

MANATEE COUNTY ZONING ORDINANCE
PDI-00-03(Z)(P) - WEN CHUNG/501 TALLEVAST

FILED FOR RECORD
R. B. SHORE

2002 JAN -3 AM 8:59

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/WR/AI (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE/WHITFIELD RESIDENTIAL/AIRPORT IMPACT OVERLAY DISTRICTS) TO PDI/WR/AI (PLANNED DEVELOPMENT INDUSTRIAL/WHITFIELD RESIDENTIAL/AIRPORT IMPACT OVERLAY DISTRICTS); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW COMMERCIAL SERVICES, LIGHT INDUSTRIAL USES, 1,196 SQUARE FEET OF COMMERCIAL RETAIL, AND ACCESSORY OFFICE, AND GRANTING SPECIAL APPROVAL FOR A PROJECT LOCATED WITHIN THE AIRPORT IMPACT OVERLAY DISTRICT.

2001 DEC 26 PM 1:19

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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/WR/AI (Suburban Agriculture, 1 dwelling unit per acre/Whitfield Residential/Airport Impact Overlay Districts) to PDI/WR/AI (Planned Development Industrial/Whitfield Residential/Airport Impact Overlay Districts).
- B. The Board of County Commissioners held a public hearing on December 18, 2001 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 commercial services, light industrial uses, 1,196 square feet of commercial retail, and accessory office, and granting Special Approval for a project located within the Airport Impact Overlay District with the following stipulations and Specific Approvals:

STIPULATIONS

1. Prior to Final Site Plan approval the applicant shall grant an easement to the County for ingress and egress to maintain the canal along the north and west boundaries of the property. The easement shall be in a form acceptable to the County Attorney's Office.
2. The sides of buildings visible from Tallevast Road or the north shall have minimal blank walls no longer than 40' feet in length. In order to ensure 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 Tallevast Road or residential lots to the north. Design elements shall be reviewed for compliance by staff prior to Building Permit submission.
3. Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed concrete block, or 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. Building elevations shall be submitted prior to Building Permit application.
4. All roof mounted H.V.A.C. equipment, loading zones, and dumpsters shall be screened from view from Tallevast Road and Whitfield Estates residences. Screening shall be provided by materials consistent with the exterior finish materials of the buildings, landscaping, or other opaque materials.
5. No outdoor storage is permitted. All permitted principal and accessory uses must be conducted entirely indoors.
6. No truck loading, service areas, outside storage, or parking of heavy equipment, semi trucks, trailers, or other vehicles over 1½ tons shall be located in drive aisles, off-street parking areas, or adjacent to Tallevast Road.
7. Prior to Final Site Plan approval, the engineer of record or architect must provide documentation to prove that concurrency has been met relative to fire flow.
8. All nuisance exotic vegetative species (e.g., Australian Pines and Brazilian Pepper) shall be removed from the entire 8.2 acre site.
9. Prior to Final Site Plan approval, the applicant shall be required to file a FAA Form 7460-1 "Notice of Proposed Construction" and provide a copy of this notice to Engineering & Environmental Affairs Office with the Sarasota Manatee Airport Authority.
10. If signs are proposed for this project a sign plan shall be submitted by the applicant at Final Site Plan submittal.

11. The applicant shall provide landscaping within the buffer on the north side of the building to screen the site from the residential uses to the north, in a form satisfactory to the Planning Department, prior to Final Site Plan approval.
12. Applicant shall provide the required 8' landscape buffer around the vehicle use area except along the west property line.
13. Tractor trailers or semi- trucks involved in deliveries to this site shall be restricted to the hours between 7:00 a.m. and 10:00 p.m. Between 10:00 p.m. and 7:00 a.m. there shall be no:
 - a. Delivery, loading, or unloading of tractor trailers or semi-trucks;
 - b. Use of forklifts or other loading or unloading devices; and
 - c. running of truck or trailer motors, or other refrigeration devices installed thereon.
14. Final dumpster locations shall be approved by the Planning Department prior to Final Site Plan approval.
15. The uses allowed on this site shall be limited to the following:
 - a. Commercial Services Uses: Business Service Establishments, Construction Service Establishments, Wholesale Trade Establishments, Rental Service Establishments, and Sign Painting Services.
 - b. Industrial Uses: Light Manufacturing, Research and Development Activity.
 - c. Commercial Uses-Retail: Eating Establishments with a maximum of 1,196 square feet (with the establishment oriented internal to the project).
16. Prior to Final Site Plan approval applicant shall submit a lighting plan in compliance with Section 709.2.2 In addition , pole mounted and building mounted lights shall be limited to 20' in height and directed to the interior of the development using horizontal cut-offs. Light fixtures facing north and those fixtures visible from residences to the north shall be limited to the use of amber light bulbs.



