

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

MAY 10

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MANATEE COUNTY ZONING ORDINANCE  
PDC-98-13(Z)(P) - CRAIG AND ATHENA FRIELER

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 A-1 (SUBURBAN AGRICULTURE, 1 D.U./ACRE) TO PDC (PLANNED DEVELOPMENT COMMERCIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF PRELIMINARY SITE PLAN TO ALLOW AN 11,000 SQUARE FOOT COMMERCIAL RETAIL CENTER.

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

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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 A-1 (Suburban Agriculture, 1 d.u. per acre) to PDC (Planned Development Commercial).

B. The Board of County Commissioners held a public hearing on April 27, 1999 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 is hereby APPROVED to allow an 11,000 square foot commercial retail center with the following stipulations:

STIPULATIONS

1. All exterior facades of the building shall be considered primary facades and shall employ architectural, site, and landscaping design elements which are consistent on all sides of the building. Elevations shall be provided with future plan submittals.

2. In order to ensure that the building does not project blank walls, design elements including prominently visible architectural details [e.g. bumpouts, reveals and projecting ribs, cornices, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.] shall be integrated into the overall design of the building. Blank walls shall be no longer than 20 feet in length in any direction. Elevations shall be provided with future plan submittals.
3. All roof mounted H.V.A.C. and roof-mounted mechanical equipment shall be screened from view from adjacent uses with materials consistent with finish building materials.
4. The landscaped buffer along the north and east property boundary shall be designed in accordance with the Land Development Code Section 715 when adjacent to residential uses. The other remaining landscape buffers shall be provided as illustrated on the Preliminary Site Plan.
5. The Final Site Plan shall include the delineation of a driveway access from the parking area to 42<sup>nd</sup> Street Court East (also may become known as the extension of 39th Street East). If 42nd Street Court East becomes a public road, the property owner shall open and construct the driveway to County standards within 120 days of such road becoming public. Upon construction of such access, the access to a public road shall be eliminated and landscaping in conformance with the Manatee County Land Development Code shall be installed in its place within the same 120 day time period.

The Final Site plan shall also include the delineation of a cross access for the future development to the east. With Final Site Plan submittal, the Developer shall grant a non-exclusive, reciprocal, cross access easement connecting the property to the east to 42nd Street Court East for the purpose of providing vehicular and pedestrian access to 42nd Street Court East, if 42nd Street East becomes a public road, to a commercial or professional development not exceeding 30,000 square feet in gross floor area. Any additional improvements necessary for use of the cross access easement within the area set forth on the Final Site Plan shall be the responsibility of the developer of the project to the east.

6. Lights for the facility shall be designed in accordance with Section 709 of the Land Development Code. In addition, pole mounted lights shall be limited to 20' in height and directed to the interior of the development. A photometric plan shall be submitted to the Planning Department along with the Final Site Plan for approval.
7. All signs must provide concealment of main support structure (e.g. pole) between 20 and 100% of sign width with materials consistent with finish building materials.
8. All deliveries, truck loading, and unloading shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m., and there shall be no commercial vehicle parking in the service drive between 10:00 p.m. and 7:00 a.m.
9. No outdoor storage of materials shall occur on this site.
10. No outdoor speakers shall be utilized on this site.

11. Bicycle parking facilities with the inverted "U" style rack shall be provided for the project located in clear view of the front of the building.

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-1 (Suburban Agriculture, 1 d.u. per acre) 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.

Situate and being in Section 16, Township 35 South, Range 18 East, Manatee County, Florida, and being further described as follows: Beginning at a point found by measuring from the intersection of the west line of the NE 1/4 of the NW 1/4 of Section 16 and the center line of Oneco-Arcadia Road (S.R. 70), southeasterly along the center line of said S.R. 70 to a point 270 feet due east of the west line of said NE 1/4 of NW 1/4 of said Section 16; Thence northerly 50 feet, more or less, to an iron pipe on the northerly right-of-way line of said S.R. 70, this being the above mentioned point of beginning; Thence N 02°08'30" E, 153.70 feet to an iron pipe; Thence S 86°05' E a distance of 79.45 feet to an iron pipe; Thence southerly, a distance of 153 feet, more or less, to an iron pipe on the northerly right-of-way line of said S.R. 70; Thence westerly along said northerly right-of-way line a distance of 79.8 feet to the aforementioned point of beginning. Less right-of-way for State Road 70 on south.

Situate and being in Section 16, Township 35 South, Range 18 East, Manatee County, Florida and being further described as follows: beginning at a point found by measuring from the intersection of the west line of NE 1/4 of NW 1/4 Section 16, and the center line of Oneco-Arcadia Road, (S.R. 70), southeasterly along the center line of said S.R. 70 to a point 160 feet due east of the west line of said NE 1/4 of NW 1/4 of said Section 16; Thence north and parallel to said west line of NE 1/4 of NW 1/4, 50 feet more or less to the northerly right-of-way line of said S.R. 70, this being the above mentioned point of beginning; Thence continuing north and parallel to said west line of NE 1/4 of NW 1/4 152.29 feet to an iron pipe; Thence S 86°05" E, 118.85 feet to and iron pipe; Thence S 02°08'30" W, 153.70 feet to an iron pipe on the northerly right-of-way line of S.R. 70; Thence westerly along the northerly right-of-way line of said S.R. 70, 110.10 feet to the aforementioned point of beginning.

Begin at the intersection of the west line of the NE 1/4 of the NW 1/4 of Section 16, in Township 35 south, and Range 18 east of the Tallahassee Meridian, and the center line of the Oneco-Arcadia Road as now established and run in a southeasterly direction along the center line of said road a distance of 350.00 feet; thence run 195.00 feet north for a point of beginning; Thence run 190 feet west; Thence run 225.00 feet north; Thence run 190 feet east; Thence run 225.00 feet south to the point of beginning, and an easement of right-of-way for ingress and egress over and through a strip of land 19.00 feet wide running along and immediately west of the entire west boundary of the above described property and thence running due south to the Oneco-Arcadia Road, less begin at the intersection of the west line of the NE 1/4 of the NW 1/4 of the Section 16 in Township 35 south and Range East of the Tallahassee Meridian and the center line of the Oneco-Arcadia Road as now established and run in a southeasterly direction along the center line of said road a distance of 350.00 feet; Thence run 307.50 feet north: for a point of beginning; Thence 190.00 feet west:

Thence run 112.25 feet north: Thence 190.00 feet east: Thence run 112.00 feet south 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 27<sup>th</sup> day of April, 1999.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: Stan Stephen  
Chairman

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

B. J. Susan P. Romine

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 4 day of May 19 99  
R. B. SHORE  
Clerk of Circuit Court  
By: Susan P. Romine

**DIVISIONS OF FLORIDA DEPARTMENT OF STATE**

Office of the Secretary  
Division of Administrative Services  
Division of Corporations  
Division of Cultural Affairs  
Division of Elections  
Division of Historical Resources  
Division of Library and Information Services  
Division of Licensing

**MEMBER OF THE FLORIDA CABINET**



**FLORIDA DEPARTMENT OF STATE**

**Katherine Harris**

Secretary of State

**DIVISION OF ELECTIONS**

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Preservation Board

**RINGLING MUSEUM OF ART**

May 6, 1999

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

Attention: Susan G. Romine, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letters dated April 29, 1999 and certified copies of Manatee County Ordinance No. 98-13-(Z) (P), which was filed in this office on May 6, 1999.

As requested, the date stamped copy is being returned for your records.

Sincerely,

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

Liz Cloud, Chief  
Bureau of Administrative Code

LC/lc

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](mailto:election@mail.dos.state.fl.us)