

FILED FOR RECORD
R. B. SHORE

2003 NOV 13 AM 10:03 16(Z)(G) - SMR/COMMERCIAL SUBDIVISION AT SR 70 AND LORRAINE ROAD

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
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CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

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 AWP-E/ST (GENERAL AGRICULTURE, 1 DWELLING UNIT PER 5 ACRES/WATERSHED PROTECTION-EVERS/SPECIAL TREATMENT OVERLAY DISTRICTS) TO PDC/WP-E/ST (PLANNED DEVELOPMENT COMMERCIAL/WATERSHED PROTECTION-EVERS/SPECIAL TREATMENT OVERLAY DISTRICTS); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW A TOTAL OF 25,000 SQUARE FEET OF RETAIL COMMERCIAL AND OFFICE USES ON THREE PARCELS, AND GRANTING SPECIAL APPROVAL FOR A PROJECT LOCATED WITHIN THE WP-E OVERLAY DISTRICT.

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 AWP-E/ST (General Agriculture, 1 dwelling unit per 5 acres/Watershed Protection-Evers/Special Treatment Overlay Districts) to PDC/WP-E/ST (Planned Development Commercial/Watershed Protection-Evers/Special Treatment Overlay Districts).

B. The Board of County Commissioners held a public hearing on October 28, 2003 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 total of 25, 000 square feet of retail commercial and office uses on three parcels, and GRANTING Special Approval for a project located within the WP-E Overlay District, with the following stipulations:

STIPULATIONS

1. The uses approved for this project include all uses in the PDC Zoning District as shown in Figure 6-1 of the LDC, with the exception of Agricultural Research Facilities, Agriculture, Breeding Facility (non-wild and non-exotic), Stables or Equestrian Centers, Auction Houses (Open, Enclosed, and Auto), Building Materials Establishments, Construction Service Establishments, Farm Equipment and Supply Establishments, MH/RV Sales, Rental, or Leasing, RV Parks, Major Motor Vehicle Repair, Taxi-Cab, Limousine Service, Flea Market (Open), Towing Service and Storage Establishment, Bus RR/Maintenance Facility, Heliport, and Helistop. The proposed uses (or a subset thereof) shall be listed on the Preliminary and Final Site Plan. Conditional Use criteria shall be complied with as required by Figure 6-1.
2. Outdoor Storage is prohibited.
3. The access shown on the General Development Plan to SR 70 must be determined to be acceptable by FDOT. At time of Final Plat approval, except where there are approved access points, a non-ingress/egress easement shall be recorded along the frontage of the lots on SR 70.
4. A road stub-out shall be provided to the parcel to the west and shown on all future site plans and plats.
5. The existing fence shown on the south and east sides of the site shall be relocated to be outside of the new right-of-way, or shall be removed.
6. The buffer along the north and west property line shall incorporate the existing trees and shall be enhanced with canopy trees planted 30' on-center with a 6' hedge. The buffer along the western property line shall contain 2 ½ canopy trees per 100' and a 6' hedge. The hedge along the west property line shall extend from the north property line to the front facade of any building on Parcel 1.
7. The roadway buffer along SR 70 shall be shall be increased to a minimum 20' in width and planted with two rows of understory trees (2 ½" caliper canopy trees at least 10 feet in height and 4' spread - at least two different species) for every 50' of frontage to allow clustering. The buffer shall also contain 33 shrubs per 100' of roadway.
8. The 5 oak trees located on the north side of the site shall be preserved, and a landscape easement providing for the protection of these trees shall be recorded with the Final Plat or prior to issuance of the first Certificate of Occupancy, whichever occurs first. The landscape easement shall be in a form acceptable to the County Attorney. A tree protection plan prepared by a certified arborist shall be submitted to the Planning Department prior to first Final Site Plan approval to ensure the safety and protection of the trees. The proposed stormwater pond shall be located outside of the landscape easement.
9. With the first Final Site Plan, one bicycle rack, designed to accommodate a minimum of 6 bicycles, shall be shown on the site plan.
10. Any loading areas on the north side of any buildings on the lots shall be limited to the hours of 7:00 a.m. to 10:00 p.m.

