' 40" W, A DISTANCE OF 478.52 FEET TO A FOUND IRON ROD; THENCE S 00° 12' 34" E, A DISTANCE OF 457.00 FEET; THENCE N 89° 07' 40" E, A DISTANCE OF 477.60 FEET TO THE ABOVE DESCRIBED RIGHT OF WAY LINE OF 33RD STREET EAST; THENCE S 00° 05' 36" E ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 1306.53 FEET TO THE NORTH LINE OF THE SOUTH 1/4 OF THE SAID NW1/4; THENCE S 89° 50' 15" W ALONG SAID NORTH LINE, A DISTANCE OF 2573.72 FEET TO THE EASTERLY LIMITED ACCESS RIGHT OF WAY LINE OF STATE ROAD 683 (U.S.. 301) SECTION 13120-2506; THENCE ALONG SAID EASTERLY LIMITED ACCESS RIGHT OF WAY LINE SIX COURSES, VIZ: N 06° 25' 14" E, A DISTANCE OF 126.75 FEET; AND N 00° 59' 38" E, A DISTANCE OF 700.16 FEET; AND N 12° 29' 11" E, A DISTANCE OF 569.47 FEET; AND N 20° 48' 00" E, A DISTANCE OF 385.83 FEET; AND N 45° 46' 54" E, A DISTANCE OF 280.45 FEET; AND S 89° 56' 01" E, A DISTANCE OF 150.00 FEET TO THE EASTERLY LIMITS OF SAID LIMITED ACCESS RIGHT OF WAY LINE; THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD 683 THREE COURSES, VIZ: N 00° 03' 59" E, A DISTANCE OF 2.00 FEET; AND S 89° 56' 01" E, A DISTANCE OF 289.68 FEET; AND N 84° 05' 26" E, A DISTANCE OF 233.67 FEET TO INTERSECT THE WEST OUTLINE OF THAT CERTAIN PARCEL OF LAND RECORDED IN DEED BOOK 154, PAGE 233, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE WEST, SOUTHERLY AND EAST OUTLINE OF SAID PARCEL THREE COURSES, VIZ: S 00° 13' 39" E, A DISTANCE OF 598.34 FEET; AND N 55° 28' 18" E, A DISTANCE OF 544.63 FEET; AND N 00° 13' 39" W, A DISTANCE OF 260.23 FEET TO THE ABOVE DESCRIBED SOUTH RIGHT OF WAY LINE OF STATE ROAD 70, SECTION 1316-101; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE THREE COURSES, VIZ: S 89° 56' 01" E, A DISTANCE OF 335.68 FEET; AND N 00° 03' 59" E, A DISTANCE OF 25.00 FEET; THENCE S 89° 56' 01" E, A DISTANCE OF 625.23 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 17, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

FROM A RAILROAD SPIKE FOUND AT THE NE CORNER OF THE NW 1/4 OF SECTION 17, TOWNSHIP 35 SOUTH, RANGE 18 EAST; RUN S 00° 05' 36" E ALONG THE EAST LINE OF THE SAID NW 1/4, A DISTANCE OF 47.33 FEET TO A FOUND CONCRETE MONUMENT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD 70, SECTION 1316-101; AND N 89° 56' 01" W ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 50.00 FEET TO INTERSECT THE WEST RIGHT OF WAY LINE OF 33RD STREET EAST AS SHOWN ON THE MANATEE COUNTY RIGHT OF WAY MAP THEREOF RECORDED IN ROAD PLAT BOOK 7, PAGE 57 AND THE POINT OF BEGINNING; THENCE S 00° 05' 36" E ALONG THE WEST RIGHT OF WAY LINE AND 50 FEET WEST OF AND PARALLEL TO THE SAID EAST LINE OF THE NW 1/4, A DISTANCE OF 187.28 FEET; THENCE S 89° 07' 40" W, A DISTANCE OF 478.52 FEET TO A FOUND IRON ROD; THENCE S 00° 12' 34" E, A DISTANCE OF 90.11 FEET; THENCE N 89° 56' 01" W, A DISTANCE OF 482.08 FEET; THENCE N 00° 13' 39" W, A DISTANCE OF 260.23 FEET TO THE ABOVE DESCRIBED SOUTH RIGHT OF WAY LINE OF STATE ROAD 70; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING THREE COURSES, VIZ: S 89° 56' 01" E, A DISTANCE OF 335.68 FEET; AND N 00° 03' 59" E, A DISTANCE OF 25.00 FEET; AND S 89° 56' 01" E, A DISTANCE OF 625.23 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 17, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

