

**MANATEE COUNTY ZONING ORDINANCE  
PDC-09-08(Z)(P) –MARK CAHILL INVESTMENTS, LLC/ MAGNOLIA PLAZA, DTS  
#20080395**

FILED FOR RECORD  
R. B. SHORE

2010 DEC 14 PM 2:27

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 1.45 ACRES ON THE SOUTH SIDE OF STATE ROAD 64, APPROXIMATELY ONE MILE EAST OF LENA ROAD, AT 10008 STATE ROAD 64 EAST, BRADENTON, FROM A-1 (SUBURBAN AGRICULTURE) TO THE PDC (PLANNED DEVELOPMENT COMMERCIAL) ZONING DISTRICT; AND APPROVAL A PRELIMINARY SITE PLAN FOR APPROXIMATELY 12,000 SQUARE FEET OF COMMERCIAL USE; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

2010 DEC -8 AM 11:41  
FILED  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

**WHEREAS**, Mark Cahill Investments, LLC (the "Applicant") filed an application to rezone approximately 1.45 acres described in Exhibit "A", attached hereto, (the "property") from A-1 (Suburban Agriculture) to the PDC (Planned Development Commercial) zoning district; and

**WHEREAS**, the applicant also filed a Preliminary Site Plan application for approximately 12,000 square feet of commercial use (the "project") on the property; and

**WHEREAS**, the applicant also filed a request for Special Approval for a project in the MU (Mixed Use) Future Land Use Category; and

**WHEREAS**, the applicant also filed a request for Specific Approval for alternatives to Sections 714.8.7, 715.3.2.c.2, Figure 715.C, 722.1.2.1, 722.2.1, 722.2.2, and 728.5.1.2 of the Land Development Code; and

**WHEREAS**, Planning staff recommended approval of the rezone, Preliminary Site Plan, Special Approval and Specific Approval, 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 November 10, 2010 to consider the rezone, Preliminary Site Plan, Special Approval, and Specific Approval, 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 applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval of the applications, 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, application for amendment of the Official Zoning Atlas, 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 Official Zoning Atlas Amendment as it relates to the real property described in Exhibit "A" of this Ordinance from -1 (Suburban Agriculture) to the PDC (Planned Development Commercial) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on December 2, 2010 regarding the 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 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. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the Preliminary Site Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

E. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 714.8.7, the Board finds that the intent to provide the required replacement canopy, as proposed, will be met.

F. Notwithstanding the failure of this plan to comply with the requirements of Land Development Section 715.3.2.c.2 and Figure 715.C, the Board finds that the intent to ensure compatibly and buffering between two types of uses, as proposed, will be met since the area to the south is undeveloped and heavily wooded.

G. Notwithstanding the failure of this plan to comply with the requirements of Land Development Sections 722.1.2.1, 722.2.1, and 722.2.2, the Board finds that the intent to provide sufficient and safe access, as proposed, will be met.

H. Notwithstanding the failure of this plan to comply with the requirements of Land Development Section 728.5.1.2, the Board finds that the intent to provide sufficient distance from surrounding uses and structures will be met with the proposed design.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved for approximately 12,000 square feet of commercial uses upon the property subject to the following Stipulations:

## **STIPULATIONS**

### **A. DESIGN AND LAND USE CONDITIONS:**

1. No access shall be directly to SR 64. Access to SR 64 shall be to the east over the area shown as right-of-way to the east of the site and such access may be constructed to commercial driveway standards.
2. If the adjacent right-of-way is vacated, a joint access agreement, between this site and the parcel to the east, shall be recorded prior to Final Site Plan approval.
3. The drive aisle that goes behind the building shall be designated as one-way only on the Final Site Plan.
4. No parking signs, with the Ordinance reference, shall be placed on the west, south, and east sides of the building. In addition, the rear portion of the drive aisle shall be marked in accordance with the Land Development Code requirements for fire lane marking.
5. All parking spaces shall meet the dimensions as required by the Land Development Code.
6. Freestanding signs shall be limited to one ground sign.
7. If the adjacent right-of-way to the east of the site is vacated, then the proposed dumpster shall meet the required 10' setback from the property lines.

### **B. ENVIRONMENTAL CONDITIONS:**

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Natural Resources Department for review prior to Final Site Plan approval.
2. Replacement trees in the amount of 30 @ 3" caliper and 21 @ 4" caliper are required for this project. Replacement may be accomplished through upsizing of minimum required roadway buffer, perimeter buffer and vehicle use area canopy trees to 3" and 4" caliper size.

**Section 3. SPECIFIC AND SPECIAL APPROVALS.** Specific Approval is hereby granted for alternatives to Sections 714.8.7, 715.3.2.c.2, Figure 715.C, 722.1.2.1, 722.2.1, 722.2.2, and 728.5.1.2 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. Special Approval is hereby granted for a project in the Mixed Use Future Land Use Category. The Special 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. 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 classification of the property identified in Exhibit "A" herein from A-1 (Suburban Agriculture) to the PDC (Planned Development Commercial) zoning district 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 Official Zoning Atlas.

**Section 5. 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, clause, sentence, 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 6. 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 7. 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 2<sup>nd</sup> day of December, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY:   
Donna G. Hayes, Chairman



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

BY:   
Deputy Clerk

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

(as provided by Title Resources Guaranty Company, Policy #7905080044)

Lot 21, and the east 100.00 feet of Lot 22, of RICHLAND FARMS, as per Plat thereof recorded in Plat Book 6, Page 63, of the Public Records of the County of Manatee in the State of Florida.

LESS AND EXCEPT that part thereof lying within 50 feet of the survey line of State Road 64, Section 1305, said survey line being described as follows: Begin on the west boundary of section 26, Township 34 South, Range 18 East at a point 601.52 feet North of a ¾" Iron Pipe, locating the Southwest corner of said Section 26, said point also designated as Station 286+71.42 on said survey line; thence run South 74 degrees 24' East, 1985.55 feet to the beginning of a curve to the left with a radius of 2083.48 feet; thence along said curve 557.58 feet, through a total central angle of 15 degrees 20' to end of said curve; thence South 89 degrees 44' East, 799.06 feet to the beginning of a curve to the right with a radius of 2864.79 feet; thence along said curve 1628.33 feet, through a total central angle of 32 degrees 34' to the end of said curve; thence South 57 degrees 10' East 1701.18 feet to the beginning of a curve to the left with a radius of 2864.79 feet; thence along said curve 1545.83 feet through a total central angle of 30 degrees 55' to the end of said curve; thence South 88 degrees 05' East, 6084.06 feet; thence South 88 degrees 13' East, 1656.03 feet to the East boundary of Section 30, Township 34 South, Range 19 East at a point 310.85 feet North of a 4' x 4' lightwood stake locating the Southeast corner of said Section 30, less existing rights-of-way as conveyed to State of Florida pursuant to that Quit-Claim Deed recorded in Deed Book 316, Book 117, of the Public Records of Manatee County Florida.

AND FURTHER LESS AND EXCEPT therefrom that part described as follows:

Those portions of lots 21 and 22, RICHLAND FARMS, according to the Plat thereof, as recorded in Plat Book 6, Page 63, of the Public Records of Manatee County, Florida, being described as follows:

Begin at the intersection of the East line of said lot 21 and the Southerly existing right-of-way line of State Road 64 (per Section 1305-2500) thence along said East line, South 00 degrees 43'20" West a distance of 45.01 feet; thence leaving said East line, North 87 degrees 50'00" West a distance of 219.04 feet to the West line of the East 100.00 feet of said Lot 22; thence along said West Line, North 00 degrees 44'10" East a distance of 45.01 feet to said Southerly existing right-of-way line; thence along said Southerly existing right-of-way line, South 87 degrees 50'00" East a distance of 219.03 feet to the Point of Beginning; as conveyed to state of Florida Department of Transportation pursuant to that Warranty Deed recorded in Book 2062, Page 5896, of the Public Records of Manatee County, Florida.

All of said lands situate, lying and being in Manatee County, Florida.



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 20 day of December, 2010  
R.B. SHORE  
Clerk of Circuit Court  
By: [Signature] D.C.



# FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

**STATE LIBRARY AND ARCHIVES OF FLORIDA**

FILED FOR RECORD  
R. B. SHORE  
2010 DEC 14 PM 2:26  
CLERK OF CIRCUIT COURT  
MANATEE COUNTY, FLORIDA  
**DAWN K. ROBERTS**  
Interim Secretary of State

December 9, 2010

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

Attention: Ms. Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated December 3, 2010 and certified copies of Manatee County Ordinance Nos. 10-44, 10-65, 10-72, PDMU-91-01 (G)(R5) and PDC-09-08 (Z)(P), which were filed in this office on December 8, 2010.

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: 850.245.6282 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT  
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA  
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA  
850.245.6700 • FAX: 850.488.4894

CAPITOL BRANCH  
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

**MANATEE COUNTY ZONING ORDINANCE**  
**PDC-09-08(Z)(P) –MARK CAHILL INVESTMENTS, LLC/ MAGNOLIA PLAZA - DTS**  
**#20080395**

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**WHEREAS**, the applicant also filed a Preliminary Site Plan application for approximately 12,000 square feet of commercial use (the "project") on the property; and

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**WHEREAS**, the applicant also filed a request for Specific Approval for alternatives to Sections 714.8.7, 715.3.2.c.2, Figure 715.C, 722.1.2.1, 722.2.1, 722.2.2, and 728.5.1.2 of the Land Development Code; and

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

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

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C. The proposed amendment to the Official Zoning Atlas 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. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the Preliminary Site Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

E. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 714.8.7, the Board finds that the intent to provide the required replacement canopy, as proposed, will be met.

F. Notwithstanding the failure of this plan to comply with the requirements of Land Development Section 715.3.2.c.2 and Figure 715.C, the Board finds that the intent to ensure compatibility and buffering between two types of uses, as proposed, will be met since the area to the south is undeveloped and heavily wooded.

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**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved for approximately 12,000 square feet of commercial uses upon the property subject to the following Stipulations:



**STIPULATIONS**

**A. DESIGN AND LAND USE CONDITIONS:**

1. No access shall be directly to SR 64. Access to SR 64 shall be to the east over the area shown as right-of-way to the east of the site and such access may be constructed to commercial driveway standards.
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1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Natural Resources Department for review prior to Final Site Plan approval.
2. Replacement trees in the amount of 30 @ 3" caliper and 21 @ 4" caliper are required for this project. Replacement may be accomplished through upsizing of minimum required roadway buffer, perimeter buffer and vehicle use area canopy trees to 3" and 4" caliper size.

**Section 3. SPECIFIC AND SPECIAL APPROVALS.** Specific Approval is hereby granted for alternatives to Sections 714.8.7, 715.3.2.c.2, Figure 715.C, 722.1.2.1, 722.2.1, 722.2.2, and 728.5.1.2 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. Special Approval is hereby granted for a project in the Mixed Use Future Land Use Category. The Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof.

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**Section 5. 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, clause, sentence, 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 6. 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 7. 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 2<sup>nd</sup> day of December, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY:   
Donna G. Hayes, Chairman



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

BY:   
Deputy Clerk

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**(as provided by Title Resources Guaranty Company, Policy #7905080044)**

**Lot 21, and the east 100.00 feet of Lot 22, of RICHLAND FARMS, as per Plat thereof recorded in Plat Book 6, Page 63, of the Public Records of the County of Manatee in the State of Florida.**

**LESS AND EXCEPT that part thereof lying within 50 feet of the survey line of State Road 64, Section 1305, said survey line being described as follows: Begin on the west boundary of section 26, Township 34 South, Range 18 East at a point 601.52 feet North of a ¾" Iron Pipe, locating the Southwest corner of said Section 26, said point also designated as Station 286+71.42 on said survey line; thence run South 74 degrees 24' East, 1985.55 feet to the beginning of a curve to the left with a radius of 2083.48 feet; thence along said curve 557.58 feet, through a total central angle of 15 degrees 20' to end of said curve; thence South 89 degrees 44' East, 799.06 feet to the beginning of a curve to the right with a radius of 2864.79 feet; thence along said curve 1628.33 feet, through a total central angle of 32 degrees 34' to the end of said curve; thence South 57 degrees 10' East 1701.18 feet to the beginning of a curve to the left with a radius of 2864.79 feet; thence along said curve 1545.83 feet through a total central angle of 30 degrees 55' to the end of said curve; thence South 88 degrees 05' East, 6084.06 feet; thence South 88 degrees 13' East, 1656.03 feet to the East boundary of Section 30, Township 34 South, Range 19 East at a point 310.85 feet North of a 4' x 4' lightwood stake locating the Southeast corner of said Section 30, less existing rights-of-way as conveyed to State of Florida pursuant to that Quit-Claim Deed recorded in Deed Book 316, Book 117, of the Public Records of Manatee County Florida.**

**AND FURTHER LESS AND EXCEPT therefrom that part described as follows:**

**Those portions of lots 21 and 22, RICHLAND FARMS, according to the Plat thereof, as recorded in Plat Book 6, Page 63, of the Public Records of Manatee County, Florida, being described as follows:**

**Begin at the intersection of the East line of said lot 21 and the Southerly existing right-of-way line of State Road 64 (per Section 1305-2500) thence along said East line, South 00 degrees 43'20" West a distance of 45.01 feet; thence leaving said East line, North 87 degrees 50'00" West a distance of 219.04 feet to the West line of the East 100.00 feet of said Lot 22; thence along said West Line, North 00 degrees 44'10" East a distance of 45.01 feet to said Southerly existing right-of-way line; thence along said Southerly existing right-of-way line, South 87 degrees 50'00" East a distance of 219.03 feet to the Point of Beginning; as conveyed to state of Florida Department of Transportation pursuant to that Warranty Deed recorded in Book 2062, Page 5896, of the Public Records of Manatee County, Florida.**

**All of said lands situate, lying and being in Manatee County, Florida.**

# BRADENTON HERALD

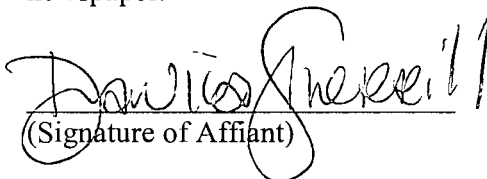
WWW.BRADENTON.COM  
P.O. Box 921  
Bradenton, FL 34206-0921  
102 Manatee Avenue West  
Bradenton, FL 34205-8894  
Ph: 941-745-7066  
Fax: 941-708-7758

Bradenton Herald  
Published Daily  
Bradenton, Manatee County, Florida

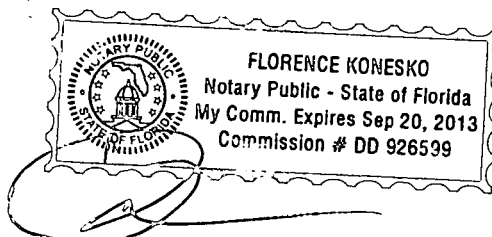
STATE OF FLORIDA  
COUNTY OF MANATEE

Before the undersigned authority personally appeared Danica Sherrill, who, on oath, says that she is a Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, **LEGAL NOTICE OF ZONING AND DRI CHANGES** as published in said newspaper in the issue **11/17/2010**.

Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

  
(Signature of Affiant)

Sworn to and subscribed before me this  
18 Day of Nov, 2010



SEAL & Notary Public

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

# BRADENTON HERALD

# CLASSIFIED ADVERTISING

Order:	131998903	Pubs:	1,9	Rate:	LE
Phone:	9417493070	Class:	4995	Charges:	\$ 0.00
Account:	11950	Start Date:	11/17/2010	List Price:	\$ 798.56
Name:	MANATEE,	Stop Date:	11/17/2010	Payments:	\$ 0.00
Firm:	MANATEE CO PLANNING	Insertions:	2	Balance:	\$ 798.56

**NOTICE OF ZONING AND DRI CHANGES IN UNINCORPORATED MANATEE COUNTY**

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Manatee County will conduct a Public Hearing on **Thursday, December 2, 2010, at 9:00 A.M.** at the **Manatee County Government Administrative Center, 1st Floor Chambers**, to consider and act upon the following matters:

**ORD-10-44 - GATEWAY NORTH DRI #21/ AKA: ARTISAN LAKES**

Request: An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the Development Order for the Gateway North Development of Regional Impact, Ordinance 92-30 as amended, (Monotee County DRI #21, o/k/a Tampa Bay Regional Planning Council TBRPC DRI #218); providing for findings of fact; providing for conclusions of law; providing for definitions; providing for amended limitations on and conditions of approval; providing for severability; and providing for an effective date.

The changes to the ordinance include a determination of whether the following proposed modifications to DRI #21 constitute a Substantial Deviation to the Gateway North DRI Development Order, pursuant to Section 380.06, Florida Statutes:

1. Extend the Phase 1 build-out date by five (5) years;
2. Extend the Phase 2 start date by five (5) years and extend the build-out date by six (6) years;
3. Extend the Phase 3 start date by five (5) years and extend the build-out date by five (5) years;
4. Eliminate the subphasing of Phase 1;
5. Move 225 single family units from Phase 3 to Phase 1;
6. Re-Designate 38 Townhouse/Attached Villa units from

- Phase 1 to Single-Family Phase 1;
7. Move 65 Townhouse/Attached Villa units from Phase 1 to Phase 3;
8. Relocate the Community Service parcel;
9. Add a Mixed Use parcel located north of Moccasin Wallow Road;
10. Delete one access point to 40th Avenue E;
11. Add one access point to Gillet Drive;
12. Increase the overall project area by 1.0 acre;
13. Based on jurisdictional determination and Environmental Resource Permitting, decrease wetland acreage by 28.2 acres;
14. Increase Residential acreage by 70.7 acres;
15. Decrease Community Service acreage by 0.7 acres;
16. Decrease Recreational acreage by 6.6 acres;
17. Increase Open Space acreage by 12.2 acres;
18. Decrease the Lake/Detention area by 45.8 acres;
19. Decrease the Row/Transmission Lines land use category by 0.6;
20. Add hotel as land use allowed through the land use equivalency matrix;
21. Add telecommunication tower as a land use to the project;
22. Amend the monitoring frequency to Biennial;
23. Update the Authorized Agent and the Master Developer;
24. Delete or modify conditions to reflect new standard language; and
25. Make the necessary amendments to Map H and the Development Order to reflect these changes and any other revisions deemed necessary or appropriate during the public hearing process.

*The Gateway North DRI is at the northwest intersection of I-75 and Moccasin Wallow Road. Present zoning is PDMU (1,039.2 ± acres).*

**PDMU-91-01(G)(R5) -**

**GATEWAY NORTH / AKA: ARTISAN LAKES**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending and restating Ordinance PDMU-92-01(G)(R4) to amend the General Development Plan to extend the phase 1 build-out date by five years; extend the phase 2 start date by five years and extend the build-out date by six years; extend the phase 3 start date by five years and extend the build-out date by five years; increase the overall project area by 1.0 acre; move 225 single family units from phase 3 to phase 1; re-designate 38 townhouse/attached villa units from phase 1 to single-family units in phase 1; move 65 townhouse/attached villa units from phase 1 to phase 3; relocate the community service parcel; add a mixed use parcel located north of Moccasin Wallow Road; delete one access point to 40th Avenue East; add one access point to Gillet Drive; based on jurisdictional determination and environmental resource permitting decrease wetland acreage by 28.2 acres; increase residential acreage by 70.7 acres; decrease community service acreage by 0.7 acres; decrease recreational acreage by 6.6 acres; increase open space acreage by 12.2 acres; decrease the lake/detention area by 45.8 acres; decrease the row/ transmission line land use category by 0.6 acres; add hotel as a land use allowed through the land use equivalency matrix; add telecommunication tower as a land use to the project; modify dimensional criteria; update the authorized agent and the master developer; modify the development parcel layout and land uses to accommodate the above changes; delete or modify conditions to reflect new standard language; and make the necessary amendments to the GDP and the Zoning Ordinance to reflect these changes

and any other revisions deemed necessary or appropriate during the public hearing process, amending and restating the existing Zoning Ordinance; providing for severability, and providing an effective date.

*Gateway North is northwest of the intersection of I-75 and Moccasin Wallow Road. Present zoning is PDMU (Planned Development Mixed Use) (1,039.2 ± acres).*

**PDC-09-08(Z)(P) - MARK CAHILL INVESTMENTS, LLC / MAGNOLIA PLAZA DTS #20080395**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 1.45 acres on the south side of State Road 64, approximately one mile east of Lena Road, at 10008 State Road 64 East, Bradenton, from A-1 (Suburban Agriculture, 1 dwelling unit per acre) to the PDC (Planned Development Commercial) zoning district; and approving a Preliminary Site Plan for approximately 12,000 square feet of commercial use; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

**Z-10-10 - RICHARD HUDSON / HUDSON REZONE DTS#20100247**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approxi-

mately 0.36 acres on the north side of State Road 70, in the northeast corner of 46th Ct. East and State Road 70, at 5315 46th Ct East, Bradenton, from RSF-6 (Residential Single-Family – six dwelling unit per five acres) to the PR-M (Professional Medium Office) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

**Z-10-08 – HONDA CARS OF  
BRADENTON REZONE  
DTS#20100230**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 2.4 acres on the east side of U.S.41, at 5515 14th Street West, Bradenton, from RMF-6 (Residential Multi-Family – six dwelling unit per five acres) to the GC (General Commercial) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

**Z-09-04 – TOD J. AND MARTHA  
V. BARROW AND DOUGLAS H.  
GREENBERG, GARY CAPALBO  
& DANIEL AND CATHERINE  
KUNTZ REZONE  
DTS#20090311**

An Ordinance of Manatee County, Florida, amending the Official Zoning Atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 1.75 acres on the south side of Manatee Avenue West, approximately 510 feet west of 75th St. W. and Manatee Avenue West, at 7607, 7611, 7613 and 7617 Manatee Avenue West, Bradenton from RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre) to the PR-S (Professional – Small) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

Interested parties may examine the proposed Ordinance and related documents and may obtain assistance regarding this matter from the Manatee County Planning Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida; telephone number (941) 748-4501 x6878; e-mail to: [planning.agenda@mymanatee.org](mailto:planning.agenda@mymanatee.org).

According to Florida Statutes, Section 286.0105, any person desiring to appeal any decision made by the Board of County Commissioners with respect to any matter considered at said Public Hearing will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which

includes the testimony and evidence upon which the appeal is to be based.

**Americans with Disabilities:**  
The Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

*THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.*

**MANATEE COUNTY BOARD OF  
COUNTY COMMISSIONERS**

Manatee County  
Planning Department  
Manatee County, Florida  
11/17/2010

# AFFIDAVIT OF PUBLICATION

SARASOTA HERALD-TRIBUNE  
PUBLISHED DAILY  
SARASOTA, SARASOTA COUNTY, FLORIDA

STATE OF FLORIDA  
COUNTY OF MANATEE

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED SHARI BRICKLEY, WHO ON OATH SAID SHE IS DIRECTOR OF ADVERTISING FOR THE SARASOTA HERALD-TRIBUNE, A DAILY NEWSPAPER PUBLISHED AT SARASOTA, IN SARASOTA COUNTY FLORIDA; AND CIRCULATED IN MANATEE COUNTEE DAILY; THAT THE ATTACHED COPY OF ADVERTISEMENT BEING A NOTICE IN THE MATTER OF:

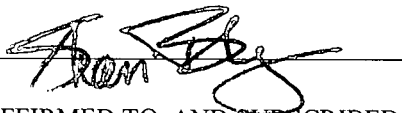
Legal description documented below:

IN THE COURT WAS PUBLISHED IN THE MANATEE EDITION OF SAID NEWSPAPER IN THE ISSUES OF:

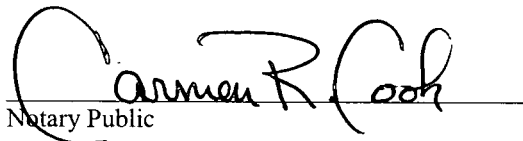
11/17 1x

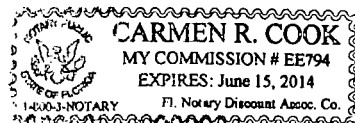
AFFIANT FURTHER SAYS THAT THE SAID SARASOTA HERALD-TRIBUNE IS A NEWSPAPER PUBLISHED AT SARASOTA, IN SAID SARASOTA COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER HAS THERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID SARASOTA COUNTY, FLORIDA, EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MAIL MATTER AT THE POST OFFICE IN BRADENTON, IN SAID MANATEE COUNTY, FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF THE ATTACHED COPY OF ADVERTISEMENT; AND AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID NOR PROMISED ANY PERSON, FIRM OR CORPORATION ANY DISCOUNT, REBATE, COMMISSION OR REFUND FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR PUBLICATION IN THE SAID NEWSPAPER.

SIGNED



SWORN OR AFFIRMED TO, AND SUBSCRIBED BEFORE ME THIS 18 DAY OF November, A.D., 2010  
BY SHARI BRICKLEY WHO IS PERSONALLY KNOWN TO ME.

  
Notary Public



**NOTICE OF ZONING AND DRI CHANGES  
IN UNINCORPORATED MANATEE COUNTY**

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Manatee County will conduct a Public Hearing on Thursday, December 2, 2010, at 9:00 A.M. at the Manatee County Government Administrative Center, 1st Floor Chambers, to consider and act upon the following matters:

**ORD-10-44 - GATEWAY NORTH DRI #21/AKA: ARTISAN LAKES**  
Request: An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the Development Order for the Gateway North Development of Regional Impact, Ordinance 92-30 as amended, (Manatee County DRI #21, a/k/a Tampa Bay Regional Planning Council TBPRC DRI #218); providing for findings of fact; providing for conclusions of law; providing for definitions; providing for amended limitations on and conditions of approval, providing for severability; and providing for an effective date.

The changes to the ordinance include a determination of whether the following proposed modifications to DRI #21 constitute a Substantial Deviation to the Gateway North DRI Development Order, pursuant to Section 380.06, Florida Statutes:

1. Extend the Phase 1 build-out date by five (5) years;
2. Extend the Phase 2 start date by five (5) years and extend the build-out date by six (6) years;
3. Extend the Phase 3 start date by five (5) years and extend the build-out date by five (5) years;
4. Eliminate the subphasing of Phase 1;
5. Move 225 single family units from Phase 3 to Phase 1;
6. Re-Designate 38 Townhouse/Attached Villa units from Phase 1 to Single-Family Phase 1;
7. Move 65 Townhouse/Attached Villa units from Phase 1 to Phase 3;
8. Relocate the Community Service parcel;
9. Add a Mixed Use parcel located north of Moccasin Wallow Road;
10. Delete one access point to 40th Avenue E;
11. Add one access point to Gillet Drive;
12. Increase the overall project area by 1.0 acre;
13. Based on jurisdictional determination and Environmental Resource Permitting, decrease wetland acreage by 28.2 acres;
14. Increase Residential acreage by 70.7 acres;
15. Decrease Community Service acreage by 0.7 acres;
16. Decrease Recreational acreage by 6.6 acres;
17. Increase Open Space acreage by 12.2 acres;
18. Decrease the Lake/Detention area by 45.8 acres;
19. Decrease the Row/Transmission Lines land use category by 0.6;
20. Add hotel as land use allowed through the land use equivalency matrix;
21. Add telecommunication tower as a land use to the project;
22. Amend the monitoring frequency to Biennial;
23. Update the Authorized Agent and the Master Developer;
24. Delete or modify conditions to reflect new standard language; and
25. Make the necessary amendments to Map H and the Development Order to reflect these changes and any other revisions deemed necessary or appropriate during the public hearing process.

The Gateway North DRI is at the northwest intersection of I-75 and Moccasin Wallow Road. Present zoning is PDMU (1,039.2 ± acres).

**PDMU-91-01(G)(R5) - GATEWAY NORTH / AKA: ARTISAN LAKES**  
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending and restating Ordinance PDMU-92-01(G)(R4) to amend the General Development Plan to extend the phase 1 build-out date by five years; extend the phase 2 start date by five years and extend the build-out date by six years; extend the phase 3 start date by five years and extend the build-out date by five years; increase the overall project area by 1.0 acre; move 225 single family units from phase 3 to phase 1; re-designate 38 townhouse/attached villa units from phase 1 to single-family units in phase 1; move 65 townhouse/attached villa units from phase 1 to phase 3; relocate the community service parcel; add a mixed use parcel located north of Moccasin Wallow Road; delete one access point to 40th Avenue East; add one access point to Gillet Drive; based on jurisdictional determination and environmental resource permitting decrease wetland acreage by 28.2 acres; increase residential acreage by 70.7 acres; decrease community service acreage by 0.7 acres; decrease recreational acreage by 6.6 acres; increase open space acreage by 12.2 acres; decrease the lake/detention area by 45.8 acres; decrease the row/transmission line land use category by 0.6 acres; add hotel as a land use allowed through the land use equivalency matrix; add telecommunication tower as a land use to the project; modify dimensional criteria; update the authorized agent and the master developer; modify the development parcel layout and land uses to accommodate the above changes; delete or modify conditions to reflect new standard language; and make the necessary amendments to the GDP and the Zoning Ordinance to reflect these changes and any other revisions deemed necessary or appropriate during the public hearing process, amending and restating the existing Zoning Ordinance; providing for severability; and providing an effective date.

Gateway North is northwest of the intersection of I-75 and Moccasin Wallow Road. Present zoning is PDMU (Planned Development Mixed Use) (1,039.2± acres).

**PDC-09-08(Z)(P) - MARK CAHILL INVESTMENTS, LLC / MAGNOLIA PLAZA**  
DTS #20080395  
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area, providing for a rezoning of approximately 1.45 acres on the south side of State Road 64, approximately one mile east of Lena Road, at 10008 State Road 64 East, Bradenton, from A-1 (Suburban Agriculture, 1 dwelling unit per acre) to the PDC (Planned Development Commercial) zoning district; and approving a Preliminary Site Plan for approximately 12,000 square feet of commercial use; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability; and providing an effective date.

**Z-10-10 - RICHARD HUDSON / HUDSON REZONE**  
DTS#20100247  
An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezoning of approximately 0.36 acres on the north side of State Road 70, in the northeast corner of 46th Ct. East and State Road 70, at 5315 46th Ct East, Bradenton, from RSF-6 (Residential Single-Family - six dwelling unit per five acres) to the PR-M (Professional Medium Office) zoning district; setting forth findings; providing a legal description; providing for severability; and providing an effective date.

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DTS#20100230  
An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezoning of approximately 2.4 acres on the east side of U.S.41, at 5515 14th Street West, Bradenton, from RMF-6 (Residential Multi-Family - six dwelling unit per five acres) to the GC (General Commercial) zoning district; setting forth findings; providing a legal description; providing for severability; and providing an effective date.

**Z-09-04 - TOD J. AND MARTHA V. BARROW AND DOUGLAS H. GREENBERG, GARY CAPALBO & DANIEL AND CATHERINE KUNTZ REZONE**  
DTS#20090311  
An Ordinance of Manatee County, Florida, amending the Official Zoning Atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezoning of approximately 1.75 acres on the south side of Manatee Avenue West, approximately 510 feet west of 75th St. W. and Manatee Avenue West, at 7607, 7611, 7613 and 7617 Manatee Avenue West, Bradenton from RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre) to the PR-S (Professional - Small) zoning district; setting forth findings; providing a legal description; providing for severability; and providing an effective date.

Interested parties may examine the proposed Ordinance and related documents and may obtain assistance regarding this matter from the Manatee County Planning Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida; telephone number (941) 748-4501 x6878; e-mail to: [planning.agenda@mymanatee.org](mailto:planning.agenda@mymanatee.org).

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MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS  
Manatee County Planning Department  
Manatee County, Florida

Date of pub: November 17, 2010



**AFFIDAVIT OF POSTING OF PUBLIC NOTICE SIGN, AND  
NOTIFICATION BY U.S. MAIL TO CONTIGUOUS PROPERTY OWNERS**

STATE OF FLORIDA

COUNTY OF MANATEE

BEFORE ME, the undersigned authority, personally appeared Scott E. Rudacille, who, after having first been duly sworn and put upon oath, says as follows:

1. That he is the (owner, agent for owner, attorney in fact for owner, etc.) of the property identified in the application for **PDC-09-08(Z)(P) – DTS # 20080395 - Mark Cahill Investments, LLC/ Magnolia Plaza** to be heard before the **Manatee County Planning Commission** at a public hearing to be held on **11/10/10** and to be heard before the **Manatee County Board of County Commissioners** at a public hearing to be held on **12/2/10** and as such, is authorized to execute and make this Affidavit and is familiar with the matters set forth herein, and they are true to the best of his/her knowledge, information, and belief.

2. That the Affiant has caused the required public notice sign to be posted pursuant to Manatee County Ordinance No. 90-01, on the property identified in the application, and the sign(s) was conspicuously posted 15 feet from the front property line on the 29th day of October, 2010.

3. That the Affiant has caused the mailing of the required letter of notification to property owners within 500 feet of the project boundary pursuant to Manatee County Ordinance No. 90-01, as amended, by U.S. Mail, on the 29th day of October, 2010, and attaches hereto, as a part of and incorporated herein, a complete list of the names and addresses of the persons entitled to notice.

4. That Affiant is aware of and understands that failure to adhere to the provisions of Manatee County Ordinance No. 90-01, as it relates to the required public notice, may cause the above identified hearing to be postponed and rescheduled only upon compliance with the public notice requirements.

FURTHER YOUR AFFIANT SAITH NOT.



Property Owner/Agent Signature

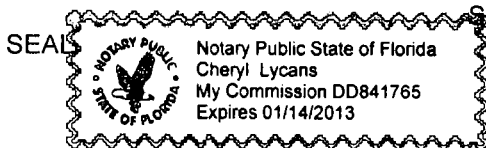
SIGNED AND SWORN TO before me on NOV. 1, 2010 (date) by SCOTT E. RUDACILLE (name of affiant). He is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.



Signature of Person Taking Acknowledgment

CHERYL LYCANS

Type Name



Title or Rank

My Commission Expires:

Serial Number, if any

Commission No.:

Parcel Owners With In a 500 Foot Buffer Around a Parcel

OWNER	MAILING ADDR1	MAILING ADDR2	CITYNAME	ST	ZIP	+4	COUNTRY	POSTALCODE	PARID	NO	STREET	STR	DIR	UNIT
1 AYERS, RICHARD	1430 MILLBROOK CIR		BRADENTON	FL	34212				566808719	1430	MILLBROOK	CIR		
2 BROWN, ETHEL A	ADDRESS UNKNOWN		COOK COUNTY	IL					565910007		NO ASSIGNED ADDRESS			
3 BRUCE WILLIAMS FARM	607 7TH ST E		BRADENTON	FL	34208	2004			566801029	10325	GREENFIELD	BLVD		
4 BRUCE WILLIAMS FARM	607 7TH ST E		BRADENTON	FL	34208	2004			566801056		NO ASSIGNED ADDRESS			
5 COX, HARTLEY M JR	1422 MILLBROOK CIR		BRADENTON	FL	34212				566835109	1422	MILLBROOK	CIR		
6 EAST GLEN PROFESSIONAL PARK	9906 SR 64 E		BRADENTON	FL	34212	5303			566100053	9928	SR 64		E	
7 EAST GLEN PROFESSIONAL PARK INC	9906 SR 64 E		BRADENTON	FL	34212	5303			566100152	9904	SR 64		E	
8 EAST GLEN PROFESSIONAL PARK INC	9906 SR 64 E		BRADENTON	FL	34212	5303			566100103	9908	SR 64		E	
9 FIELDS, DELBERT F	1434 MILLBROOK CIR		BRADENTON	FL	34212	2643			566808655	1434	MILLBROOK	CIR		
10 FLORIDIAN PROPERTIES INC	1206 MANATEE AVE W		BRADENTON	FL	34205	7518			566310109	9812	SR 64		E	
11 GREER, BARRY W	4516 4TH AVE NE		BRADENTON	FL	34208	5410			565900503	10106	SR 64		E	
12 GRISHAM, BENNY L	6512 CARLISLE BEND		SPRINGFIELD	IL	62711				566835309	1406	MILLBROOK	CIR		
13 HENRY, MARYBELLE	10645 QUINCE RD		PLYMOUTH	IN	46563				566808507	1446	MILLBROOK	CIR		
14 HERSKOVITZ, ALVIN	1426 MILLBROOK CIR		BRADENTON	FL	34212	2643			566835059	1426	MILLBROOK	CIR		
15 HOELLE, DIANE	1458 MILLBROOK CIR		BRADENTON	FL	34212	2643			566808358	1458	MILLBROOK	CIR		

Parcel Owners With In a 500 Foot Buffer Around a Parcel

OWNER	MAILING ADDR1	MAILING ADDR2	CITYNAME	ST	ZIP	+4	COUNTRY	POSTALCODE	PARID	NO	STREET	STR	DIR	UNIT
16 MANATEE COUNTY	P O BOX 1000		BRADENTON	FL	34206				567110051	3331	LENA	RD		
17 MARK CAHILL INVESTMENTS LLC	PO BOX 20669		BRADENTON	FL	34204	0669			566000006	10008	SR 64		E	
18 MILES, JAMES E	1438 MILLBROOK CIR		BRADENTON	FL	34212	2643			566808606	1438	MILLBROOK	CIR		
19 REAGAN, E LAWRENCE	11415 UPPER MANATEE RIVER RD		BRADENTON	FL	34212	6702			565900107	10208	SR 64		E	
20 REW, JASON B	95 WEST 195TH ST 3B		BRONX	NY	10468	2573			566835359	1402	MILLBROOK	CIR		
21 REYNOLDS, THOMAS R	1350 MILLBROOK CIR		BRADENTON	FL	34212	2609			566835409	1350	MILLBROOK	CIR		
22 ROSENBLUTH, MICHAEL A	1418 MILLBROOK CIR		BRADENTON	FL	34212	2643			566835159	1418	MILLBROOK	CIR		
23 ROSTOWSKY, NANCY GAIL	3609 ASTER DR		SARASOTA	FL	34233	2106			566808469	1450	MILLBROOK	CIR		
24 RUPPERT, RAYMOND F	1414 MILLBROOK CIR		BRADENTON	FL	34212	2643			566835209	1414	MILLBROOK	CIR		
25 SAMLER, ROBERT C	1346 MILLBROOK CIR		BRADENTON	FL	34212	2609			566835459	1346	MILLBROOK	CIR		
26 SMITH, JANET V	6602 STONE RIVER RD		BRADENTON	FL	34203	7831			566835259	1410	MILLBROOK	CIR		
27 WEDGE, JOHN	1454 MILLBROOK CIR		BRADENTON	FL	34212	2643			566808439	1454	MILLBROOK	CIR		
28 WEYDIG, DIANA	1442 MILLBROOK CIR		BRADENTON	FL	34212	2643			566808556	1442	MILLBROOK	CIR		

Dear Adjacent Property Owner:

**Re: Application #: PDC-09-08(Z)(P) – DTS # 20080395**

**Filed by: Mark Cahill Investments, LLC/ Magnolia Plaza**

**Request: An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone on the south side of State Road 64, approximately one mile east of Lena Road, at 10008 State Road 64 East, Bradenton, from A-1 (Suburban Agriculture, 1 dwelling unit per acre) to the PDC (Planned Development Commercial) zoning district; and approving a Preliminary Site Plan for approximately 12,000 square feet of commercial use; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.(1.45 ± ac)**

**Location: On the south side of State Road 64, approximately one mlle east of Lena Road, at 10008 State Road 64 East, Bradenton (ZONING MAP ATTACHED)**

**For more information please call:**

**CASE PLANNER: Lisa Barrett**

**PHONE # 941 -748 - 4501 EXT: 6884**

The **Manatee County Planning Commission** will hold a public hearing to consider this request and forward a recommendation to the Board of County Commissioners:

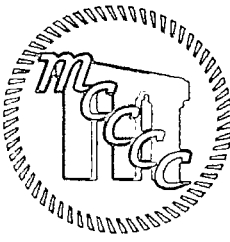
**Date:** Wednesday, November 10, 2010  
**Time:** 1:30 P.M.  
**Location:** Board of County Commissioners Chambers  
Manatee County Administrative Center, 1st Floor  
1112 Manatee Avenue West  
Bradenton, Florida 34205

The **Manatee County Board of County Commissioners** will hold a public hearing to consider and act upon the application:

**Date:** Thursday, December 2, 2010  
**Time:** 9:00 A.M.  
**Location:** Board of County Commissioners Chambers  
Manatee County Administrative Center, 1st Floor  
1112 Manatee Avenue West  
Bradenton, Florida 34205

**HEARINGS MAY BE CONTINUED FROM TIME TO TIME**

You and any other interested parties are invited to appear at these hearings and express your opinions, subject to proper rules of conduct. Additionally, you may send comments to the Director of the Planning Department. These comments will be heard and considered by the Planning Commission and Board of County Commissioners and entered into the record. Please present your concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission public hearing will be the primary basis for the final decision by the Board of County Commissioners.



Manatee County

R.B. "Chips" Shore

Clerk of the Circuit Court and Comptroller

P.O. Box 25400 ◦ Bradenton, Florida 34206 ◦ (941) 749-1800 ◦ FAX (941) 741-4082 ◦ [www.manateesclerk.com](http://www.manateesclerk.com)

December 3, 2010

Liz Cloud, Chief  
Florida Department of State  
Administrative Code Unit  
R.A. Gray Building, Room 101  
500 S. Bronough Street  
Tallahassee, Florida 32399-0250

Dear Ms. Cloud:

Enclosed are two certified copies each of Ordinances **10-44**, **10-65**, **10-72**, **PDMU-91-01(G)(R5)** and **PDC-09-08(Z)(P)** adopted by the Board of County Commissioners, Manatee County, Florida, in open session on December 2, 2010.

Please stamp both copies with the date filed by the Office of the Secretary of State, retain one copy of each Ordinance for your file and return one copy of each to my office.

Sincerely,

R. B. Shore

By: Quantana Acevedo, D.C.

RBS/SGR/qa  
Enclosures  
cc: Board Records

"Pride in Service with a Vision to the Future"

Clerk of Circuit and County Court - Clerk of Board of County Commissioners - County Comptroller, Auditor and Recorder

# MANATEE COUNTY GOVERNMENT

## AGENDA MEMORANDUM

<b>SUBJECT</b>	PDC-09-08(Z)(P) – Mark Cahill Investments, LLC/Magnolia Plaza	<b>TYPE AGENDA ITEM</b>	Presentations Upon Request
<b>DATE REQUESTED</b>	12/02/2010	<b>DATE SUBMITTED/REVISED</b>	11/22/2010
<b>BRIEFINGS? Who?</b>	None	<b>CONSEQUENCES IF DEFERRED</b>	N/A
<b>DEPARTMENT/DIVISION</b>	Planning / Planning Services	<b>AUTHORIZED BY TITLE</b>	John Osborne, Planning Director <i>JO</i>
<b>CONTACT PERSON TELEPHONE/EXTENSION</b>	Lisa Barrett / 748-4501 ext. 6884 DTS20100214	<b>PRESENTER/TITLE TELEPHONE/EXTENSION</b>	Lisa Barrett / Planning Manager / 748-4501 ext. 6884
<b>ADMINISTRATIVE APPROVAL</b>			

<b>ACTION DESIRED</b> INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED
I move to APPROVE PDC-09-08(Z)(P) per the recommended motion in the staff report attached to this memo.

<b>ENABLING/REGULATING AUTHORITY</b> Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy
Manatee County Comprehensive Plan and Manatee County Land Development Code.

<b>BACKGROUND/DISCUSSION</b>
<ul style="list-style-type: none"> <li>• The request is for a rezone of approximately 1.45 acres from A-1 (Suburban Agriculture – one dwelling unit per one acre) to the PDC (Planned Development Commercial) zoning district and approval of a Preliminary Site Plan for a 12,000 square foot commercial center (i.e., retail or office uses).</li> <li>• The site is approximately 1 mile east of Lena Road and is within the MU (Mixed Use) FLUC which allows for the potential to have up to 300,000 square feet of commercial.</li> <li>• The proposed rezone is appropriate for orderly development of the site and is compatible and consistent with the existing development patterns in the area.</li> <li>• On November 10, 2010, by a vote of 6 – 0, the Planning Commission recommended approval.</li> <li>• Staff recommends approval.</li> </ul>

<b>COUNTY ATTORNEY REVIEW</b>	
<b>Check appropriate box</b>	
<input type="checkbox"/>	<b>REVIEWED</b> Written Comments: <input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: _____)
<input checked="" type="checkbox"/>	<b>NOT REVIEWED (No apparent legal issues.)</b>
<input type="checkbox"/>	<b>NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)</b>
<input type="checkbox"/>	<b>OTHER</b>

<b>ATTACHMENTS: (List in order as attached)</b>	<b>INSTRUCTIONS TO BOARD RECORDS:</b>
Staff report	Please forward a copy of the executed document to Bobbi Roy/Planning Department.

<b>COST:</b>	n/a	<b>SOURCE (ACCT # &amp; NAME):</b>	n/a
<b>COMMENTS:</b>		<b>AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)</b>	

B.O.C.C. 12/02/10

**PDC-09-08(Z)(P) –MARK CAHILL INVESTMENTS, LLC/ MAGNOLIA PLAZA(DTS #20080395)**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 1.45 acres on the south side of State Road 64, approximately one mile east of Lena Road, at 10008 State Road 64 East, Bradenton, from A-1 (Suburban Agriculture) to the PDC (Planned Development Commercial) zoning district; and approval a Preliminary Site Plan for approximately 12,000 square feet of commercial use; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

**P.C.: 11/10/2010**

**B.O.C.C.: 12/02/2010**

**RECOMMENDED MOTION:**

**Based upon the staff report, evidence presented, comments made at the Public Hearing, the action of the Planning Commission, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, I move to ADOPT Manatee County Zoning Ordinance No. PDC-09-08(Z)(P); APPROVE the Preliminary Site Plan with Stipulations #A.1 – A.7 and B.1 – B.2; GRANT Special Approval for a project in the MU Future Land Use Category; ADOPT the Findings for Specific Approval; and GRANT Specific Approval of alternatives to Sections 714.8.7, 715.3.2.c.2, Figure 715.C, 722.1.2.1, 722.2.1, 722.2.2, and 728.5.1.2 of the Land Development Code, as recommended by the Planning Commission.**

**(COMMISSIONER HAYES)**

**PLANNING COMMISSION ACTION:**

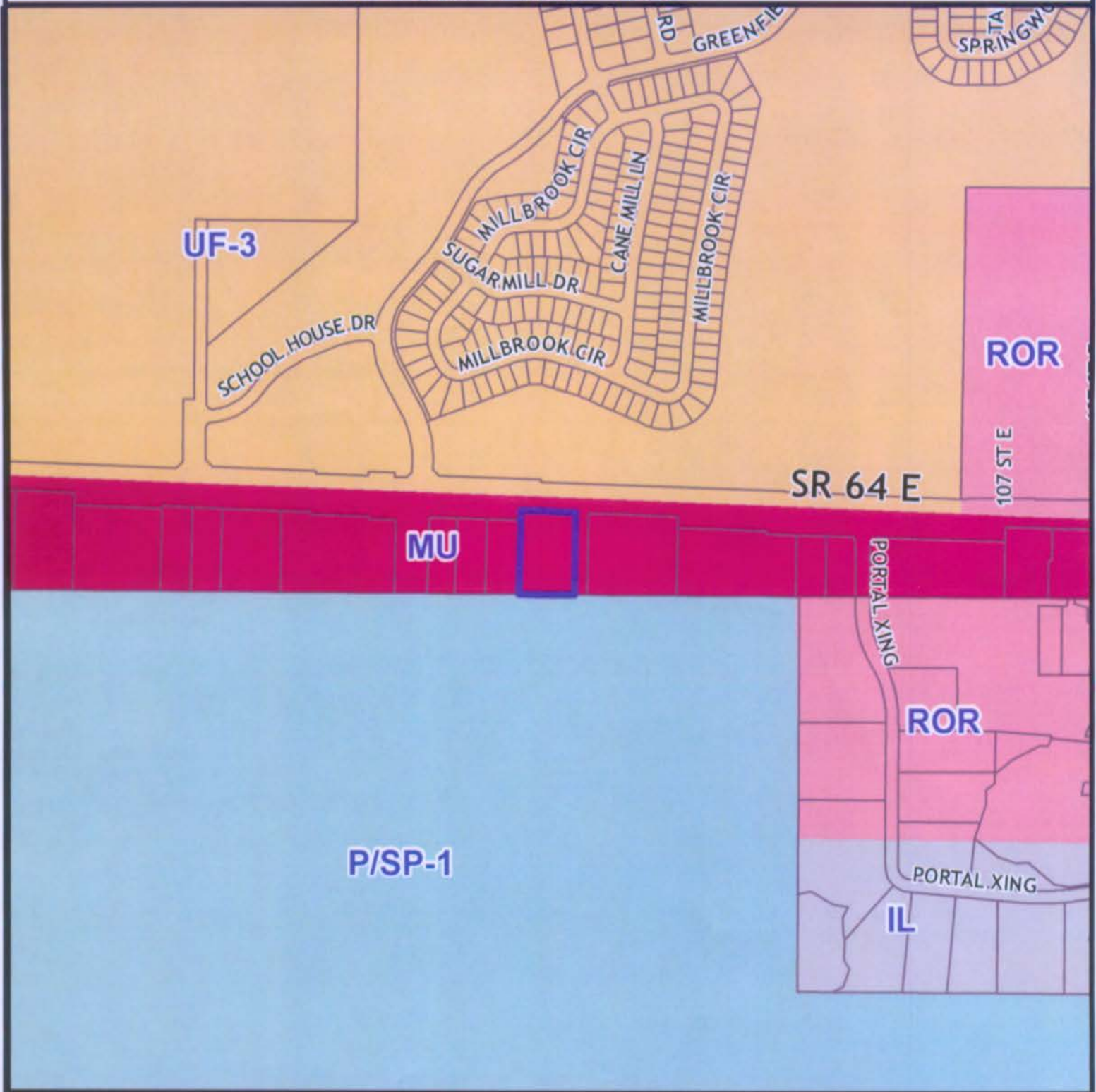
**On November 10, 2010, by a vote of 5 -0, the Planning Commission recommended approval.**



**PUBLIC COMMENT AND CORRESPONDENCE:**

**There was no public comment and nothing was entered into the record at the November 10, 2010 Planning Commission public hearing.**

# FUTURE LAND USE



Parcel ID #(s) 566000006

Project Name: Magnolia Plaza  
 Project #: PDC-09-08 (Z)(P)  
 DTS#: 20080395  
 Proposed Use: Commercial

S/T/R: Sec 30 Twn 34 Rng 19  
 Acreage: 1.45  
 Existing Zoning: A-1  
 Existing FLU: MU  
 Overlays: NONE  
 Special Areas: NONE

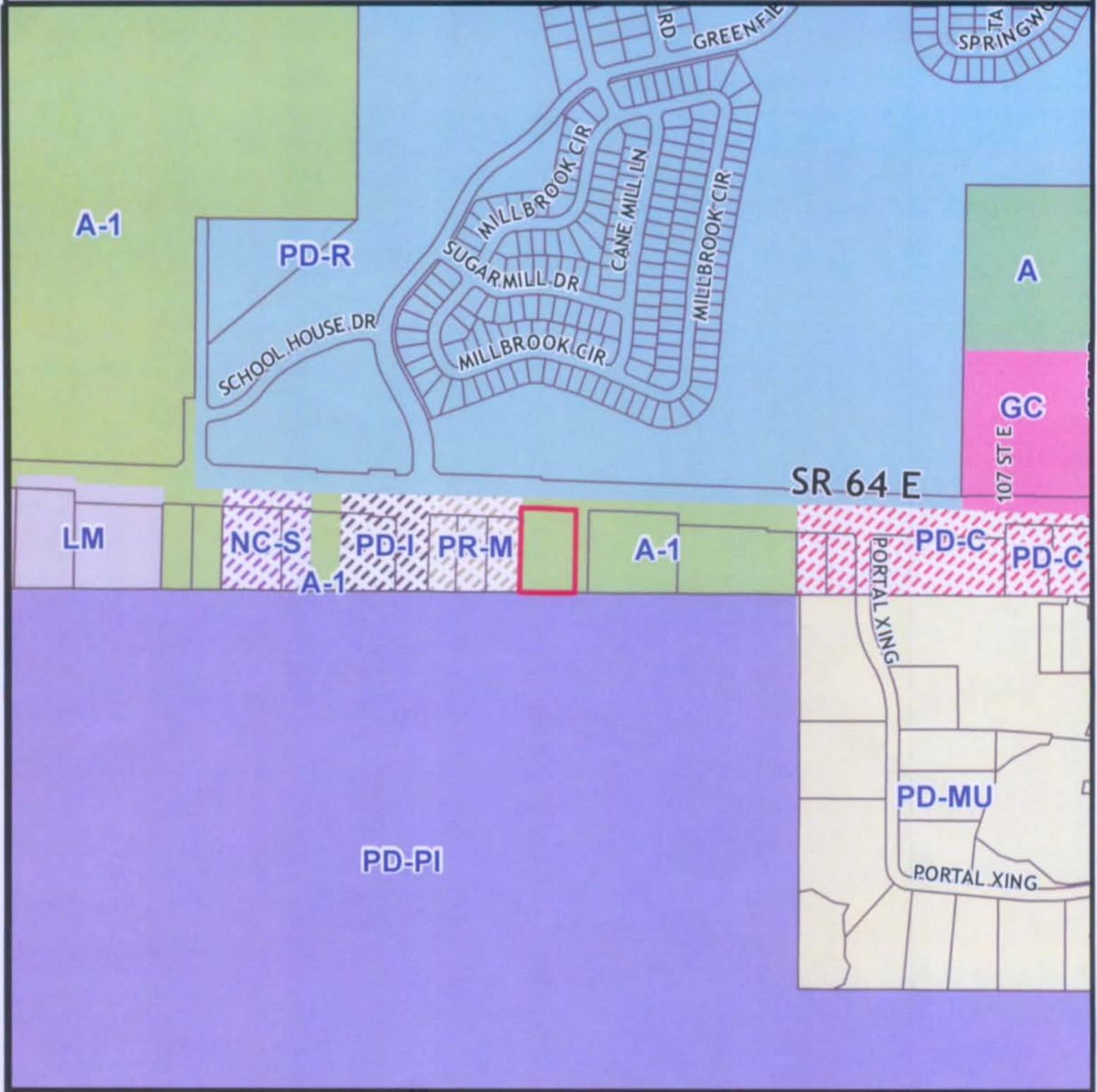
CHH: NONE  
 Watershed: NONE  
 Drainage Basin: MIDDLE MANATEE R  
 Commissioner: Donna Hayes



Manatee County  
 Staff Report Map

Map Prepared 10/21/2010  
 1 inch = 544 feet

# ZONING



Parcel ID #(s) 566000006

Project Name: Magnolia Plaza  
 Project #: PDC-09-08 (Z)(P)  
 DTS#: 20080395  
 Proposed Use: Commercial

S/T/R: Sec 30 Twn 34 Rng 19  
 Acreage: 1.45  
 Existing Zoning: A-1  
 Existing FLU: MU  
 Overlays: NONE  
 Special Areas: NONE

CHH: NONE  
 Watershed: NONE  
 Drainage Basin: MIDDLE MANATEE R  
 Commissioner: Donna Hayes



Manatee County  
 Staff Report Map

Map Prepared 10/21/2010  
 1 inch = 544 feet

# AERIAL



Parcel ID #(s) 566000006

Project Name: Magnolia Plaza  
Project #: PDC-09-08 (Z)(P)  
DTS#: 20080395  
Proposed Use: Commercial

S/T/R: Sec 30 Twn 34 Rng 19  
Acreage: 1.45  
Existing Zoning: A-1  
Existing FLU: MU  
Overlays: NONE  
Special Areas: NONE

CHH: NONE  
Watershed: NONE  
Drainage Basin: MIDDLE MANATEE R  
Commissioner: Donna Hayes



Manatee County  
Staff Report Map

Map Prepared 10/21/2010  
1 inch = 544 feet

<b>PROJECT SUMMARY</b>	
<b>CASE#</b>	<b>PDC-09-08(Z)(P) – DTS #20080395</b>
<b>PROJECT NAME</b>	<b>Magnolia Plaza</b>
<b>APPLICANT(S):</b>	<b>Mark Cahill Investments, LLC</b>
<b>PROPOSED ZONING:</b>	<b>PDC (Planned Development Commercial)</b>
<b>EXISTING ZONING:</b>	<b>A-1 (Suburban Agriculture)</b>
<b>PROPOSED USE(S):</b>	<b>12,000 ± square feet of commercial use</b>
<b>CASE MANAGER:</b>	<b>Lisa Barrett</b>
<b>STAFF RECOMMENDATION:</b>	<b>APPROVAL</b>

**DETAILED DISCUSSION**

**Site**

The ± 1.45 acre site is on the south side of State Road 64, approximately one mile east of Lena Road. The site is currently vacant and was most recently used as a single-family home site. The site is bordered on the east by a platted right-of-way, which is proposed to be vacated.

**History**

The site has been zoned A-1 since prior to the adoption of the Land Development Code in 1990.

**Current Request**

The owner requests to rezone the site from A-1 to PDC with approval of a Preliminary Site Plan for a 12,000 square foot commercial center (i.e., retail or office uses). The project is located within the MU Future Land Use Category (FLUC), which allows for commercial development up to 300,000 square feet.

The project is designed to take indirect access through a shared driveway to the east of the site, as requested by FDOT and County staff. The property owner is seeking to vacate the platted right-of-way to the east of the site and replace it with a cross-access driveway in that location. In the alternative, the applicant requests specific approval in order to provide a shared driveway in the platted right-of-way rather than a roadway built to County standards. Because the proposed driveway would serve only this project and the site to the east, staff has no objection to the proposed specific approval requests, as several of them further the objective of providing indirect access to SR 64 in this location.

Staff finds the request to be a logical use for this area given the location along a major arterial roadway and recent commercial development trends in the area. Staff anticipates the surrounding area will develop with a mix of uses.

Staff recommends approval of this request, subject to the staff recommended stipulations.

**SITE CHARACTERISTICS AND SURROUNDING AREA**

<b>ADDRESS:</b>	<b>10008 State Road 64 East</b>
<b>GENERAL LOCATION:</b>	<b>South side of State Road 64, approximately one mile east of Lena Road</b>
<b>ACREAGE:</b>	<b>1.45 ± acres</b>
<b>EXISTING USE(S):</b>	<b>Vacant/Residential</b>
<b>FUTURE LAND USE CATEGORY:</b>	<b>MU (Mixed Use)</b>
<b>DENSITY / INTENSITY:</b>	<b>0.19 F.A.R.</b>
<b>SPECIAL APPROVAL(S):</b>	<b>A project in the MU FLUC</b>
<b>OVERLAY DISTRICT(S):</b>	<b>None</b>
<b>SPECIFIC APPROVAL(S):</b>	<ol style="list-style-type: none"> <li>1) 714.8.7 – tree replacement size/ratio</li> <li>2) 715.3.2.c.2 and Figure 715.C – screening buffers</li> <li>3) 722.1.2.1, 722.2.1, and 722.2.2 – construction of driveway in right-of-way</li> <li>4) 728.5.1.2 – dumpster location</li> </ol>

<b>SURROUNDING USES &amp; ZONING</b>	
<b>NORTH</b>	Across SR 64 is the golf course of Greenfield Plantation Subdivision zoned PDR (Planned Development Residential)
<b>SOUTH</b>	Manatee County Property (landfill) zoned PDPI (Planned Development Public Interest)
<b>EAST</b>	Platted “paper” right-of-way and vacant land zoned A-1 (Suburban Agriculture)
<b>WEST</b>	East Glen Office Park zoned PR-M (Professional – Medium)
<b>SITE DESIGN DETAILS</b>	
<b>SETBACKS:</b>	<p><b><u>PDC Requirements:</u></b>                      30’ front along thoroughfare                      35’ front along local streets                      15’ sides                      20’ rear</p> <p><b><u>Proposed:</u></b>                      145.5’ from SR 64 – front setback                      35’ to east (along “paper” right-of-way) – front                      32.1’ to west – side                      62.7’ south – side</p>
<b>OPEN SPACE:</b>	0.36 acres (24.84%)
<b>ACCESS:</b>	Proposed joint access to east
<b>FLOOD ZONE(S)</b>	Zone X per FIRM Panel 120153 0352C, revised 7/15/92
<b>AREA OF KNOWN FLOODING</b>	No
<b>UTILITY CONNECTIONS</b>	30” reclaimed water main, 16” sanitary force main, and a 42” potable water main, all along SR 64
<b>ENVIRONMENTAL INFORMATION</b>	
<p><u>Wetlands Info.</u></p> <p>There are no wetlands on-site. The applicant obtained the wetland survey from the County that was done on the property to the south (landfill project) and has shown the nearest wetland and wetland buffer lines on the site plan.</p>	

Upland Habitat

There is no upland habitat on-site.

Threatened and Endangered Species

Since there is no upland habitat or wetland habitat on-site there is little likelihood of the presence of any threatened or endangered species.

Trees

73 total trees are proposed for removal.