11. A coordinated landscaping, sign, and lighting plan shall be approved for the entire project by the Planning Department with the first Final Site Plan. The required landscaping shown on this plan shall be installed prior to issuance of the first Certificate of Occupancy for the project.
12. The design and shielding of on-site lighting shall comply with Section 709.2.2. In addition, pole and building mounted lights shall be limited to 20' in height and directed to the interior of the development using horizontal cut-offs. A photometric plan, including the proposed design and shielding methods of lighting, shall be submitted to the Planning Department along with the Final Site Plan for approval.
13. There shall be a unified theme for the design and construction of this project. The exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed standard concrete block, or corrugated metal shall not be permitted. Architectural metals or standard concrete block with stucco type finish, in conjunction with other permitted building materials may be allowed, provided that at least 50% of the building face is constructed from other permitted materials. The architectural theme shall be approved by the Planning Department with the first Final Site Plan.
14. All roof mounted H.V.A.C. mechanical equipment shall be screened with a solid parapet wall or other noise deflecting materials, which shall be consistent with the construction materials of the main buildings, so as not to be visible from surrounding property or roadways.
15. The lowest quality water possible shall be used for irrigation. In ground irrigation using Manatee County public potable water supply shall be prohibited.
16. The stormwater pond shall not be located within any existing or newly dedicated right-of-way.
17. All lots adjacent to active agricultural operations shall have an additional 35' setback. If an adjoining agricultural operation is no longer in effect at the time of submittal of the Final Plat, then the requirements of Section 702.6.7 shall no longer apply, and the additional 35' setback may be eliminated from the Final Plat.
18. This project lies within the Braden River/Evers Reservoir Watershed, an area prone to flooding and, therefore, subject to a 25% reduction in allowable peak discharge and 150% water treatment. Documentation demonstrating additional treatment of stormwater or compliance with OFW criteria should be submitted to the EMD for review, prior to Final Site Plan approval, and a note should be added to the plan indicating that the 150% treatment is being provided.
19. Removal of all exotic nuisance plant species for the upland portions of the site shall be completed prior to issuance of the first Certificate of Occupancy or Final Plat approval, in accordance with Section 715.4 of the LDC.
20. The driveway entrance on Lorraine Road may be limited to right-in and right-out only in the future. All Final Site Plans and Final Plats shall contain notes to inform all purchasers

and tenants that the access point on Lorraine Road may be restricted to right-in and right-out traffic in the future.

Except as set forth above, all access points to Lorraine Road that are shown on the GDP may be temporarily used for full access movements until such time as full access is required to be limited by the Manatee County Transportation Department. The Manatee County Transportation Department may limit these full movement access points at any time. Any improvements or signs installed by the Developer or tenants that take advantage of the temporary use of these access points for full access, and which must be removed, are considered temporary. Closure of full access movements and removal of any improvements that utilized full access shall not be considered a taking.

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 A/WP-E/ST (General Agriculture, 1 dwelling unit per 5 acres/Watershed Protection-Evers/Special Treatment Overlay Districts) to PDC/WP-E/ST (Planned Development Commercial/Watershed Protection-Evers/Special Treatment 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.

DESCRIPTION (AS DESCRIBED IN OFFICIAL RECORD BOOK 1169, PAGE 1851 PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA):

THE SOUTH ½ OF THAT CERTAIN PARCEL OF LAND DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 840, PAGE 980, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, TO WIT:

COMMENCE AT THE SW CORNER OF SECTION 15, TOWNSHIP 35 S., RANGE 19 E., MANATEE COUNTY, FLORIDA; THENCE RUN NORTH 0° 03' 11" E, ALONG THE WEST LINE OF SAID SECTION 15, A DISTANCE OF 65.80 FEET TO A POINT ON THE NORTH R/W LINE OF STATE ROAD 70; THENCE RUN SOUTH 89° 29' 49" E, ALONG SAID NORTH R/W LINE OF STATE ROAD 70, A DISTANCE OF 682.4 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 89° 29' 49" E, ALONG SAID NORTH R/W LINE OF STATE ROAD 70, A DISTANCE OF 642.4 FEET TO POINT OF INTERSECTION WITH WEST R/W LINE OF LORRAINE ROAD; THENCE RUN NORTH 0° 17' 19" W, ALONG SAID WEST R/W LINE OF LORRAINE ROAD, A DISTANCE OF 680 FEET; THENCE RUN NORTH 89° 29' 49" W, A DISTANCE OF 640.38 FEET; THENCE RUN SOUTH 0° 07' 06" E, A DISTANCE OF 680 FEET TO THE POINT OF BEGINNING.

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, 2003.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____

[Signature]
Chairman

ATTEST:

R. B. SHORE
Clerk of the Circuit Court

By: *[Signature]*
D.C.



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 3rd day of

November, 2003

R. B. SHORE
Clerk of Circuit Court

By: *[Signature]* D.C.



FILED FOR RECORD
R. B. SHORE

2003 NOV 13 AM 11:10

STATE OF FLORIDA
DEPARTMENT OF STATE

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

JEB BUSH
Governor

GLEND A. HOOD
Secretary of State

November 6, 2003

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

Attention: Diane E. Vollmer

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 3, 2003 and certified copies of Manatee County Ordinance Nos. PDC-03-16(Z)(G), PDR-03-01(Z)(G), Z-03-06, PDR-03-15(Z)(P) and PDR-03-04(Z)(P), which were filed in this office on November 6, 2003.

Please be advised that the Florida County Ordinance Data Retrieval System (CODRS) Coding Forms were not received for the above mentioned ordinances.

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

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/mp