AND LESS AND EXCEPT ADDITIONAL RIGHTS OF WAY FOR U.S. 301 AND S.R. 70 CONVEYED TO STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, BY WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 1282, PAGE 1187, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

ADDITIONAL RIGHT OF WAY U.S. 301:

FROM THE NW CORNER OF THE NW 1/4 OF SECTION 17, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN N 89° 54' 35" E ALONG THE NORTH LINE OF SAID NW 1/4, A DISTANCE OF 1220.80 FEET TO THE NW CORNER OF THAT CERTAIN PARCEL OF LAND RECORDED IN DEED BOOK 154, PAGE 233, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S 00° 13' 39" E ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 39.26 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 683 (U.S. 301) SECTION 13120-2506; THENCE S 84° 05' 26" W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 84.41 FEET TO THE POINT OF BEGINNING; THENCE S 00° 13' 39" E, A DISTANCE OF 15.54 FEET; THENCE N 89° 56' 01" W, A DISTANCE OF 148.53 FEET TO AFORESAID SOUTHERLY RIGHT OF WAY LINE; THENCE N 84° 05' 26" E, A DISTANCE OF 149.26 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 17, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

ADDITIONAL RIGHT OF WAY S.R. 70:

FROM A RAILROAD SPIKE FOUND AT THE NE CORNER OF THE NW 1/4 OF SECTION 17, TOWNSHIP 35 SOUTH, RANGE 18 EAST; RUN S 00° 05' 36" E, ALONG THE EAST LINE OF THE SAID NW 1/4, A DISTANCE OF 47.33 FEET TO A FOUND CONCRETE MONUMENT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD 70, SECTION 1316-101; THENCE N 89° 56' 01" W ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 50.00 FEET TO INTERSECT THE WEST RIGHT OF WAY LINE OF 33RD STREET EAST AS SHOWN ON THE MANATEE COUNTY RIGHT OF WAY MAP THEREOF RECORDED IN ROAD PLAT BOOK 7, PAGE 57, FOR THE POINT OF BEGINNING; THENCE S 00° 05' 36" E ALONG SAID WEST RIGHT OF WAY LINE AND 50 FEET WEST OF AND PARALLEL TO THE SAID EAST LINE OF SAID NW 1/4, A DISTANCE OF 20.00 FEET; THENCE N 89° 56' 01" W, A DISTANCE OF 625.29 FEET TO THE AFORESAID SOUTH RIGHT OF WAY LINE OF STATE ROAD 70; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING TWO COURSES, VIZ: N 00° 03' 59" E, A DISTANCE OF 20.00 FEET; THENCE S 89° 56' 01" E, A DISTANCE OF 625.23 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 17, TOWNSHIP 35 SOUTH, RANGE 18 EAST, 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 16th day of November, 1999.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

BY: Jean Stephens
Chairman

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

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 16 day of November, 1999.
R.B. SHORE
Clerk of Circuit Court
By: Jane Rook DC

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
Division of Library and Information Services
Division of Licensing
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Historic Florida Keys Preservation Board
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Historic Tampa/Hillsborough County
Preservation Board
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FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

November 29, 1999

Honorable R. B. Shore
Clerk of the Circuit Court and Comptroller
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Janene Kearney, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letters dated November 22, 1999 and certified copies of Manatee County Ordinance Nos. 99-13, 99-33, 99-36, 99-44, 99-60, PDMU-99-06(Z)(G), Z-99-06, PDR-98-11(Z)(P) and Z-99-07, which were filed in this office on November 29, 1999.

As requested, the date stamped copies are being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure

FILED FOR RECORD
R. B. SHORE
CLERK CIRCUIT COURT
MANATEE COUNTY FLORIDA
DEC 2 2 07 PM '99