Staff conducted a site visit with the initial submittal and was able to reduce the total number of replacement trees required for the project based on identifying the group of live oaks in the northeast corner of the site, which number approximately 52 trees. These trees were small and spindly so staff used a rate of 1 replacement tree per 3 existing trees (18 replacement trees @ a 3" caliper).

A total of 64 trees in the 4" to 15" dbh range will be removed (of which are the 52 trees noted above), 6 trees in the 16" to 36" dbh range, and 3 trees over 30" dbh.

The final count for replacement quantity is 30 trees @ 3" caliper, and 21 trees @ 4" caliper.

Water Quality/Contamination

There are no concerns about water quality on this site.

It does not appear that there were any historic activities on-site involving any hazardous materials.

<b>NEARBY DEVELOPMENT</b>				
<b>NON-RESIDENTIAL</b>				
<b>PROJECT</b>	<b>SQ. FT.</b>	<b>F.A.R.</b>	<b>FLUC</b>	<b>YEAR APPROVED</b>
<b>Hide-Away Storage</b>	<b>35,107</b>	<b>0.24</b>	<b>MU</b>	<b>Pending</b>
<b>Walgreens</b>	<b>16,486 retail 3,940 bank</b>	<b>0.16</b>	<b>UF-3</b>	<b>2008</b>
<b>Blackpointe Plaza</b>	<b>18,300 retail &amp; restaurant 4,100 convenience store (3,800 canopy/gas) 1,152 carwash</b>	<b>0.10</b>	<b>MU</b>	<b>2008</b>



	<b>5,800 bank</b>			
<b>CVS (f.k.a. Eckerds SR 64)</b>	<b>10,657 retail</b>	<b>0.10</b>	<b>MU</b>	<b>2003</b>
<b>Amsouth Bank</b>	<b>3,820 bank</b>	<b>0.05</b>	<b>MU</b>	<b>2003</b>
<b>Lakewood Ranch Commerce Park</b>	<b>2,684,000 mixed use (industrial, commercial, and office)</b>		<b>ROR/IL</b>	<b>2003</b>
<b>Hess</b>	<b>3,480 conv. Store 5,796 canopy/gas pumps</b>	<b>0.10</b>	<b>IL</b>	<b>1999</b>
<b>East Glen (aka Ogles)</b>	<b>15,115 office &amp; daycare</b>	<b>0.12</b>	<b>MU</b>	<b>1999</b>

**POSITIVE ASPECTS**

- The site is on a major arterial and an area designated for mixed use.
- Retail / Office will provide convenience for nearby residents, motorists, and visitors in the area.
- The rezone is a logical expansion of PDC to the east.
- PDC zoning better conforms to the MU FLUC than existing A-1 zoning, and allows the Board to stipulate development to ensure compatibility.

**NEGATIVE ASPECTS**

- The drive aisle along the rear of the building provides for a tight area for vehicular movement.

**MITIGATING MEASURES**

- Staff and the applicant recommend a stipulation requiring the rear drive aisle be redesigned on the Final Site Plan as one-way only.

**STAFF RECOMMENDED STIPULATIONS**

**A. DESIGN AND LAND USE CONDITIONS:**

1. No access shall be directly to SR 64. Access to SR 64 shall be to the east over the area shown as right-of-way to the east of the site and such access may be constructed to commercial driveway standards.
2. If the adjacent right-of-way is vacated, a joint access agreement, between this site and the parcel to the east, shall be recorded prior to Final Site Plan approval.
3. The drive aisle that goes behind the building shall be designated as one-way only on the Final Site Plan.

4. No parking signs, with the Ordinance reference, shall be placed on the west, south, and east sides of the building. In addition, the rear portion of the drive aisle shall be marked in accordance with the Land Development Code requirements for fire lane marking.
  5. All parking spaces shall meet the dimensions as required by the Land Development Code.
  6. Freestanding signs shall be limited to one ground sign.
  7. If the adjacent right-of-way to the east of the site is vacated, then the proposed dumpster shall meet the required 10' setback from the property lines.
- B. ENVIRONMENTAL CONDITIONS:**
1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Natural Resources Department for review prior to Final Site Plan approval.
  2. Replacement trees in the amount of 30 @ 3" caliper and 21 @ 4" caliper are required for this project. Replacement may be accomplished through upsizing of minimum required roadway buffer, perimeter buffer and vehicle use area canopy trees to 3" and 4" caliper size.

**REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED**

None

<b>COMPLIANCE WITH LDC</b>				
Standard(s) Required	Design Proposal	Compliance		Comments
		Y	N	
<b>BUFFERS</b>				
10' roadway buffer, SR 64	Shown	Y		
10' roadway buffer along east property line	Shown	Y		
10' perimeter buffer along south	Not Shown		N	Specific approval requested
8' vehicular use landscaping along west	Shown	Y		
Buffer landscaping	Shown for north, west,	Y		Specific approval requested for south buffer

	<b>and east buffers. Not Shown along south buffer</b>			
<b>SIDEWALKS</b>				
<b>5' internal sidewalks</b>	<b>Shown</b>	<b>Y</b>		<b>Provided internally, adjacent to building</b>
<b>5' sidewalk, exterior</b>	<b>Shown</b>			<b>Existing along SR 64</b>
<b>ROADS &amp; RIGHTS-OF-WAY</b>				
<b>Dedicate ± 0' ROW SR 64</b>	<b>N/A</b>	<b>Y</b>		<b>FDOT acquired required ROW for widening SR 64. No additional ROW required.</b>
<b>COMPLIANCE WITH THE LAND DEVELOPMENT CODE Factors for Reviewing Proposed Site Plans (Section 508.6) Planned Districts - Rezone Review Criteria (Section 603.4)</b>				
<p><b>Physical Characteristics:</b> The applicant's engineer has prepared a site plan for development without hazard to persons or property, on or off the tract. Based on current site conditions, it appears that soil conditions as well as other physical characteristics are conducive to the proposed development of the site.</p> <p><b>Public Utilities, Facilities and Services:</b> This site is within areas that are already served by EMS, Fire and Law Enforcement for Manatee County.</p> <p>The site is within the Wastewater Treatment Collection area. Existing Manatee County potable water and sewer mains run along the frontage of the project. It is expected that both of these systems have sufficient capacity to accommodate the proposed development.</p> <p>A traffic statement was provided. It was determined that adequate capacity exists for the proposed development.</p> <p><b>Major Transportation Facilities:</b> The site adjoins and will take indirect access to State Road 64, which is a major arterial roadway. The roadway is programmed to be a 6-lane arterial roadway pursuant to the Manatee County Future Thoroughfare Plan. Adequate transportation facilities exist to serve the proposed project, without a decrease in the adopted level of service on the adjacent roadways.</p> <p><b>Compatibility:</b> The proposed commercial use is compatible with existing and anticipated uses in the area, which is designated for Mixed Use on the Future Land Use Map, and is located on a major arterial highway which contains existing commercial uses both east and west of the site. The site borders an existing landfill to the south. The current zoning is A-1, and the location and parcel size makes agricultural or residential uses impractical and unfeasible.</p>				

**Transitions:** The location of this site on a major arterial roadway makes it appropriate for commercial development, and commercial developments have recently been approved by the Board to the east of this site, including the Portal Crossing project [PDC-05-79(P)(Z)] located approximately 900 feet to the east.

**Design Quality:** The quality of the design of this proposed development complies with applicable Land Development Code requirements with the staff recommended stipulations and the specific approvals.

**Adjacent Property:** The site is bordered to the west by an existing private school (East Glen Office Park), to the north by State Road 64 and an existing golf course, to the south by the County landfill, and to the east by vacant property.

**Access:** Access to the site is via a proposed indirect access point to the east of the site, as requested by FDOT and County staff. The site is adjacent to State Road 64, which is an arterial roadway.

**Streets, Drives, Parking and Service Areas:** All proposed drives, parking and service areas will comply with the requirements of the Land Development Code. The LDC requires 1 parking space per 200 gross floor area for general retail/office/shopping center. The required parking will be met. Staff recommends a stipulation requiring all parking spaces be a minimum of 9' wide (as one parking space is too narrow) and the rear drive aisle be revised to one-way only.

**Pedestrian Systems:** Pedestrian facilities are provided internal to the site. A 5' sidewalk was recently installed along the site's frontage.

**Natural and Historic Features, Conservation and Preservation Areas:** The proposed site has no natural or historic features that are required to be protected.

**Density/Intensity:** The proposed FAR of 0.19 is well below the maximum of 1.0 as allowed in the MU FLUC.

**Height:** The proposed structure is 20 feet in height, which is well below the height permitted by the Land Development Code.

**Fences and Screening:** The project is designed with a 10 foot roadway buffer and 10 foot perimeter buffer, as required by the Land Development Code, except along the south side of the property, bordering the landfill. The applicant requests specific approval for a 5-foot buffer in that area.

**Yards and Setbacks:** The project complies with all yard and setback requirements. Specific approval is requested for the dumpster setback from the east property line.

**Trash and Utility Plant Screens:** The proposed dumpster will meet screening requirements. The applicant requests Specific Approval for the setback of the dumpster from the east

property line.

**Signs:** Signage will be provided along State Road 64 in accordance with Section 724. Staff recommends a stipulation limiting free-standing signs to one monument sign. Staff recommends the stipulation to reduce the number of potential poles signs permitted along this section of SR 64 as there are still many individual parcels that may be developed, potentially all having pole signs.

**Landscaping:** All proposed landscaping, as shown on the Landscaping Plan, will meet or exceed the requirements of the LDC, except for the south perimeter, adjacent to the landfill. Specific approval is requested.

**Water Conservation:** The plan promotes water conservation by utilizing existing vegetation areas as buffers, where possible, and detaining stormwater onsite. Existing wells which were previously utilized for agricultural purposes may be converted to irrigation use, or plugged and filled consistent with state standards.

**Utility Standards:** The project proposes to make connections to existing Manatee County potable water and sanitary sewer systems. All utility infrastructures will be constructed in accordance with Manatee County and Florida Department of Environmental Protection standards.

**Stormwater Management:** Stormwater runoff generated from the development is to be collected within the proposed on-site detention facilities. All applicable Manatee County and State water quality and attenuation guidelines will be met with the final design of the system.

**Open Space:** The project provides for 24.84% open space, which exceeds the PDC requirement of 20%.

### COMPLIANCE WITH COMPREHENSIVE PLAN

**The site is in the MU Future Land Use Category. This project was specifically reviewed for compliance with the following policies:**

**Policy 2.1.2.7 Appropriate Timing.** The timing is appropriate given development trends in the area. The surrounding area is characterized by a mix of agricultural, residential, commercial, and industrial developments.

**Policy 2.2.1.21.1 Intent.** The site is intended for a variety of residential, commercial, or industrial development.

**Policy 2.2.1.21.2 Range of Potential Uses.** Retail commercial and offices are in the range of potential uses.

**Policy 2.6.1.1 Compatibility.** The Preliminary Site Plan design is compatible with surrounding development because the use proposed and setbacks are comparable with surrounding development. Appropriate buffers are provided for internal and external compatibility and transition between existing developments.

**Policy 2.6.2.7 Require Clustering to Limit Impacts.** There are no wetlands on the site.

**Policy 2.6.5.5 Preserve/Protect Open Space.**

The site plan shows 24.84% open space (0.36 acres). 20% open space is required.

**CONCURRENCY**

**CLOS APPLIED FOR:**    Y  N   
**TRAFFIC STUDY REQ'D:** Y  N

NEAREST ROADWAY	LINK(S)	ADOPTED LOS	EXISTING LOS
SR 64	(Between Lena Road and Lakewood Ranch Blvd.) – Link 3061	D	B

Based on the traffic statement by Elizabeth Rodriguez & Associates dated March, 2009, and received May 20, 2009, and the subsequent review, the Manatee County Public Works Transportation Management Division (TSMD) recommends approval of the traffic statement. The applicant has addressed the Comprehensive Plan requirements and provided analysis to substantiate the findings.

No off-site improvements associated with proposed traffic generation as a result of the rezoning will be required.

Site related access and safety will be reviewed and must be approved by the Florida Department of Transportation (FDOT) and the Manatee County Public Works Traffic Operations Division.

**Wastewater and potable water determined with FSP/Construction Plans**

**SPECIFIC APPROVALS – ANALYSES, RECOMMENDATIONS, FINDINGS**

**Applicant Request(s):**

1. **Alternative to LDC Section 714.8.7 which establishes required tree replacement caliper and ratios.**

**Staff Analysis and Recommendation**

When staff conducted a site visit to evaluate trees on-site, it was found that many of the trees proposed for removal were only providing a fraction of the canopy of a full tree. Therefore, staff calculated a more representative number of trees required to replace the canopy of trees proposed for removal for the proposed development. Staff also recommends a reduction in the caliper size for replacement trees from 3"5"7" to 3"4"4" to reflect nursery inventories and encourage quicker tree establishment.

**Finding for Specific Approval**

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 714.8.7, the Board finds that the intent to provide the required replacement canopy, as proposed, will be met.

2. **Alternative to LDC Section 715.3.2.c.2 and Figure 715.C which establishes required perimeter buffer widths and planting requirements.**

The applicant requests to omit the required perimeter buffer along the south. A minimum 10' buffer is required between commercial and industrial. The Manatee County landfill is to the south.

**Staff Analysis and Recommendation**

Staff recommends approval of the request as the landfill is to the south and will unlikely be developed. The area to the south is heavily wooded. This site and the area to the south would not be impacted if the required 10' buffer is not provided.

**Finding for Specific Approval**

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.2.c.2 and Figure 715.C, the Board finds that the intent to ensure compatibility and buffering between two types of uses, as proposed, will be met

since the area to the south is undeveloped and heavily wooded.

**3. Alternative to LDC Sections 722.1.2.1, 722.2.1, and 722.2.2 which establishes requirements for installation of required improvements.**

The applicant requests to build a commercial driveway within the right-of-way adjoining the site to the east, from SR 64 to the eastern property line as shown on the Preliminary Site Plan.

**Staff Analysis and Recommendation**

FDOT and the County would prefer that access for the project not use the existing driveway to the site, but utilize the right-of-way location to the east of the property. This right-of-way only extends north and south along the length of the project site does not connect other right-of-way running east and west, and dead ends into the County landfill to the south. Traffic on the driveway will be very limited in that the only likely users will be the subject property and the property of similar depth to the east. Therefore, the applicant requests to build the access to commercial driveway standards rather than a full public right-of-way.

The Public Works Department discussed the request with the applicant and has no objections.

**Finding for Specific Approval**

Notwithstanding the failure of this plan to comply with the requirements of LDC Sections 722.1.2.1, 722.2.1, and 722.2.2 the Board finds that the intent to provide sufficient and safe access, as proposed, will be met.

**4. Alternative to LDC Section 728.5.1.2 which requires dumpsters to be setback a minimum of 10 feet from all side and rear lot lines.**

The applicant requests to place the dumpster along the east property line, not meeting the required 10' setback.

**Staff Analysis and Recommendation**

Staff has no objection to the request. The property to the east is currently separated from this site by the "paper" right-of-way to the east. Therefore, if the right-of-way is not vacated, there will be adequate separation from this site to a future use to the east. If the right-of-way is vacated the applicant for both sites will obtain half of the right-of-way and more room for placement of the dumpster will be available. Staff recommends a stipulation requiring the 10' setback be met, if the right-of-way is vacated.



**Finding for Specific Approval**

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 728.5.1.2 the Board finds that the intent to provide sufficient distance from surrounding uses and structures will be met with the proposed design.

