

FILED FOR RECORD  
R. B. SHORE

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TALLAHASSEE, FLORIDA

FILED

MANATEE COUNTY ZONING ORDINANCE

PDC-04-10(P) – BHW INVESTMENTS, LLC/QUEST REAL ESTATE

CLERK OF THE DISTRICT COURT  
MANATEE CO FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT APPROVING A PRELIMINARY SITE PLAN FOR THE CONVERSION OF AN 841 SQUARE FOOT SINGLE-FAMILY HOME TO AN OFFICE WITH A 630 SQUARE FOOT ADDITION ON APPROXIMATELY 0.34 ACRES; GENERALLY LOCATED AT THE NORTHWEST CORNER OF SR 70 AND 44<sup>TH</sup> STREET EAST AT 4315 SR 70; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; GRANTING SPECIFIC APPROVAL FOR ALTERNATIVES TO SECTIONS 603.11.4.3 AND 710.1.6; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, BHW Investments, LLC (the "Applicant") has filed an application for a Preliminary Site Plan for approximately 0.34 acres described in Exhibit "A", attached hereto, (the "Property") for a conversion of an 842 square foot single-family home to an office with a 630 square foot addition; and

**WHEREAS**, the Applicant has also requested Specific Approval for alternatives to Sections 603.11.4.3 and 710.1.6 of the Land Development Code; and

**WHEREAS**, Planning Department staff recommended approval of the Preliminary Site Plan and Specific Approval applications, subject to the stipulations contained in the staff report; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on January 12, 2006 to consider the Preliminary Site Plan application, received the staff's recommendation, and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

**WHEREAS**, the Manatee County Planning Commission, as the County's Local Planning Agency, found the Preliminary Site Plan and Specific Approval applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code, recommended approval of the application, subject to the stipulations contained in the staff report; and

**WHEREAS**, the Board of County Commissioners has determined that the public purpose and intent of LDC Sections 603.11.4.3 and 710.1.6 have been satisfied to an equivalent degree by the design of the project.

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

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners, after considering the testimony, evidence, documentation, the recommendation and findings of the Planning Commission, as well as all other matters

presented to the 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 a Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners held a duly noticed public hearing on February 2, 2006 regarding the proposed Preliminary Site Plan 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 the public hearing.

C. The Board finds that the public purpose and intent of Sections 603.11.4.3 and 710.1.6 have been satisfied to an equivalent degree by the project design and hereby grants Specific Approval for an alternative to Section 603.11.4.3, allowing a 30' setback along arterial roadways and a 35' setback along local streets in PDC zoning, and an alternative to Section 710.1.6, allowing 7 parking spaces for 1,472 square feet of office space.

D. The proposed Preliminary Site Plan regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved to allow the conversion of an 841 square foot single-family home to an office with a 630 square foot addition. The Board hereby grants Specific Approval for alternatives to Sections 603.11.4.3 and 710.1.6 of the Land Development Code, with the following stipulations:

#### STIPULATIONS

1. The applicant shall provide a tree status report to the Planning Department (including pictures) for the 40" Oak shown to remain on-site. The report shall be prepared by an arborist detailing the health of the tree and how the site improvements have affected the tree's health. This report shall be submitted prior to issuance of the Certificate of Occupancy and then every 6 months for 2 years. If a report shows the tree has died or the health of the tree is declining such that death of the tree is imminent, the applicant shall replace the tree per the tree replacement standards of the Land Development Code in effect at the time, within 45 days of receiving notice from the Planning Department.
2. The Final Site Plan shall show a bike rack for 4 bicycles. This shall be approved by the Planning Department.
3. The existing concrete apron along 44<sup>th</sup> Street East and the asphalt drive shall be removed. This shall be approved by the Planning Department with the Final Site Plan.
4. A 6' high solid PVC fence or concrete wall shall be constructed on the north property line, exclusive of the driveway. This shall be approved by the Planning Department with the Final Site Plan.

5. A fire hydrant shall be installed to service this site. All details regarding this improvement shall be shown on the Final Site Plan and approved by the Fire District.
6. The property owner shall pay a \$2,595.20 affordable housing mitigation payment prior to Final Site Plan approval.
7. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to issuance of a Certificate of Occupancy in accordance with Section 715.4 of the LDC: Existing plant communities designated to remain must be intact and undisturbed; noxious and exotic plants must be removed.
8. A Water Well Construction Permit must be obtained from the EMD prior to construction of the proposed well(s).
9. The lowest quality water possible shall be used for irrigation. In ground irrigation using Manatee County public potable water supply shall be prohibited.
10. A sign plan with the details of size and type of signs shall be approved with the Final Site Plan. Pole signs shall be prohibited for this site.
11. 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 building, so as not to be visible from 53<sup>rd</sup> Avenue East or 44<sup>th</sup> Street East.

Section 3. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 4. 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 2<sup>nd</sup> day of February, 2006.

**BY: BOARD OF COUNTY  
COMMISSIONERS  
MANATEE COUNTY, FLORIDA**

BY: Joe McClash  
Chairman

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



BY: Susan Romero  
Deputy Clerk

EXHIBIT "A"  
LEGAL DESCRIPTION OF THE PROPERTY

LOT 8, GAP CREEK SUBDIVISION, AS PER PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 26, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LESS THE SOUTH 17.97 FEET RESERVED FOR RIGHT OF WAY PURPOSES, AND LETT THAT PORTION CONVEYED TO MANATEE COUNTY, REQUIRED IN OFFICIAL RECORDS BOOK 1461, PAGE 1582, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA



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 3<sup>rd</sup> day of

February 2006.

R.B. SHORE  
Clerk of Circuit Court

By: Diane E. Vollmer, C.C.

FILED IN RECORD  
R. B. SHORE

2006 FEB 13 PM 12:09

CLERK OF CIRCUIT COURT  
MANATEE COUNTY



FLORIDA DEPARTMENT OF STATE  
**Sue M. Cobb**  
Secretary of State  
DIVISION OF LIBRARY AND INFORMATION SERVICES

February 8, 2006

Honorable R. B. "Chips" Shore  
Clerk of Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, Florida 34206

Attention: Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

**RECEIVED**

FEB 13 2006

**BOARD RECORDS**

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated February 3, 2006 and certified copies of Manatee County Ordinance Nos. PDR-04-53(Z)(P), Z-04-13, PDC-04-10(P) and PDO-05-16(Z)(P), which were filed in this office on February 6, 2006.

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

Sincerely,

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

Liz Cloud  
Program Administrator

LC/mp

Enclosures