

MANATEE COUNTY ZONING ORDINANCE
PDC-99-15(Z)(P) - SUPER THEATRE CORPORATION/HILTON GARDEN INN

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 115 ROOM HOTEL, A 4,550 SQUARE FOOT RESTAURANT, AND A 6,000 SQUARE FOOT RESTAURANT, ALL STRUCTURES CONTAIN 73,731 SQUARE FEET WITH THE RESTAURANTS LOCATED ON TWO OUTPARCELS.

APR 11 10 37 AM '00

FILED FOR RECORD
R.B. STUBBS
CLERK OF COUNTY COURT
TALLAHASSEE, FLORIDA

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 Board of County Commissioners held a public hearing on March 28, 2000 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 General Development Plan is hereby APPROVED to allow a 115 room hotel, a 4,550 sq. ft. restaurant, and a 6,000 sq. ft. restaurant, all structures contain 73,731 square feet with the restaurants located on two outparcels, with the following stipulations:

STIPULATIONS

1. A preliminary plat for the commercial subdivision shall be submitted in conjunction with the Final Site Plan, if the outparcels are to be sold. Final Plat approval for the subdivision would then be required, prior to the first Certificate of Occupancy for this project.
2. The building facades visible from other properties outside the project shall exhibit an aesthetically attractive appearance. Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, glass, stucco, ceramic

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

- tile, stone, wood, or similar materials. Painted or exposed concrete block, corrugated metal, shall not be permitted. Architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least fifty percent (50%) of the building face is constructed from other permitted materials.
3. The sides of buildings visible from U.S. 41 shall have minimal blank walls no longer than 40 feet in length. In order to insure that the buildings do not project a massive blank wall, design elements including prominently visible architectural details (e.g., bumpouts, reveals, projecting ribs, offsets, windows, shutters, etc.) shall be applied to the walls of buildings visible from the above-referenced streets, and the west side of the building facing the adjacent residential. Design elements shall be reviewed for compliance by staff at Final Site Plan.
 4. A coordinated sign plan for the development shall be approved by the Planning Department as part of the Final Site Plan approval. All signs must provide concealment of main support structure (e.g., pole) between 20% and 100% of sign width with materials consistent with those in the development.
 5. All roof mounted H.V.A.C. equipment, loading areas, and dumpsters for structures shall be screened from view from U.S. 41 and adjacent residential properties. Screening shall be provided by materials consistent with the exterior finish materials of the buildings, landscaping, or other opaque materials consistent with the standards of the entranceway.
 6. Uses in this development shall be limited to hotel/motel and eating establishments.
 7. Applicant shall repair and reconstruct the existing 4 ft. sidewalk to meet current standards after construction.
 8. The maximum height shall be 35 feet for all uses other than hotels. The maximum height for the hotel use shall be 60 feet.
 9. The design for the hotel use shall be in substantial conformance with the plans entered into the record for this case.
 10. Details of the pool area, meeting the standards of Section 703 regarding swimming pools shall be shown on the Final Site Plan.
 11. The applicant shall provide street lighting for its frontage along US 41 consistent with FDOT's US 41 street lighting program.
 12. The applicant shall submit complete landscape and irrigation plans identifying all roadway and screening buffers as well as parking lot landscaping with the Final Site Plan.
 13. The applicant shall provide an association in conjunction with the final subdivision plat, if platted, that creates an association to be responsible for maintenance of the common open space and other common improvements.
 14. A ten foot right-of-way easement shall be required along U.S. 41.

15. The proposed driveway shall line up with the connection across US 41 to Dolphin Aviation, if possible on the applicant's property. A right-turn lane on US 41 may be needed if required by the traffic study, per FDOT comments.
16. Prior to Final Site Plan approval, the engineer must demonstrate, through calculations, that the fire flow requirements can be met. If fire flow requirements cannot be met, the developer shall be required to make off-site water line improvements to provide the required fire flow. The applicant shall show all required improvements on the Final Site Plan.

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

Section 4. LEGAL DESCRIPTION.