**ATTACHMENTS**

- 1. Applicable Comprehensive Plan Policies**
- 2. Zoning Disclosure Affidavit**
- 3. Request for Specific Approval**
- 4. Copy of Newspaper Advertising**
- 5. Ordinance PDC-09-08(Z)(P)**

### APPLICABLE COMP PLAN POLICIES

Policy: 2.1.2.3 Permit the consideration of new residential and non-residential development with characteristics compatible with existing development, in areas which are internal to, or are contiguous expansions of existing development if compatible with future areas of development.

Policy: 2.1.2.7 Review all proposed development for compatibility and appropriate timing. This analysis shall include:

- consideration of existing development patterns,
- types of land uses,
- transition between land uses,
- density and intensity of land uses,
- natural features,
- approved development in the area,
- availability of adequate roadways,
- adequate centralized water and sewer facilities,
- other necessary infrastructure and services.
- limiting urban sprawl
- applicable specific area plans
- (See also policies under Objs. 2.6.1 - 2.6.3)

Policy: 2.2.1.21 MU: Establish the Mixed-Use future land use category as follows:

Policy: 2.2.1.21.1 Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Map, areas which are established as major centers of suburban/urban activity and are limited to areas with a high level of public facility availability along functionally classified roadways. Also, to provide incentives for, encourage, or require the horizontal or vertical integration of various residential and non-residential uses within these areas, achieving internal trip capture, and the development of a high quality environment for living, working, or visiting.

Policy: 2.2.1.21.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Retail, wholesale, office uses, light industrial uses, research/corporate uses, warehouse/ distribution, suburban or urban residential uses, lodging places, recreational uses, public or semi-public uses, schools, hospitals, short-term agricultural uses, other than special agricultural uses, agriculturally-compatible residential uses, and water-dependent uses.

Policy: 2.2.1.21.3 Range of Potential Density/Intensity:

Maximum Gross Residential Density:  
9 dwelling units per acre

Maximum Net Residential Density:  
20 dwelling units per acre

Maximum Floor Area Ratio: 1.0

Maximum Square Footage for Neighborhood, Community, or Region-Serving Uses:  
Large (300,000sf)

Policy: 2.2.1.21.4 Other Information:

- a) All projects require special approval and are subject to the criteria within b, c, d below, unless all the following are applicable:
  1. The proposed project consists of a single family dwelling unit located on a lot of record which is not subject to any change in property boundary lines during the development of the proposed land use, and
  2. The proposed project is to be developed without generating a requirement for either subdivision review, or final site or development plan review, or equivalent development order review.
- b) Non-Residential uses exceeding 150,000 square feet of gross building area (region-serving uses) may be considered only if consistent with the requirements for large commercial uses, as described in this element.
- c) Development in each area designated with the Mixed Use category shall:  
contain the minimum percentage of at least three of the following general categories of land uses;
  - 10 %Residential,
  - 10 %Commercial / Professional,
  - 10 %Light Industrial / Distribution.
  - 5 %Recreation / Open Space,
  - 3 %Public / Semi Public,
- d) Access between these uses shall be provided by roads other than those shown on the Major Thoroughfare Map Series of this Comprehensive Plan or alternative vehicular and pedestrian access methods acceptable to the County:
- (e) Development or redevelopment within the area designated under this category shall not be required to achieve compliance with the commercial locational criteria described in Objectives 2.10.4.1 and 2.10.4.2 of this element.

Policy: 2.6.1.1 Require all adjacent development that differs in use, intensity, height, and/or density to utilize land use techniques to mitigate potential incompatibilities. Such techniques shall include but not be limited to:

- use of undisturbed or undeveloped and landscaped buffers
- use of increased size and opacity of screening
- increased setbacks
- innovative site design (which may include planned development review)
- appropriate building design

- limits on duration/operation of uses
- noise attenuation techniques
- limits on density and/or intensity [see policy 2.6.1.3]

Policy: 2.6.1.2 Require the use of planned unit development, in conjunction with the mitigation techniques described in policy 2.6.1.1, for projects where project size requires the submittal of a site development plan in conformance with the special approval process in order to achieve compatibility between these large projects and adjacent existing and future land uses.

Policy: 2.6.5.1 Provide incentives for, and otherwise encourage the use of the planned unit development procedure to achieve quality, highly functional and well-integrated project designs.

Policy: 2.10.1.1 Encourage the development of new commercial uses as "infill" development and discourage the "expansion" of existing commercial areas not meeting commercial locational criteria contained in Objective 2.10.4.

Policy: 2.10.1.2 Promote the development of commercial uses in planned commercial centers, and discourage scattered, incremental commercial development.

Policy: 2.10.3.2 Require that all proposed small and medium commercial uses can be directly accessed from at least one roadway shown on the Roadway Functional Classification Map as collector or higher, at time of issuance of a development order. An exception shall be made for neotraditional projects that have commercial uses located internally to the project and whose main project access is located on a road designated as a collector or higher. An exception shall be made for DRI's and Large Project developments that have mixed uses with a residential component and meet minimum development characteristics to have commercial uses located internally to neighborhoods if the main neighborhood access is located on a road designated as a collector or higher.

Policy: 2.10.4.1 Limit the location of all new commercial development to well-defined nodes, or compact groupings, to:

- provide a reasonable compromise of predictable, yet flexible, commercial locations for all residents and business interests in Manatee County.
- increase safety and maintain the vehicular capacity of public roads by discouraging linear "strip" commercial development and the multiple access points which are likely to accompany such linear commercial development.
- facilitate compliance with the commercial project access criteria contained in Objective 2.10.3.
- maximize the accessibility and viability of commercial development by using location and grouping to maximize the number of trips to the commercial site.
- establish conveniently located commercial uses for residents of Manatee County.

Policy: 2.10.4.3 Require that all proposed commercial uses meet, in addition to commercial locational criteria, the following commercial development standards:

- 1) any proposed commercial site must be sized and configured to provide for adequate setbacks, and buffers from any adjacent existing or future residential uses.
- 2) any proposed commercial site must be configured and sized to allow for orientation of structures, site access points, parking areas, and loading areas on the site in a manner which minimizes any adverse impact on any adjacent residential use.
- 3) no proposed commercial site shall represent an intrusion into any residential area. As used in this standard, "intrusion" means located between two residential uses or sites which are not separated by the right-of-way of any roadway functionally classified as collector or higher, unless the proposed commercial use meets the definition of "infill commercial development," demonstrated through evaluation of existing land use patterns in this vicinity of the proposed use, and pursuant to guidelines contained in commercial locational criteria found in the operative provisions of this Element. Permitted exceptions listed in Policy 2.10.4.2 shall not be required to meet this development standard. No such intrusion shall be found in neotraditional developments approved as such by the County, as a mixture of uses are encouraged within those projects. No such intrusion shall be found in DRI and Large Project developments where commercial uses are internal to neighborhoods, approved as such by the County, as a mixture of uses are encouraged within those neighborhoods.
- 4) Commercial nodes meeting the requirements specified in the operative provisions of this Element shall, additionally, be spaced at least one-half mile apart, as measured between the center of two nodes. However, where two commercial nodes have been established by the development of commercial uses prior to plan adoption, and are spaced less than the minimum required one-half mile, then a waiver of this commercial development standard may be considered. Preferentially, in instances where previous development has not established a pattern of land uses inconsistent with commercial locational criteria or development standards, nodes shall be spaced no less than one mile apart. Neotraditional projects shall be exempt from this requirement. DRI and Large Project developments that have mixed uses with a residential component that receive approval to locate commercial uses internal to neighborhoods shall be exempt from this requirement.

Policy: 3.2.3.2 Require all water used for irrigation in new development to be the lowest quality of available water which adequately and safely meets their water use needs by requiring stormwater reuse, alternative irrigation sources, reclaimed water use, and gray water irrigation systems. Priority to receive reclaimed water shall be given to users who transfer groundwater withdrawal or other permitted quantities to Manatee County. Potable water from County utilities shall not be utilized for landscape irrigation. [See Policies 9.6.1.3, and policies under Objective 9.1.5]

Policy: 3.2.3.3 Require the use of native xeric plants in post-development landscaping. [See Policies 3.3.2.2 and 3.2.3.4]

Policy: 5.2.2.2 Maintain adopted minimum standards for the spacing and location of local streets and driveways onto County and State roadways, and minimum standards for the spacing and location of median cuts on County and State roadways. These standards shall be used to ensure safe access to proposed developments, and to limit impedances to traffic

flow on County and State roadways. These minimum standards shall be consistent with Florida Department of Transportation Rule Chapter 14-97 FAC State Highway System Access Management Classification System and Standards, December, 1990, as amended, or with other appropriate State policy. No Development Order shall be issued for any project unless such project is consistent with requirements developed pursuant to this policy.

Policy: 5.2.2.3 Designate where determined to be necessary by the Board of County Commissioners, any roadway shown on the Future Traffic Circulation Map (Map 5E) as a "controlled access facility," as defined herein. This designation should not be confused with the category of roadway used for functional classification purposes called "limited access facility". Also, for any controlled access facility, limit the rights of abutting lands to direct or indirect access to the facility in a manner specific to that facility. Furthermore, to prohibit the issuance of a Certificate of Level of Service Compliance on any project unless project design meets all criteria adopted for adjacent controlled access facilities. A list of approved intersections may also be developed for each controlled access facility to identify permitted access points to the facility.

All "entranceways," as described in Policies 2.9.4.1 & 2.9.4.2, shall also be designated as controlled access facilities, with access limitations specified at time of defining the extent of these facilities pursuant to Policies 2.9.4.1 & 2.9.4.2.

At a minimum, the following roadways shall be considered as Manatee County Designated "Controlled Access Facilities".

- 1) University Parkway between U.S. 301 and SR70.
- 2) State Route 70 between I-75 and Verna Bethany Road.
- 3) State Route 64 between I-75 and Verna Bethany Road.
- 4) U.S. 301 Between I-75 and North Manatee County line.
- 5) U.S. 41 between 49th Street East (Experimental Farm Road) and north Manatee County Line.

All Manatee County "Controlled Access Facilities" shall be shown on the Future Traffic Circulation Map (Map 5E) via the plan amendment process, and a description of access limitations shall be contained in land development regulations developed pursuant to Section 163.3202, F.S.

Policy: 5.2.2.4 Consider, for any roadway alignment established as a controlled access facility pursuant to Policy 5.2.2.3 above, the reservation and protection of sufficient right-of-way for the development of parallel frontage roads to increase local access. Any such increased right-of-way shall be protected or reserved as permitted under Policies 5.2.1.5 and 5.2.1.6 above.

Policy: 5.2.2.5 Generally, encourage the use of project access points which provide project entrances onto collectors and not arterials, and which provide access to arterials at improved intersections and not via uncontrolled driveways. However, "right-turn-in only" ingress points on arterials may be considered where appropriate.

**Policy: 5.2.2.7 Require the provision of adequate off-street parking for all land uses, to avoid the use of roadways as parking areas, thus preserving the capacity of such roadways to carry traffic between land uses.**

ZONING DISCLOSURE AFFIDAVIT

File Number \_\_\_\_\_

File Name \_\_\_\_\_

The Manatee County Land Development Code 90-01, as amended requires that all applications for Zoning Atlas Amendments shall include public disclosure of applicants and their percentage of interest.

If the property is owned by a CORPORATION, list the principal officers and principal stockholders and the percentage of stock owned by each.

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

If the property is in the name of a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the principals below, including general and limited partners.

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust. This is in addition to the list of owners.

FOR ANY CHANGES OF OWNERSHIP OR CHANGES IN CONTRACTS FOR PURCHASE SUBSEQUENT TO THE DATE OF THE APPLICATION, BUT PRIOR TO THE DATE OF FINAL PUBLIC HEARING, A SUPPLEMENTAL DISCLOSURE OF INTEREST SHALL BE FILED.

Disclosure shall not be required of any entity whose interests are solely equity interest which are regularly traded on an established securities market in the United State or another country.

NAME, ADDRESS AND OFFICER

PERCENTAGE STOCK, INTEREST OR OWNERSHIP

Check if owner (X) or contract purchaser ( )

MARK Cahill  
P.O. Box 20669  
Bradenton FL 34204

100%  
\_\_\_\_\_  
\_\_\_\_\_

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true.

Signature: Mark F Cahill

STATE OF FLORIDA  
COUNTY OF Manatee

(Applicant): Mark F Cahill

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 18<sup>th</sup> day of November 2008, by Mark F. Cahill, who is personally known to me or who has produced \_\_\_\_\_ as identification.  
(type of identification)

Donna L O'Neal  
Notary Signature

My Commission Expires: Jan 27, 2012

Donna L O'Neal  
Print or type name of Notary

Commission No: DD752494

\_\_\_\_\_  
Title or Rank





# KIRK · PINKERTON, P.A.

Serving Our Community  
Since 1926

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JOHN C. PINKERTON, 1916-1997

DONALD C. McCLELLAND, JR., 1922-2003

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\*\*BOARD CERTIFIED BUSINESS  
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BOARD CERTIFIED REAL ESTATE LAW LAWYER  
BOARD CERTIFIED CIVIL TRIAL ATTORNEY  
\*BOARD CERTIFIED TAX ATTORNEY  
BOARD CERTIFIED IN CITY COUNTY  
AND LOCAL GOVERNMENT LAW  
\*\*ALSO ADMITTED IN MARYLAND  
\*\*ALSO ADMITTED IN NEW MEXICO  
\*ALSO ADMITTED IN COLORADO  
\*\*ALSO ADMITTED IN NEW YORK  
\*\*ALSO ADMITTED IN ILLINOIS

PLEASE REPLY TO BRADENTON OFFICE

November 2, 2010

**Via Hand Delivery**

Lisa Barrett, Planner  
Manatee County Government  
Planning Department  
1112 Manatee Avenue West  
Bradenton, Florida. 34205

**PLANNING  
NOV 02 2010  
DEPARTMENT**

**Re: PDC-09-08(Z)(P)/Magnolia Plaza  
Amended Specific Approval Request**

Dear Lisa:

Following up on our conversations, the applicant for the above project hereby requests the following revised specific approvals:

**1. Tree Replacement Size – Section 714.8.7**

Staff has recommended that the applicant utilize smaller replacement trees than are currently required by Code, with the replacement trees being 3”/4”/4” instead of 3”/5”/7”. These tree sizes reflect nursery inventory and promote faster establishment of the new trees.

**2. Perimeter Buffer – Section 715.3.2.c.2. (Figure 715 C.)**

The applicant is requesting to omit the required 10’ perimeter buffer along the southern boundary of the project. It should also be noted that this side of the project borders the County landfill, which is heavily wooded in this area. The applicant is providing retention and landscaping in this area, but it is likely that the required buffer width and plant material will not be provided. The applicant will provide as much buffer width in this area as possible.

**3. Shared Driveway – Sections 722.1.2.1, 722.2.1, and 722.2.2**

# KIRK • PINKERTON, P.A.

Lisa Barrett, Planner  
Re: PDC-09-08(Z)(P)/Magnolia Plaza  
November 2, 2010  
Page 2 of 2

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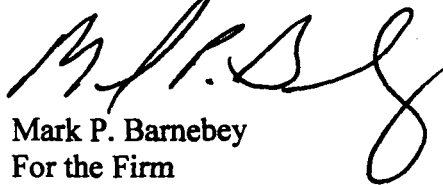
The project site currently contains direct access to State Road 64. Both the County and FDOT have requested that the project take indirect access from the platted right-of-way to the east of the site. The applicant is amenable to providing indirect access, but is requesting that this access be provided to commercial driveway standards rather than County roadway standards.