17. An enhanced landscape buffer, 8-12' in width, shall be provided along the northern side of building and planted with 3 canopy trees, 4 understory trees, and 33 shrubs per 100 linear feet, to achieve 100% opacity to a height of 6' within 2 years.
18. Applicant shall submit building elevations in conformance with stipulations # 2, 3, and 4. Elevations shall be approved by the Planning Department with the Final Site Plan approval.

SPECIFIC APPROVAL

1. Specific Approval to an alternative to Section 715.3.1(g) of the Manatee County Land Development Code to allow a reduction from 8 feet to 5 feet in the Perimeter Landscape buffer around vehicle use areas.
2. Specific Approval to an alternative to Section 715.3.2 of the Manatee County Land Development Code to allow a reduction from 20 feet to 8 feet in the buffer adjacent to residential uses or zoning.

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/WR/AI (Suburban Agriculture, 1 dwelling unit per acre/Whitfield Residential/Airport Impact Overlay Districts) to PDI/WR/AI (Planned Development Industrial/Whitfield Residential/Airport Impact Overlay Districts), 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.

BEGIN AT THE N.E. CORNER OF THE S.W. 1/4 OF THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 25, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, AND RUN S 00° 22' 02" E, ALONG THE EAST LINE OF SAID S.W. 1/4 OF THE N.W. 1/4 OF THE S.W. 1/4, A DISTANCE OF 574.35 FEET TO THE NORTH RIGHT OF WAY LINE OF TALLEVAST ROAD AS DESCRIBED IN THE OFFICIAL RECORD BOOK 1230, PAGE 1062, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S 89° 20' 22" W, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 619.19 FEET TO THE EASTERLY CANAL RIGHT OF WAY LINE AS DESCRIBED IN DEED BOOK 360, PAGE 453, SAID PUBLIC RECORDS, THENCE N 00° 22' 51" W, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 582.97 FEET TO THE NORTH LINE OF AFORESAID S.W. 1/4 OF THE N.W. 1/4 OF THE S.W. 1/4; THENCE S 89° 51' 45" E. ALONG SAID NORTH LINE OF THE S.W. 1/4 OF THE N.W. 1/4 OF THE S.W. 1/4, A DISTANCE OF 619.34 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN SECTION 25, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA. SUBJECT TO PERTINENT EASEMENTS, RIGHT OF WAY AND RESTRICTIONS OF RECORD.

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 18th day of December, 2001.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *J. M. Clark*
Chairman

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

By: *Susan D. Romine dc.*



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 18th day of December, 2001

R. B. SHORE
Clerk of Circuit Court

By: *J. Covado* d.c.

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Division of Corporations
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Preservation Board

RINGLING MUSEUM OF ART

December 31, 2001

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

Attention: Diane E. Vollmer

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated December 20, 2001 and certified copies of Manatee County Ordinance Nos. PDMU-92-01(Z)(G)(R8), PDI-00-03(Z)(P), PDI-01-01(Z), PDC-01-06(Z)(P), PDR-01-08(Z)(P), PDR-01-16(Z)(P), 01-60, 01-68 and 01-69, which were filed in this office on December 26, 2001.

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

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure

BUREAU OF ADMINISTRATIVE CODE

The Collins Building • 107 West Gaines Street • Tallahassee, Florida 32399-0250 • (850) 245-6270
FAX: (850) 245-6282 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us

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CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA