

MANATEE COUNTY ZONING ORDINANCE  
PDC-93-13(Z)(P)/93-S-26 - DAVID DEITRICH, ET AL

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 GC (GENERAL COMMERCIAL) AND PDC (PLANNED DEVELOPMENT COMMERCIAL) TO PDC (PLANNED DEVELOPMENT COMMERCIAL); APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 106,894 SQUARE FOOT SHOPPING CENTER INCLUDING SPECIAL APPROVAL FOR INCREASED SQUARE FOOTAGE; APPROVAL OF A PRELIMINARY SUBDIVISION PLAT TO ALLOW 4 LOTS; AND APPROVAL OF A MITIGATION RATIO OF 1.15:1 FOR 600 SQUARE FEET OF WETLAND BEING REMOVED; PROVIDING AN EFFECTIVE DATE.

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 (General Commercial) and PDC (Planned Development Commercial) to PDC (Planned Development Commercial).

B. The said Board of County Commissioners held a public hearing on March 24, 1994, 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 Site Plan entitled Market Place West, to allow a 106,894 square foot shopping center including Special Approval for increased square footage, the Preliminary Subdivision Plat to allow 4 lots, and a mitigation ratio of 1.15:1 for 600 square feet of wetland being removed is hereby APPROVED with the following stipulations and modifications:

STIPULATIONS

1. Prior to Final Site Plan approval, the applicant shall obtain a Certificate of Level of Service.
2. Canopy trees located along the southern property line shall be placed to the exterior of the screening wall.
3. The masonry screening wall shall be shown as 8 feet in height, above the elevation of the drive aisle located to the rear of the grocery store, for the entire length of the southern property line and shall be located 12 feet north of the property line. The Final Site Plan shall indicate landscaping within the three foot buffer interior to the shopping center.

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

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4. The exterior wall of the rear of the grocery store shall have a similar facade to the front of the building. The facade shall be constructed in accordance with the elevation drawing which is a part of the public record for this request.
5. The trees utilized for screening along the southern property line shall be indicated as a minimum of 10 feet to 12 feet in height on the Final Site Plan.
6. The Landscape Plan shall indicate an additional ten trees along the southern property line.
7. The signs shall undergo a separate review for approval.
8. The Final Plat shall indicate cross access easements for the outparcels.
9. A striped pedestrian crossing from the end of the drive aisle to the building shall be shown on the Final Site Plan for every other drive aisle.
10. There shall be no truck parking between the wing walls and the rear of the grocery store and the south property line.
11. There shall be no Consumption on Premises of alcoholic beverages allowed within this project.
12. The location of the proposed lift station shall provide for the site to the west of this project to tie into the lift station.
13. Prior to Final Site Plan approval, a fugitive dust erosion and particulate abatement plan shall be approved by the Director of the Environmental Action Commission.
14. The building plan shall provide a mansard roof along the rear of the building to hide air handlers, etc.
15. The truck wells on the rear side of the grocery store shall be depressed in order to lower the floor elevation of the building.
16. The shopping center shall provide an additional five feet of landscaping along the south building line of the proposed center and the proposed 30 foot drive aisle shall be reduced to 25 feet.
17. Signs shall be provided at the east and west end of the shopping center buildings to indicate delivery vehicles only. Rumble strips shall be installed on the south side of Lot 4 and the west side of Retail "A" to discourage through traffic.
18. A gate for pedestrian access may be provided for administratively, after notification to and concurrence of the adjacent property owners for which access is proposed.

#### MODIFICATIONS

1. Modification of Section 710.1.5.3.1 of the Land Development Code regarding pedestrian safety zones.

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 (General Commercial) and PDC (Planned Development Commercial) 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, Permitting and Inspections

Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

FROM THE N.E. CORNER OF THE N.W. 1/4 OF THE N.E. 1/4 OF SECTION 16, TOWNSHIP 35 SOUTH, RANGE 17 EAST, RUN S 00°23'28" W, ALONG THE EAST LINE OF SAID N.W. 1/4 OF THE N.E. 1/4, A DISTANCE OF 86.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 53RD AVENUE WEST, AS DESCRIBED IN O.R. BOOK 662, PAGE 499 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S 89°32'35" E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 89°32'35" E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1164.04 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF 34TH STREET WEST; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES: S 44°35'52" E, A DISTANCE OF 21.68 FEET; THENCE S 00°24'08" W, A DISTANCE OF 560.68 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF THE N.E. 1/4 OF THE N.E. 1/4 OF SAID SECTION 16, ALSO BEING THE NORTH LINE OF MORTON VILLAGE, A CONDOMINIUM, AS DESCRIBED IN CONDOMINIUM BOOK 9, PAGE 2 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N 89°31'42" W, ALONG SAID LINE, A DISTANCE OF 1289.26 FEET TO THE EAST LINE OF SAID N.W. 1/4 OF THE N.E. 1/4; THENCE N 00°23'28" E, ALONG SAID EAST LINE, A DISTANCE OF 275.67 FEET; THENCE S 89°32'35" E, PARALLEL WITH AND 300.00 FEET SOUTH OF AFORESAID SOUTH RIGHT-OF-WAY LINE OF 53RD AVENUE WEST, A DISTANCE OF 110.00 FEET; THENCE N 00°23'28" E, PARALLEL WITH AND 110.00 FEET WEST OF AFORESAID EAST LINE, A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 16, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD.

CONTAINING 16.28 ACRES, MORE OR LESS.

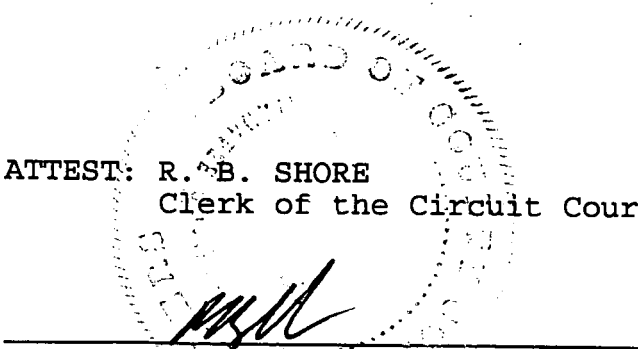
Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon the receipt of the official acknowledgment from the Office of the Secretary of State, State of Florida, that same has been filed with that office.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 24th day of March, 1994.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

BY: Stan Stephen  
Chairman

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



STATE OF FLORIDA COUNTY OF MANATEE  
I hereby certify that the foregoing is a true copy of ORDINANCE NO. 93-25 adopted by the Board of County Commissioners of said County on the 24 day of March, 1994, this 27 day of March, 1994, in Bradenton, Florida.  
R. B. Shore, Clerk of Circuit Court  
By: Stan Stephen



FLORIDA DEPARTMENT OF STATE

Jim Smith, Secretary of State  
DIVISION OF ELECTIONS  
Bureau of Administrative Code  
The Elliot Building  
Tallahassee, Florida 32399-0250  
(904) 488-8427

March 31, 1994

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

Attention: Evelyn Lloyd, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of March 28, 1994 and certified copies of Manatee County Ordinance Numbers PDC-93-13, (Z)(P)/93-S-26 and Z88-64(R2), which were received and filed in this office on March 31, 1994.

The duplicate copies showing the filing date are being returned for your records.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mb

Enclosures (2)

MAR 31 0 36 AM '94  
ELECTIONS  
DIVISION

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