

FILED FOR RECORD  
R. B. SHORE

2009 MAR 24 AM 7:55

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

**MANATEE COUNTY ORDINANCE  
PDPI-05-120(P)(R) – MANATEE COUNTY FLEET SERVICES**

FILED  
2009 MAR 16 AM 11:52  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A REVISED PRELIMINARY SITE PLAN FOR A 20,000 SQUARE FEET OFFICE, STORAGE, AND MOTOR POOL FACILITY AT 4410 66<sup>TH</sup> STREET WEST, BRADENTON, SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE (± 4.84 ACRES).

**WHEREAS**, Manatee County Government (the "Applicant") filed an application for a revised Preliminary Site Plan for approximately 4.84 acres described in Exhibit "A", attached hereto, (the "Property") to approve a revised Preliminary Site Plan for a 20,000 square foot office, storage, and motor pool facility; and

**WHEREAS**, the applicant filed a request for Specific Approval for alternatives to Sections 703.2.20.1, 715.3.2.c.1, 715.3.1.g, and 722.1.4 of the Land Development Code

**WHEREAS**, Planning Department staff recommended approval of the revised Preliminary Site Plan and Specific Approval applications subject to the stipulations contained in the staff report; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on February 12, 2009 to consider the Preliminary Site Plan, received the staff recommendation, and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

**WHEREAS**, the Manatee County Planning Commission, as the County's Local Planning Agency, found the Preliminary Site Plan and Specific Approval applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code, recommended approval subject to the stipulations contained in the staff report.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:**

**Section 1. FINDINGS OF FACT.** The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners, after considering the testimony, evidence, documentation, the recommendation and findings of the Planning Commission, as well as all other matters presented to the 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 a Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.

- B. The Board of County Commissioners held a duly noticed public hearing on March 5, 2009 regarding the proposed Preliminary Site Plan 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 the public hearing.
- C. The proposed Preliminary Site Plan regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.
- D. Notwithstanding the failure of the site plan to meet the requirements of LDC Section 703.2.20.1, the Board finds that the purpose and intent of the LDC Regulations have been satisfied to an equivalent degree because of the location of outdoor storage, the opaque wall around part of the storage, and enhanced buffers to provide screening.
- E. Notwithstanding the failure of the site plan to meet the requirements of LDC Section 715.3.2.c.1, the Board finds that the purpose and intent of the LDC Regulations have been satisfied to an equivalent degree because the existing fence is chain link, a drainage swale precludes plantings, and the roadway buffer landscaping will be visible from 66<sup>th</sup> Street West.
- F. Notwithstanding the failure of the site plan to meet the requirements of LDC Section 715.3.1.g the Board finds that the purpose and intent of the LDC Regulations have been satisfied to an equivalent degree because the parking buffers needed to the north and south are adjacent County land and future cross access.
- G. Notwithstanding the failure of the site plan to meet the requirements of LDC Section 722.1.4, the Board finds that the purpose and intent of the LDC Regulations have been satisfied to an equivalent degree because there are no existing or proposed sidewalks in the immediate area, and as the County, it would be possible to construct a sidewalk in the future along the length of the street, if needed.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved for a 20,000 square foot office, storage, and motor pool facility subject to the following Stipulations:

**STIPULATIONS**

**A. Design & Land Use Conditions:**

- 1. All stockpiled materials shall be removed from this site prior to Temporary Certificate of Occupancy or Certificate of Occupancy issuance. Stockpiles removed from this site and placed on the land to the south shall have fugitive dust abatement measures in place at that same time.
- 2. All replacement trees shall be installed prior to Temporary Certificate of Occupancy issuance.

3. The proposed north driveway gate shall remain open during business hours. The south driveway gate may be used for emergency access and remain closed as needed.
4. No roof shall be placed over the concrete slab on the west side of the building without amending this site plan.

**B. Stormwater Conditions:**

1. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.

**C. Environmental Conditions:**

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Planning Department for review prior to Final Site Plan approval.
2. The lowest quality water shall be used for irrigation. Potable water shall not be allowed. This shall be reflected on the Final Site Plan.

**D. Infrastructure Conditions:**

1. 5' interior sidewalks abutting the building entrance shall be shown and provided on the Final Site Plan.

**E. Buffer Conditions:**

1. The roadway buffer and west screening buffer shall be landscaped with at least 2 evergreen canopy trees, 2 evergreen understory trees, and 33 shrubs per 100 l.f. This shall be shown on the Final Site Plan.

**Section 3. SPECIFIC APPROVAL.** Specific Approval is hereby granted for alternatives to Sections 703.2.20.1, 715.3.2.c.1, 715.3.1.g, and 722.1.4 of the Land Development Code. The Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof.

**Section 4. SEVERABILITY.** If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

**Section 5. CODIFICATION.** Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification

**Section 6. 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 5<sup>th</sup> day of March, 2009.

**BY: BOARD OF COUNTY  
COMMISSIONERS  
MANATEE COUNTY, FLORIDA**

BY:   
\_\_\_\_\_

**Carol Whitmore, 1st Vice-Chairman**

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

BY:   
\_\_\_\_\_  
**Deputy Clerk**

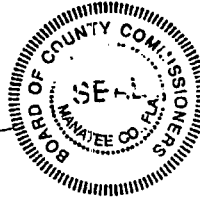


EXHIBIT "A"

DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 8, TOWNSHIP 35 SOUTH, RANGE 17 EAST; THENCE RUN S 00°25'41" W, ALONG THE WEST LINE OF SAID SECTION 8, A DISTANCE OF 1722.69 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 00°25'41" W, ALONG THE WEST LINE OF SAID SECTION 8, A DISTANCE OF 375.00 FEET; THENCE S 88°39'19" E, A DISTANCE OF 524.81 FEET TO A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS LIES N 71°14'08" W, A DISTANCE OF 1050.00 FEET, ALSO BEING A POINT ON THE WESTERLY MAINTAINED RIGHT OF WAY LINE OF 66TH STREET WEST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, ALSO BEING SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 339.27 FEET THROUGH A CENTRAL ANGLE OF 18°30'47" TO THE POINT OF TANGENCY; THENCE N 00°15'05" E, ALONG SAID WESTERLY MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 40.89 FEET; THENCE N 88°59'19" W, A DISTANCE OF 587.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 8, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 4.84 ACRES, MORE OR LESS.



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 13<sup>th</sup> day of

March, 2009

R.B. SNORE  
Clerk of Circuit Court

By: Debi J. Jones, C.



FILED FOR RECORD  
R. B. SHORE

2009 MAR 24 AM 7:55

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

**FLORIDA DEPARTMENT of STATE**

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

March 17, 2009

Honorable R. B. "Chips" Shore  
Clerk of Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, Florida 34206

Attention: Ms. Vicki Jarratt, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 11, 2009 and certified copies of Manatee County Ordinance Nos. 09-01, 09-10, 09-14, PDI-01-01(P), PDPI-05-120(P)(R), PDR-08-05(Z)(P), Z-07-21, PDPI-07-28(Z)(P), PDMU-05-70(Z)(P) and PDPI-09-01(Z)(G), which were filed in this office on March 16, 2009.

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

Sincerely,

Liz Cloud  
Program Administrator

LC/srd  
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT  
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STATE LIBRARY OF FLORIDA  
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STATE ARCHIVES OF FLORIDA  
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE  
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES  
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY  
850.245.6270 • FAX: 850.245.6282