

MANATEE COUNTY ZONING ORDINANCE
PDC-98-07 (Z)(P) - LOU E., LETA S., & MARTIN E. LOUISO/VERNA TRADING POST

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 NC-S (NEIGHBORHOOD COMMERCIAL-SMALL) TO PDC (PLANNED DEVELOPMENT COMMERCIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A CONVENIENCE STORE WITH GAS PUMPS AND COMMERCIAL RETAIL STORE; GRANTING SPECIAL APPROVAL FOR A NON-RESIDENTIAL PROJECT EXCEEDING 3,000 SQ. FT.

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

JUL 6 10 32 AM '98

DEPARTMENT OF STATE
CLERK

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FILED

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 NC-S (Neighborhood Commercial-Small) to PDC (Planned Development Commercial).

B. The said Board of County Commissioners held a public hearing on June 23, 1998 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 Plan is hereby APPROVED to allow a convenience store with gas pumps and a commercial retail store; granting Special Approval for a non-residential project exceeding 3,000 sq. ft., with the following stipulations:

STIPULATIONS

1. A Wellhead Impact Report shall be submitted and approved by the Environmental Management Department prior to Final Site Plan approval if the proposed development is within the exclusionary zone. At a minimum, the report should indicate the exact distance from the proposed underground petroleum storage tanks to the nearest wellhead(s), steps that will be taken to prevent leaking and spills, how the proposed tanks and protection methods are in compliance with Chapter 62-762, FAC. This report shall be prepared by a Florida registered Professional Engineer.
2. The proposed underground petroleum storage tanks shall be consistent with Chapter 62-762, FAC, and include double-walled tanks with interstitial monitoring, double-walled integral piping, dispenser sumps, submersible pump sumps, automatic tank gauging, in-line leak detectors with automatic shutoff, sump sensors, and dispenser tilt sensors.
3. The development shall incorporate a Florida rural architectural. Design elements shall be reviewed by staff at Final Site Plan approval.
4. Additional medium-height canopy trees shall be planted, offset from the proposed canopy trees to further screen and provide noise abatement to the loading area on the north side of the 3,000 square foot retail building.
5. Signs for the development shall be uniform with the architectural design. Pole signs shall utilize materials consistent with finish building materials to conceal support structure (e.g., poles) between 20 and 100% of sign width with a maximum sign height of 10 feet. Ground signs shall be limited to 40 square feet for the development. Design elements shall be reviewed by staff at Final Site Plan approval.

- 6. All roof-mounted H.V.A.C. equipment, loading areas, and dumpsters for structures shall be screened from view from Verna-Bethany Road, State Road 70, and adjacent properties with screening materials consistent with the exterior finish materials of the buildings, landscaping, or other opaque materials consistent with Section 715 of the L.D.C.
- 7. The eastern access driveway on State Road 70 shall be located entirely within the legal description advertised for this project or SR 70 Right-of-Way. Access to SR 70 shall be approved by FDOT and may be located to the east of the present site with the proper County permits.,
- 8. Uses on this site shall be limited to those permitted under the Neighborhood Commercial-Small District zoning classification, as specified in Section 602.1.5.1.
- 9. No outdoor storage of materials shall occur on this site.
- 10. No motor vehicle repair shall occur on this site.
- 11. No outdoor speakers shall be utilized at this development except the required speakers for gasoline pumps.

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 NC-S (Neighborhood Commercial-Small) 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 Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

THE WESTERLY 297 FEET; BEING PARALLEL TO THE EASTERLY RIGHT OF WAY OF VERNA BETHANY ROAD, OF THE BELOW DESCRIBED PROPERTY:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 20 EAST, MANATEE COUNTY, FLORIDA; THENCE S 89°30'42" E ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 33.00 FEET TO THE EAST MONUMENTED RIGHT-OF-WAY LINE OF VERNA BETHANY ROAD; THENCE S 00°39'19" W ALONG SAID EAST MONUMENTED RIGHT-OF-WAY LINE, A DISTANCE OF 351.92 FEET FOR A POINT OF BEGINNING, THENCE CONTINUE S 00°39'19" W ALONG SAID EAST MONUMENTED RIGHT-OF-WAY LINE, A DISTANCE OF 650.23 FEET TO A POINT ON THE NORTH MONUMENTED RIGHT-OF-WAY LINE OF STATE ROAD 70; THENCE S 89°47'32" E ALONG SAID NORTH MONUMENTED RIGHT-OF-WAY LINE, A DISTANCE OF 602.00 FEET; THENCE N 00°39'19" E, 650.32 FEET; THENCE N 89°48'05" W 602.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO PLATTED RIGHT-OF-WAY NOT VACATED BY OFFICIAL RECORD BOOK 1487, PAGES 7889-7897.

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 23rd day of June, 1998.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Sanjiv D. Shrivastava*
Chairman

ATTEST: 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 27th day of June, 1998.
R. B. SHORE
Clerk of Circuit Court
By: *Sanjiv D. Shrivastava* D.C.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

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 - Division of Administrative Services
 - Division of Corporations
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FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
 Secretary of State
 DIVISION OF ELECTIONS

July 2, 1998

Honorable R. B. Shore
 Clerk to Board of County Commissioners
 Manatee County
 Post Office Box 25400
 Bradenton, Florida 34206-5400

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter dated June 29, 1998 and certified copy of Manatee County Ordinance No. ~~PDC-98-07~~ (Z) (P), which was filed in this office on July 1, 1998.

CORRECTED

The copy showing the filing date is enclosed.

Sincerely,

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

Liz Cloud, Chief
 Bureau of Administrative Code

LC/mw

Enclosure

BUREAU OF ADMINISTRATIVE CODE

The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (850) 488-8427
 FAX: (850) 488-7869 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us