

MANATEE COUNTY ZONING ORDINANCE
PDC-94-06(Z)(P) - LARK INVESTMENT, N.V./WEST LAKE PLAZA

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) TO PDC (PLANNED DEVELOPMENT - COMMERCIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 7 LOT COMMERCIAL SUBDIVISION WITH A TOTAL OF 224,495 SQUARE FEET, GRANTING SPECIAL APPROVAL FOR A LARGE COMMERCIAL DEVELOPMENT EXCEEDING 50,000 SQUARE FEET OF GROSS FLOOR 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 GC (General Commercial) to PDC (Planned Development Commercial).

B. The said Board of County Commissioners held a public hearing on May 23, 1995, 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. Preliminary Site Plan is hereby APPROVED to allow a 7 lot commercial subdivision with a total of 224,495 square feet, granting SPECIAL APPROVAL for a large commercial development exceeding 50,000 square feet of gross floor area with the following stipulations and modifications:

STIPULATIONS

1. The proposed private street shall be included as a part of Phase I. This shall be approved by the PPI Department on the Final Site Plan.
2. All building permits must be obtained prior to the expiration date contained on the corresponding Certificate of Level of Service.
3. A cross access easement shall be shown and identified on the Final Plat from the southern driveway of the parking area of Lot 2, across the south side of the parking area of Lot 2, connecting the north-south Private Street to 45th Street East, providing access for all lots to this driveway. This shall be approved, by the PPI Department, concurrent with the Final Plat.
4. The retention area lying on the south side of this proposed subdivision must be approved by the PPI Department as a part of the Final Plat.
5. An application for a Fugitive Particulate Abatement Plan and an 8 1/2 inch x 11 inch map of the construction area shall be submitted to the Director of the Environmental Action Commission for review and approval prior to or concurrent with the approval of a Final Site Plan for the project.

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

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6. Prior to or concurrent with Final Site Plan approval, a Conservation Easement, inclusive of all on-site wetlands and wetland buffers, shall be dedicated to the County. A separate Conservation Easement document shall be prepared, notarized and approved by the Environmental Action Commission prior to recording.
7. A landscape plan for the wetland buffer shall be approved by the Environmental Action Commission, concurrent with Final Site Plan approval.
8. A total of 20% open space is required for this project, and each phase must have the minimum 20%, or that phase's open space can be added to the open space from previous phases to meet the 20% open space requirement. This shall be approved with the Final Site Plan by the PPI Department.
9. The modification for the elimination of the 5 foot separation between parking stalls and buildings, if approved, shall apply only to parking spaces located on the side or rear of the buildings. This shall be approved by the PPI Department concurrent with the Final Site Plan.
10. Prior to approval of the Final Site Plan, the applicant shall provide documentation establishing a means of properly providing the necessary maintenance and improvements of said private street, which is satisfactory to the PPI Department and in accordance with Section 740.4 of the LDC.
11. The cooperative parking agreement must be approved by the PPI Department concurrent with the Final Site Plan approval.
12. A two foot wide non-ingress/egress easement shall be recorded along the front property line adjacent to SR 70 with the exception of that area necessary for the private street. This shall be approved concurrent with the Final Plat.

MODIFICATIONS

1. A modification of Section 710.1.5.5.3 of the Land Development Code to allow parking on the side and rear of the buildings to be less than the required 5 feet from the buildings.
2. A modification of Section 710.1.5.3.1 of the Land Development Code, the requirement for pedestrian walkways 6 feet in width to be provided at 200 foot intervals for parking areas over 100 spaces for commercial uses, for the existing Winn Dixie site.
3. A modification of Section 907.13.2.6 of the Land Development Code, the requirement for additional buffering.
4. A modification of Section 715.5.1 "Buffer & Screening Matrix" of the Land Development Code.
5. A modification of Section 710.2.5 of the Land Development Code, the requirement for a 10 foot setback for loading zones from side and rear property lines, for Local Shop #2 on Lot 3.
6. A modification of Section 603.11.4.3 of the Land Development Code, the requirement for a 35 foot setback from all local roads, for Local Shop #2 on Lots #3 and #4.
7. A modification of Section 715.5.1 of the Land Development Code, the requirement for a 10 foot wide landscaped roadway buffer along all roadways abutting non-residential property, for Lots 2, 3, 5 & 6
8. A modification of Section 740.2.6.18 of the Land Development Code to allow the reduction of minimum street width from 50 feet to 30 feet for the proposed private street.

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) 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.

COMMENCE AT THE NE CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE S 00°14'14" E ALONG THE EAST LINE OF THE SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4 A DISTANCE OF 386.89 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 70; THENCE S 89°35'57" W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 206.00 FEET TO THE POINT OF BEGINNING; THENCE S 00°14'14" E PARALLEL TO THE EAST LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND 206.00 FEET WESTERLY THEREFROM, A DISTANCE OF 500.00 FEET; THENCE N 89°35'57" E PARALLEL TO THE SOUTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 70 A DISTANCE OF 166.00 FEET TO THE WEST LINE OF THE EAST 40.00 FEET OF THE SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE S 00°14'14" E A DISTANCE OF 439.30 FEET TO THE SOUTHWEST CORNER OF THE EAST 40.00 FEET OF THE SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE S 89°59'49" W ALONG THE SOUTH LINE OF THE SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4 A DISTANCE OF 1223.19 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF 45TH STREET EAST; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING FOUR COURSES; N 00°17'11" W A DISTANCE OF 137.89 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 3703.66 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°29'59" A DISTANCE OF 355.51 FEET TO THE P.T. OF SAID CURVE; THENCE N 05°47'10" W A DISTANCE OF 94.73 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 3661.18 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°23'07", A DISTANCE OF 344.12 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 70; THENCE N 89°35'57" E ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1100.96 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 16, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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 23rd day of May, 1995.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Jan Stephen

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

B. J. Susan P. Conner D.C.

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true copy of ORDINANCE NO. 94-06(Z)(P) adopted by the Board of County Commissioners of said County on the 23 day of May, 1995 this 24 day of May, 1995 in Bradenton, Florida.
R. B. Shore
Clerk of Circuit Court
By: John J. Liberty D.C.



FLORIDA DEPARTMENT OF STATE

Sandra B. Mortham
Secretary of State

DIVISION OF ELECTIONS
Bureau of Administrative Code
The Elliot Building
401 South Monroe Street
Tallahassee, Florida 32399-0250
(904) 488-8427

May 30, 1995

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

Attention: Judy LaMee, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of May 24, 1995 and certified copy each of Manatee County Ordinance Nos. PDR-95-01(Z)(P), PDR-94-15(Z)(G), Z-95-02, PDR-95-02(Z)(P), PDC-94-06(Z)(P), and PDC-95-02(Z)(P), which were filed in this office on May 30, 1995.

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

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw

Enclosures

FILED
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