BEG AT A PT, AT THE SW COR OF THE NW 1/4 OF SW 1/4, SD PT BEING THE SE COR OF U S LOT 2; THEN S 89 DEG 31 MIN E ALG 1/4 SEC LN 599.19 FT TO A PT; SD PT BEING ON THE WLY R/W/L OF H/W U S 41; THEN N 26 DEG 54 MIN W ALG SD WLY R/W LN 500 FT TO A PT; THEN N 89 DEG 31 MIN W DIST OF 168.93 FT TO A PT; THEN N 26 DEG 54 MIN W 243.28 FT TO A PT N 65 DEG 10 MIN 30 SEC W A DIST OF 242.16 FT, S 74 DEG 46 MIN W A DIST OF 386.25 FT, S 0 DEG 12 MIN W 660 FT, N 89 DEG 56 MIN E 500.81 FT TO POB, FURTHER DESC IN OR 281 P 504 ALSO IN SEC 36 35 17, SUBJ TO UTLY EASMT DESC IN OR 799 P 283; LESS THE FOL DESC PARCEL: COM AT THE SE COR OF THE NE 1/4 OF THE SE 1/4 OF SD SEC 35, SD PT ALSO BEING THE SE COR OF US GOVT LOT 2 OF SEC 35; TH S 89 DEG 56 MIN 00 SEC W, ALG THE S LN OF SD US GOVT LOT 2, 270.81 FT TO THE POB; TH CONT S 89 DEG 56 MIN 00 SEC W, ALG SD S LN, 230 FT TO A PT; TH N 74 DEG 46 MIN 00 SEC E, 386.25 FT; TH S 65 DEG 10 MIN 30 SEC E, 242.16 FT; TH S 26 DEG 54 MIN 00 SEC E, 243.28 FT; TH S 89 DEG 31 MIN 00 SEC E, 168.93 FT TO ITS INT WITH THE WLY R/W LN OF HWY US 41 (120 FT WIDE); TH S 26 DEG 54 MIN 00 SEC E, ALG SD WLY R/W LN 100 FT; TH LEAVING SD WLY R/W LN RUN N 89 DEG 31 MIN 00 SEC W, 252.27 FT; TH N 26 DEG 54 MIN 00 SEC W, 27.31 FT; TH N 89 DEG 33 MIN 00 SEC W, 423.20 FT; TH S 00 DEG 10 MIN 47 SEC W, 381.79 FT TO THE POB, CONT 7.4 AC; LESS LAND IN OR 1517 P 6006; TOGETHER WITH ACCESS EASMT IN OR 1517 P 6006; ALSO TOGETHER WITH DRAINAGE EASMT IN OR 1517 P 6006 DESC AS FOL: COM AT THE SE COR OF THE NE 1/4 OF THE SE 1/4 OF SD SEC 35, SD PT ALSO BEING THE SE COR OF US GOVT LOT 2 OF SEC 35; TH S 89 DEG 56 MIN 00 SEC W, ALG THE S LN OF SD US GOVT LOT 2, 120.59 FT TO THE POB; TH CONT S 89 DEG 56 MIN 00 SEC W ALG SD S LN, 380.22 FT TO A PT; TH LEAVING SD S LN, RUN N 00 DEG 12 MIN 00 SEC E, 660 FT; TH N 74 DEG 46 MIN 00 SEC E, 386.25 FT; TH S 65 DEG 10 MIN 30 SEC E, 242.16 FT; TH S 26 DEG 54 MIN 00 SEC E, 243.28 FT; TH S 89 DEG 31 MIN 00 SEC E, 159.39 FT TO ITS INTERSEC WITH THE WLY R/W LN OF HWY US 41 (120 FT WIDE); TH S 26 DEG 43 MIN 20 SEC E, ALG SD WLY R/W LN, 99.85 FT; THE LEAVING SD WLY R/W LN, RUN N 89 DEG 31 MIN 00 SEC W, 242.38 FT; TH N 26 DEG 54 MIN 00 SEC W, 27.31 FT; TH N 89 DEG 33 MIN 00 SEC W, 272.98 FT; TH S 00 DEG 10 MIN 47 SEC W, 380.42 FT, TO THE POB (8.6 AC M/L); SUBJ TO A NON-EXCLUSIVE ACCESS EASMT FOR INGRESS/EGRESS PURPOSES TO TAMIAMI TR (US 41) A

PUBLIC R/W & MORE PART DESC AS FOL: COM AT THE SE COR OF THE NE1/4 OF THE SE 1/4 OF SEC 35, SD PT ALSO BEING THE SE COR OF US GOVT LOT 2 OF SEC 35; TH S 89 DEG 56 MIN 00 SEC W, ALG THE S LN OF SD US GOVT LOT 2, 120.59 FT; THE LEAVE SD S LN, N 00 DEG 10 MIN 47 SEC E, 380.42 FT; TH S 89 DEG 33 MIN 00 SEC E, 272.98 FT TO THE POB; TH N 38 DEG 11 MIN 34 SEC E, 81.59 FT; TH S 89 DEG 31 MIN 00 SEC E, 159.39 FT TO ITS INTERSEC WITH THE WLY R/W LN OF SD US 41; TH S 26 DEG 43 MIN 20 SEC E, ALG SD WLY R/W LN, 99.85 FT; TH LEAVING SD WLY R/W LN, N 89 DEG 31 MIN 00 SEC W, 242.38 FT; TH N 26 DEG 54 MIN 00 SEC W, 27.31 FT TO THE POB OF SD ACCESS EASMT (.43 AC M/L); ALSO SUBJ TO A NON-EXCLUSIVE DRAINAGE EASMT FOR DRAINAGE PURPOSES TO A STORMWATER RETENTION AREA & BEING MORE PART DESC AS FOL: COM AT THE SE COR OF THE NE1/4 OF THE SE1/4 OF SEC 35, SD PT ALSO BEING THE SE COR OF US GOVT LOT 2 OF SEC 35; TH S 89 DEG 56 MIN 00 SEC W, ALG THE S LN OF SD US GOVT LOT 2, 120.59 FT TO THE POB; TH CONT S 89 DEG 56 MIN 00 SEC W, 380.22 FT TO A PT; TH LEAVING SD S LN, N 00 DEG 12 MIN 00 SEC E, 383.85 FT; TH S 89 DEG 33 MIN 00 SEC E, 380.08 FT; TH S 00 DEG 10 MIN 47 SEC W, 380.42 FT TO THE POB OF SD DRAINAGE EASMT (3.3 AC M/L) PI#68224.0006/2


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 28th day of March, 2000.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Sean Stephen
Chairman

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

 Susan B. 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 31 day of

March 2000
R.B. SHORE
Clerk of Circuit Court

By: Jan Rook D.C.



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
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MEMBER OF THE FLORIDA CABINET



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Katherine Harris
Secretary of State

DIVISION OF ELECTIONS

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Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

FILED FOR RECORD
APR 11 2000
CLERK OF COURT
MANATEE COUNTY

April 5, 2000 APR 11 10 37 AM '00

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

Attention: Janene Kearney, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 3, 2000 and certified copies of Manatee County Ordinance Nos. Z-99-09, Z-99-16, Z-99-21 and PDC-99-15(Z)(P), which were filed in this office on April 5, 2000.

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

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

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

MANATEE COUNTY ZONING ORDINANCE
PDC-99-15(Z)(P) - SUPER 50 THEATRE CORPORATION/HILTON GARDEN INN

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 115 ROOM HOTEL, A 4,550 SQUARE FOOT RESTAURANT, AND A 6,000 SQUARE FOOT RESTAURANT, ALL STRUCTURES CONTAIN 73,731 SQUARE FEET WITH THE RESTAURANTS LOCATED ON TWO OUTPARCELS.

FILED FOR RECORD
P. B. JOHNSON
CLERK OF COUNTY
APR 13 1 49 PM '00

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:

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TALLAHASSEE, FLORIDA
2000 APR 27 PM 2:15

STIPULATIONS

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2. The building facades visible from other properties outside the project shall exhibit an aesthetically attractive appearance. Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, glass, stucco, ceramic

Replacement Pg.



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

April 2000
R.B. SHORE
Clerk of Circuit Court

By: Jane Rook o.c.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
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Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

RECEIVED

APR 13 2000

BOARD RECORDS

April 10, 2000

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

Attention: Janene Kearney, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated April 4, 2000 and certified copies of Manatee County Ordinance Nos. Z-84-76-(R-4), PDC-99-14(Z)(G) and 00-07 along with the replacement page for Ordinance No. PDC-99-15(Z)(P), which were filed in this office on April 7, 2000.

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

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

FILED FOR RECORD
R.B. SHORE
CLERK OF CIRCUIT COURT
MANATEE COUNTY
APR 13 1 49 PM '00