The shared access is likely to only be utilized by the subject site and the site to the east, which is currently vacant. The right-of-way dead ends into the County landfill site, which is heavily wooded in this area and contains an existing wetland. The applicant has also requested to vacate the subject right-of-way, which if approved, would not impact the site plan for the project, but would negate the requirement for specific approval.

If you have any questions or require any additional information for your review, please do not hesitate to contact me.

Very Truly Yours,

KIRK • PINKERTON, P.A.



Mark P. Barnebey  
For the Firm

MPB/SER

Cc: Mr. Mark Cahill  
Ravi Alur, P.E.



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<sup>▲</sup> ALSO ADMITTED IN COLORADO  
<sup>■</sup> ALSO ADMITTED IN NEW YORK  
<sup>■</sup> ALSO ADMITTED IN ILLINOIS

PLEASE REPLY TO BRADENTON OFFICE

November 19, 2010

**Via Hand Delivery**

Lisa Barrett, Planner  
Manatee County Government  
Planning Department  
1112 Manatee Avenue West  
Bradenton, Florida. 34205

**Re: PDC-09-08(Z)(P)/Magnolia Plaza  
Additional Specific Approval Request**

Dear Lisa:

In addition to the specific approval requests outlined in our November 2<sup>nd</sup> letter, the applicant also requests the following:

**Dumpster Setback – Section 728.5.1.2**

Section 728.5.1.2 requires dumpsters to be set back 10 feet from the property line. The intent of the regulation is to require that dumpsters are set back an adequate distance from adjacent uses and structures. The site plan for Magnolia Plaza currently shows the dumpster located within the required 10-foot setback from the east property line. However, as noted previously, there is an existing paper right-of-way to the east of the site, within which the applicant will be providing shared access to the project. The applicant also has an application pending to vacate this right-of-way, which if approved would render the dumpster conforming as to setbacks and the specific approval would not be necessary.

Staff has suggested the following stipulation, to which the applicant has no objection:

**“If the adjacent right-of-way to the east of the site is vacated, then the proposed dumpster shall meet the required 10’ setback from the property lines.”**

SARASOTA MAILING ADDRESS  
P.O. BOX 3798  
SARASOTA, FLORIDA 34230  
attorney@kirkpinkerton.com

PLAZA AT FIVE POINTS  
50 CENTRAL AVE., SUITE 700  
SARASOTA, FLORIDA 34236-5742  
TELEPHONE 941•364•2400  
FACSIMILE 941•364•2490

1301-6th AVE. W., SUITE 102  
BRADENTON, FLORIDA 34205-7435  
TELEPHONE 941•744•2288  
FACSIMILE 941•744•9691

# KIRK • PINKERTON, P.A.

Lisa Barrett, Planner  
Re: PDC-09-08(Z)(P)/Magnolia Plaza  
November 19, 2010  
Page 2 of 2

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If you have any questions or require any additional information for your review, please do not hesitate to contact me.

Very Truly Yours,

KIRK • PINKERTON, P.A.



Mark P. Barnebey  
For the Firm

MPB/SER

cc: Mr. Mark Cahill  
Ravi Alur, P.E.

## Bradenton Herald

### NOTICE OF ZONING AND DRI CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Manatee County will conduct a Public Hearing on **Thursday, December 2, 2010, at 9:00 A.M.** at the **Manatee County Government Administrative Center, 1st Floor Chambers**, to consider and act upon the following matters:

#### **ORD-10-44 - GATEWAY NORTH DRI #21/AKA: ARTISAN LAKES**

Request: An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the Development Order for the Gateway North Development of Regional Impact, Ordinance 92-30 as amended, (Manatee County DRI #21; a/k/a Tampa Bay Regional Planning Council TBRPC DRI #218); providing for findings of fact; providing for conclusions of law; providing for definitions; providing for amended limitations on and conditions of approval; providing for severability; and providing for an effective date.

The changes to the ordinance include a determination of whether the following proposed modifications to DRI #21 constitute a Substantial Deviation to the Gateway North DRI Development Order, pursuant to Section 380.06, Florida Statutes:

1. Extend the Phase 1 build-out date by five (5) years;
2. Extend the Phase 2 start date by five (5) years and extend the build-out date by six (6) years;
3. Extend the Phase 3 start date by five (5) years and extend the build-out date by five (5) years;
4. Eliminate the subphasing of Phase 1;
5. Move 225 single family units from Phase 3 to Phase 1;
6. Re-Designate 38 Townhouse/Attached Villa units from Phase 1 to Single-Family Phase 1;
7. Move 65 Townhouse/Attached Villa units from Phase 1 to Phase 3;
8. Relocate the Community Service parcel;
9. Add a Mixed Use parcel located north of Moccasin Wallow Road;
10. Delete one access point to 40th Avenue E;
11. Add one access point to Gillat Drive;
12. Increase the overall project area by 1.0 acre;
13. Based on jurisdictional determination and

- Environmental Resource Permitting, decrease wetland acreage by 28.2 acres;
14. Increase Residential acreage by 70.7 acres;
  15. Decrease Community Service acreage by 0.7 acres;
  16. Decrease Recreational acreage by 6.6 acres;
  17. Increase Open Space acreage by 12.2 acres;
  18. Decrease the Lake/Detention area by 45.8 acres;
  19. Decrease the Row/Transmission Lines land use category by 0.6;
  20. Add hotel as land use allowed through the land use equivalency matrix;
  21. Add telecommunication tower as a land use to the project;
  22. Amend the monitoring frequency to Biennial;
  23. Update the Authorized Agent and the Master Developer;
  24. Delete or modify conditions to reflect new standard language; and
  25. Make the necessary amendments to Map H and the Development Order to reflect these changes and any other revisions deemed necessary or appropriate during the public hearing process.

*The Gateway North DRI is at the northwest intersection of I-75 and Moccasin Wallow Road*

#### **PDMU-91-01(G)(R5) - GATEWAY NORTH / AKA: ARTISAN LAKES**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending and restating Ordinance PDMU-92-01(G)(R4) to amend the General Development Plan to extend the phase 1 build-out date by five years; extend the phase 2 start date by five years and extend the build-out date by six years; extend the phase 3 start date by five years and extend the build-out date by five years; increase the overall project area by 1.0 acre; move 225 single family units from phase 3 to phase 1; re-designate 38 townhouse/attached villa units from phase 1 to single-family units in phase 1; move 65 townhouse/attached villa units from phase 1 to phase 3; relocate the community service parcel; add a mixed use parcel located north of Moccasin Wallow Road; delete one access point to 40th Avenue East; add one access point to Gillat Drive; based on jurisdictional determination and environmental resource permitting decrease wetland acreage by 28.2 acres; increase residential acreage by 70.7 acres;

Co

decrease community service acreage by 0.7 acres; decrease recreational acreage by 6.6 acres; increase open space acreage by 12.2 acres; decrease the lake/detention area by 45.8 acres; decrease the row/ transmission line land use category by 0.6 acres; add hotel as a land use allowed through the land use equivalency matrix; add telecommunication tower as a land use to the project; modify dimensional criteria; update the authorized agent and the master developer; modify the development parcel layout and land uses to accommodate the above changes; delete or modify conditions to reflect new standard language; and make the necessary amendments to the GDP and the Zoning Ordinance to reflect these changes and any other revisions deemed necessary or appropriate during the public hearing process, amending and restating the existing Zoning Ordinance; providing for severability, and providing an effective date.

*Gateway North is northwest of the intersection of I-75 and Moccasin Wallow Road. Present zoning is PDMU (Planned Development Mixed Use) (1,039.2± acres).*

#### **PDC-09-08(Z)(P) - MARK CAHILL INVESTMENTS, LLC / MAGNOLIA PLAZA DTS #20080395**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezoning of approximately 1.45 acres on the south side of State Road 64, approximately one mile east of Lena Road, at 10008 State Road 64 East, Bradenton, from A-1 (Suburban Agriculture, 1 dwelling unit per acre) to the PDC (Planned Development Commercial) zoning district; and approving a Preliminary Site Plan for approximately 12,000 square feet of commercial use; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

#### **Z-10-10 - RICHARD HUDSON / HUDSON REZONE DTS#20100247**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezoning of approximately 0.36 acres on the north side of State Road 70, in the northeast corner of 46th Ct. East and State Road 70, at 5315 46th Ct East, Bradenton, from RSF-6 (Residential Single-Family - six dwelling unit per five acres) to the PR-M (Professional Medium Office) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

#### **Z-10-08 - HONDA CARS OF BRADENTON REZONE DTS#20100230**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezoning of approximately 2.4 acres on the east side of U.S.41, at 5515 14th Street West, Bradenton, from RMF-6 (Residential Multi-Family - six dwelling unit per five acres) to the GC (General Commercial) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

#### **Z-09-04 - TOD J. AND MARTHA V. BARROW AND DOUGLAS H. GREENBERG, GARY CAPALBO & DANIEL AND CATHERINE KUNTZ REZONE DTS#20090311**

An Ordinance of Manatee County, Florida, amending the Official Zoning Atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezoning of approximately 1.75 acres on the south side of Manatee Avenue West, approximately 510 feet west of 75th St. W. and Manatee Avenue West, at 7607, 7611, 7613 and 7617 Manatee Avenue West, Bradenton from RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre) to the PR-S (Professional - Small) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

Interested parties may examine the proposed Ordinance and related documents and may obtain assistance regarding this matter from the Manatee County Planning Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida; telephone number (941) 748-4501 x6878; e-mail to: [planning.agenda@mymanatee.org](mailto:planning.agenda@mymanatee.org).

According to Florida Statutes, Section 286.0105, any person desiring to appeal any decision made by the Board of County Commissioners with respect to any matter considered at said Public Hearing will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

**Americans with Disabilities:** The Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring a reasonable accommodation

for this meeting as provided for in the ADA, should contact Kaycee Ells at 742-5800; TDD ONLY 742-5802; wait 60 seconds, or FAX 742-3790.

**THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.**

#### **MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS**

Manatee County  
Planning Department  
Manatee County, Florida  
11/17/2010

## Copy of Newspaper Advertising

### NOTICE OF ZONING AND DRI CHANGES IN UNINCORPORATED MANATEE COUNTY

Sarasota Herald Tribune

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Manatee County will conduct a Public Hearing on Thursday, December 2, 2010, at 9:00 A.M. at the Manatee County Government Administrative Center, 1st Floor Chambers, to consider and act upon the following matters:

#### ORD-10-44 - GATEWAY NORTH DRI #21/AKA: ARTISAN LAKES

Request: An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the Development Order for the Gateway North Development of Regional Impact, Ordinance 92-30 as amended, (Manatee County DRI #21, a/k/a Tampa Bay Regional Planning Council TBRPC DRI #218); providing for findings of fact; providing for conclusions of law; providing for definitions; providing for amended limitations on and conditions of approval; providing for severability; and providing for an effective date.

The changes to the ordinance include a determination of whether the following proposed modifications to DRI #21 constitute a Substantial Deviation to the Gateway North DRI Development Order, pursuant to Section 380.06, Florida Statutes:

1. Extend the Phase 1 build-out date by five (5) years;
2. Extend the Phase 2 start date by five (5) years and extend the build-out date by six (6) years;
3. Extend the Phase 3 start date by five (5) years and extend the build-out date by five (5) years;
4. Eliminate the subphasing of Phase 1;
5. Move 225 single family units from Phase 3 to Phase 1;
6. Re-Designate 38 Townhouse/Attached Villa units from Phase 1 to Single-Family Phase 1;
7. Move 65 Townhouse/Attached Villa units from Phase 1 to Phase 3;
8. Relocate the Community Service parcel;
9. Add a Mixed Use parcel located north of Moccasin Wallow Road;
10. Delete one access point to 40th Avenue E;
11. Add one access point to Gilllet Drive;
12. Increase the overall project area by 1.0 acre;
13. Based on jurisdictional determination and Environmental Resource Permitting, decrease wetland acreage by 28.2 acres;
14. Increase Residential acreage by 70.7 acres;
15. Decrease Community Service acreage by 0.7 acres;
16. Decrease Recreational acreage by 6.6 acres;
17. Increase Open Space acreage by 12.2 acres;
18. Decrease the Lake/Detention area by 45.8 acres;
19. Decrease the Row/Transmission Lines land use category by 0.6;
20. Add hotel as land use allowed through the land use equivalency matrix;
21. Add telecommunication tower as a land use to the project;
22. Amend the monitoring frequency to Biennial;
23. Update the Authorized Agent and the Master Developer;
24. Delete or modify conditions to reflect new standard language; and
25. Make the necessary amendments to Map H and the Development Order to reflect these changes and any other revisions deemed necessary or appropriate during the public hearing process.

The Gateway North DRI is at the northwest intersection of I-75 and Moccasin Wallow Road. Present zoning is PDMU (1,039.2 ± acres).

#### PDMU-91-01(G)(R5) - GATEWAY NORTH / AKA: ARTISAN LAKES

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending and restating Ordinance PDMU-92-01(G)(R4) to amend the General Development Plan to: extend the phase 1 build-out date by five years; extend the phase 2 start date by five years and extend the build-out date by six years; extend the phase 3 start date by five years and extend the build-out date by five years; increase the overall project area by 1.0 acre; move 225 single family units from phase 3 to phase 1; re-designate 38 townhouse/attached villa units from phase 1 to single-family units in phase 1; move 65 townhouse/attached villa units from phase 1 to phase 3; relocate the community service parcel; add a mixed use parcel located north of Moccasin Wallow Road; delete one access point to 40th Avenue East; add one access point to Gilllet Drive; based on jurisdictional determination and environmental resource permitting decrease wetland acreage by 28.2 acres; increase residential acreage by 70.7 acres; decrease community service acreage by 0.7 acres; decrease recreational acreage by 6.6 acres; increase open space acreage by 12.2 acres; decrease the lake/detention area by 45.8 acres; decrease the row/transmission line land use category by 0.6 acres; add hotel as a land use allowed through the land use equivalency matrix; add telecommunication tower as a land use to the project; modify dimensional criteria; update the authorized agent and the master developer; modify the development parcel layout and land uses to accommodate the above changes; delete or modify conditions to reflect new standard language; and make the necessary amendments to the GDP and the Zoning Ordinance to reflect these changes and any other revisions deemed necessary or appropriate during the public hearing process, amending and restating the existing Zoning Ordinance; providing for severability, and providing an effective date.

Gateway North is northwest of the intersection of I-75 and Moccasin Wallow Road. Present zoning is PDMU (Planned Development Mixed Use) (1,039.2± acres).

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DTS#20100247

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DTS#20100230

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DTS#20090311

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THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING  
ADJUSTMENTS.

MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS  
Manatee County Planning Department  
Manatee County, Florida

Date of pub: November 17, 2010

**MANATEE COUNTY ZONING ORDINANCE**  
**PDC-09-08(Z)(P) –MARK CAHILL INVESTMENTS, LLC/ MAGNOLIA PLAZA - DTS**  
**#20080395**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 1.45 ACRES ON THE SOUTH SIDE OF STATE ROAD 64, APPROXIMATELY ONE MILE EAST OF LENA ROAD, AT 10008 STATE ROAD 64 EAST, BRADENTON, FROM A-1 (SUBURBAN AGRICULTURE) TO THE PDC (PLANNED DEVELOPMENT COMMERCIAL) ZONING DISTRICT; AND APPROVAL A PRELIMINARY SITE PLAN FOR APPROXIMATELY 12,000 SQUARE FEET OF COMMERCIAL USE; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Mark Cahill Investments, LLC (the "Applicant") filed an application to rezone approximately 1.45 acres described in Exhibit "A", attached hereto, (the "property") from A-1 (Suburban Agriculture) to the PDC (Planned Development Commercial) zoning district; and

**WHEREAS**, the applicant also filed a Preliminary Site Plan application for approximately 12,000 square feet of commercial use (the "project") on the property; and

**WHEREAS**, the applicant also filed a request for Special Approval for a project in the MU (Mixed Use) Future Land Use Category; and

**WHEREAS**, the applicant also filed a request for Specific Approval for alternatives to Sections 714.8.7, 715.3.2.c.2, Figure 715.C, 722.1.2.1, 722.2.1, 722.2.2, and 728.5.1.2 of the Land Development Code; and

**WHEREAS**, Planning staff recommended approval of the rezone, Preliminary Site Plan, Special Approval and Specific Approval, 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 November 10, 2010 to consider the rezone, Preliminary Site Plan, Special Approval, and Specific Approval, 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 applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval of the applications, 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, application for amendment of the Official Zoning Atlas, 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 Official Zoning Atlas Amendment as it relates to the real property described in Exhibit "A" of this Ordinance from -1 (Suburban Agriculture) to the PDC (Planned Development Commercial) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on December 2, 2010 regarding the 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 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. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the Preliminary Site Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

E. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 714.8.7, the Board finds that the intent to provide the required replacement canopy, as proposed, will be met.

F. Notwithstanding the failure of this plan to comply with the requirements of Land Development Section 715.3.2.c.2 and Figure 715.C, the Board finds that the intent to ensure compatibility and buffering between two types of uses, as proposed, will be met since the area to the south is undeveloped and heavily wooded.

G. Notwithstanding the failure of this plan to comply with the requirements of Land Development Sections 722.1.2.1, 722.2.1, and 722.2.2, the Board finds that the intent to provide sufficient and safe access, as proposed, will be met.

H. Notwithstanding the failure of this plan to comply with the requirements of Land Development Section 728.5.1.2, the Board finds that the intent to provide sufficient distance from surrounding uses and structures will be met with the proposed design.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved for approximately 12,000 square feet of commercial uses upon the property subject to the following Stipulations:



**STIPULATIONS**

**A. DESIGN AND LAND USE CONDITIONS:**

1. No access shall be directly to SR 64. Access to SR 64 shall be to the east over the area shown as right-of-way to the east of the site and such access may be constructed to commercial driveway standards.
2. If the adjacent right-of-way is vacated, a joint access agreement, between this site and the parcel to the east, shall be recorded prior to Final Site Plan approval.
3. The drive aisle that goes behind the building shall be designated as one-way only on the Final Site Plan.
4. No parking signs, with the Ordinance reference, shall be placed on the west, south, and east sides of the building. In addition, the rear portion of the drive aisle shall be marked in accordance with the Land Development Code requirements for fire lane marking.
5. All parking spaces shall meet the dimensions as required by the Land Development Code.
6. Freestanding signs shall be limited to one ground sign.
7. If the adjacent right-of-way to the east of the site is vacated, then the proposed dumpster shall meet the required 10' setback from the property lines.

**B. ENVIRONMENTAL CONDITIONS:**

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Natural Resources Department for review prior to Final Site Plan approval.
2. Replacement trees in the amount of 30 @ 3" caliper and 21 @ 4" caliper are required for this project. Replacement may be accomplished through upsizing of minimum required roadway buffer, perimeter buffer and vehicle use area canopy trees to 3" and 4" caliper size.

**Section 3. SPECIFIC AND SPECIAL APPROVALS.** Specific Approval is hereby granted for alternatives to Sections 714.8.7, 715.3.2.c.2, Figure 715.C, 722.1.2.1, 722.2.1, 722.2.2, and 728.5.1.2 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. Special Approval is hereby granted for a project in the Mixed Use Future Land Use Category. The Special 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. 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 classification of the property identified in Exhibit “A” herein from A-1 (Suburban Agriculture) to the PDC (Planned Development Commercial) zoning district 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 Official Zoning Atlas.

**Section 5. 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, clause, sentence, 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 6. 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 7. 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 2<sup>nd</sup> day of December, 2010.

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

BY: \_\_\_\_\_  
**Donna G. Hayes, Chairman**

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

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

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**(as provided by Title Resources Guaranty Company, Policy #7905080044)**

**Lot 21, and the east 100.00 feet of Lot 22, of RICHLAND FARMS, as per Plat thereof recorded in Plat Book 6, Page 63, of the Public Records of the County of Manatee in the State of Florida.**

**LESS AND EXCEPT that part thereof lying within 50 feet of the survey line of State Road 64, Section 1305, said survey line being described as follows: Begin on the west boundary of section 26, Township 34 South, Range 18 East at a point 601.52 feet North of a ¾" Iron Pipe, locating the Southwest corner of said Section 26, said point also designated as Station 286+71.42 on said survey line; thence run South 74 degrees 24' East, 1985.55 feet to the beginning of a curve to the left with a radius of 2083.48 feet; thence along said curve 557.58 feet, through a total central angle of 15 degrees 20' to end of said curve; thence South 89 degrees 44' East, 799.06 feet to the beginning of a curve to the right with a radius of 2864.79 feet; thence along said curve 1628.33 feet, through a total central angle of 32 degrees 34' to the end of said curve; thence South 57 degrees 10' East 1701.18 feet to the beginning of a curve to the left with a radius of 2864.79 feet; thence along said curve 1545.83 feet through a total central angle of 30 degrees 55' to the end of said curve; thence South 88 degrees 05' East, 6084.06 feet; thence South 88 degrees 13' East, 1656.03 feet to the East boundary of Section 30, Township 34 South, Range 19 East at a point 310.85 feet North of a 4' x 4' lightwood stake locating the Southeast corner of said Section 30, less existing rights-of-way as conveyed to State of Florida pursuant to that Quit-Claim Deed recorded in Deed Book 316, Book 117, of the Public Records of Manatee County Florida.**

**AND FURTHER LESS AND EXCEPT therefrom that part described as follows:**

**Those portions of lots 21 and 22, RICHLAND FARMS, according to the Plat thereof, as recorded in Plat Book 6, Page 63, of the Public Records of Manatee County, Florida, being described as follows:**

**Begin at the intersection of the East line of said lot 21 and the Southerly existing right-of-way line of State Road 64 (per Section 1305-2500) thence along said East line, South 00 degrees 43'20" West a distance of 45.01 feet; thence leaving said East line, North 87 degrees 50'00" West a distance of 219.04 feet to the West line of the East 100.00 feet of said Lot 22; thence along said West Line, North 00 degrees 44'10" East a distance of 45.01 feet to said Southerly existing right-of-way line; thence along said Southerly existing right-of-way line, South 87 degrees 50'00" East a distance of 219.03 feet to the Point of Beginning; as conveyed to state of Florida Department of Transportation pursuant to that Warranty Deed recorded in Book 2062, Page 5896, of the Public Records of Manatee County, Florida.**

**All of said lands situate, lying and being in Manatee County, Florida.**

*Public Comments*

**EAST GLEN PROFESSIONAL PARK, INC.**

9906 State Road 64 East

Bradenton, FL 34212

Telephone: (941) 374-8076

Fax: (941) 708-5357

November 9, 2010

PLANNING

NOV 15 2010

DEPARTMENT

John Osborne, AICP, Director  
Manatee County Planning Department  
1112 Manatee Avenue West, 4<sup>th</sup> Floor  
Bradenton, FL 34205

RE: Application # PDC-09-08(Z)(P) - DTS # 20080395  
Mark Cahill Investments, LLC/ Magnolia Plaza

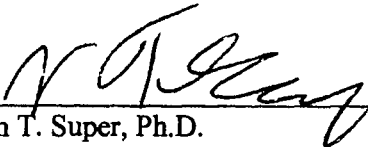
Dear Mr. Osborne:

As owners of the East Glen Professional Park, Inc., we received notice of a public hearing to consider a rezoning request for the property directly adjacent to ours. We have no direct objection to the rezoning, however, we do have two concerns we would like to express.

The shared border between our properties (our eastern border, Mr. Cahill's western border) is occupied by SunnyDaze Preschool. Our main concern is that if Mr. Cahill's property is rezoned for retail, the type of business he is allowed to lease to may not be appropriate for a neighboring daycare center. We also have concerns that, if he is allowed to place a parking lot directly next to our fence, the vehicle emissions from a high-traffic retail plaza may not be conducive to the daycare playground on the other side of the fence.

We ask that you take these concerns under advisement when considering the above application. If further information is required, please feel free to contact us at (941) 374-8076. Thank you for your consideration.

Respectfully submitted,



John T. Super, Ph.D.  
President and Owner  
East Glen Professional Park, Inc.



Jenny L. Super, LCSW  
Vice-President and Owner  
East Glen Professional Park, Inc.

cc: Lisa Barrett, Case Planner  
Donna DeSantis, Owner, SunnyDaze Preschool

# PRELIMINARY SITE PLANS

for:  
**MARK CAHILL INVESTMENTS, LLC./  
 MAGNOLIA PLAZA**

PLANNING  
 NOV 18 2010  
 DEPARTMENT

SECTION 30, TOWNSHIP 34 S., RANGE 19 E. MANATEE COUNTY, FLORIDA

### INDEX OF SHEETS

SHEET NO.	DESCRIPTION:
C-1	COVER SHEET
C-2	EXISTING CONDITIONS
C-3	PRELIMINARY SITE PLAN
C-4	LANDSCAPE PLAN

### LEGAL DESCRIPTION

As provided by Title Resources Security Company, Policy 079000940

Lot 21, and the east 8888 feet of Lot 22, of SECTION 30, Township 34 South, Range 19 East at a point 6852 feet North of a 3/4" from the Southwest corner of said section 30, and said point also designated as Station 126714E on said survey line thence run South 74 degrees 07' East, 29235 feet to the beginning of a curve to the left with a radius of 2863.0 feet thence along said curve 227.20 feet, through a total central angle of 15 degrees 28' to end of said curve thence South 69 degrees 47' East, 77956 feet to the beginning of a curve to the right with a radius of 2864.79 feet thence along said curve 1253.33 feet, through a total central angle of 32 degrees 39' to the end of said curve thence South 53 degrees 57' East, 17813.0 feet to the beginning of a curve to the left with a radius of 2864.79 feet thence along said curve 1245.83 feet through a total central angle of 30 degrees 23' to the end of said curve thence South 58 degrees 07' East, 6884.8 feet thence South 88 degrees 17' East, 10243 feet to the East boundary of Section 30, Township 34 South, Range 19 East at a point 2882 feet North of a 4" of lighted stake located the Southwest corner of said section 30, less existing right-of-way as conveyed to State of Florida, pursuant to that Sub-Chapter recorded in Book 262, Page 17, of the Public Records of Manatee County, Florida.

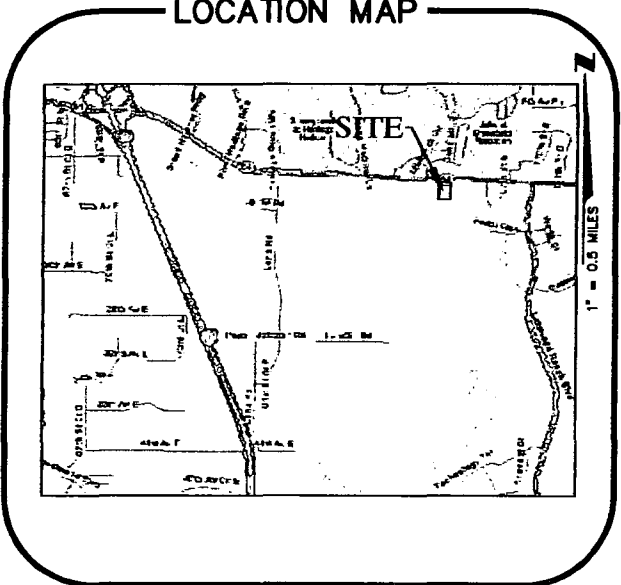
AND FORMER LESS AND EXCEPT therefrom that part described as follows:

Those portions of lots 21 and 22, SECTION 30, according to the Plat thereof, as recorded in Plat Book 4, Page 63, of the Public Records of Manatee County, Florida, being described as follows:

Begin at the intersection of the East line of said lot 21 and the Southerly existing right-of-way line of State Road 64 for Section 30-25th thence along said East line, South 88 degrees 47'00" West a distance of 4261 feet thence bearing said East line, North 07 degrees 29'00" West a distance of 2234 feet to the West line of the East 8888 feet of said Lot 22 thence along said West line, North 88 degrees 47'00" East a distance of 4261 feet to said Southerly existing right-of-way line thence along said Southerly existing right-of-way line, South 07 degrees 29'00" East a distance of 2233 feet to the Point of Beginning as conveyed to State of Florida Department of Transportation pursuant to that Survey as recorded in Book 262, Page 294, of the Public Records of Manatee County, Florida.

All of said lands situate, lying and being in Manatee County, Florida.

### LOCATION MAP



### SITE DATA

PARCEL ID: 00800000  
 ADDRESS: 1039 SR 04 E., BRANDON, FL  
 FLOOD ZONE: X; COMMUNITY PANEL NO. 12923 032 C; MAP REVISED: JULY 15, 1992

APPLICANT: MARK CAHILL INVESTMENTS, LLC  
 PO BOX 20650  
 BRANDON, FL 34304

DESIGNER: ASPIRE ENGINEERING, INC.  
 1039 E. BRANDON BLVD  
 BRANDON, FL 33511  
 PH: (813)571-2850

SEE ALSO: 63,338 SF (1.45 ACRES)  
 PROPOSED BUILDING AREA = 12,888 SF; FUR = 0.19  
 PROPOSED BUSINESS IMPROVEMENT AREA = 47,800 SF; BR-21,102  
 PROPOSED OPEN SPACE - TOTAL (GREEN AREA) = 15,733 SF = 0.36 ACRES  
 PROPOSED BUFFER SPACE = 0,128 SF = 0.003 ACRES  
 PROPOSED RETENTION (NOT INCLUDING UNDERGROUND) = 3,294 SF = 0.075 ACRES  
 PROPOSED FOUNDATION LANDSCAPING = 200 SF = 0.005 ACRES  
 PROPOSED OTHER OPEN SPACE = 3,073 SF = 0.07 ACRES

PROPOSED MAXIMUM BUILDING HEIGHT = 20 FT  
 EXISTING USE: SINGLE FAMILY RESIDENTIAL; PROPOSED LAND USE: M1  
 CURRENT ZONING: M1  
 PROPOSED ZONING: PBC  
 PROPOSED USE: RETAIL OFFICE

TREE REMOVAL NOTES: ALL TREES INSIDE THE PROPERTY TO BE REMOVED.

PROJECT NOTES:  
 1. PROPOSED LEGAL MEASURES TO PROVIDE FOR ANY EASEMENTS, EASEMENTS AND RESERVATIONS - NONE.  
 2. EROSION AND SLOTTING WILL BE DESIGNED PER MANATEE COUNTY LDC.  
 3. IRRIGATION WATER SOURCE - GULLFLOW WELL BRANDON.  
 4. THERE ARE NO WETLANDS AND/OR ENDANGERED SPECIES IN THE PROJECT AREA.

### CONSTRUCTION SCHEDULE

CONSTRUCTION START DATE: JULY 2011  
 CONSTRUCTION END DATE: JULY 2012

"INVESTIGATE BEFORE YOU EXCAVATE"



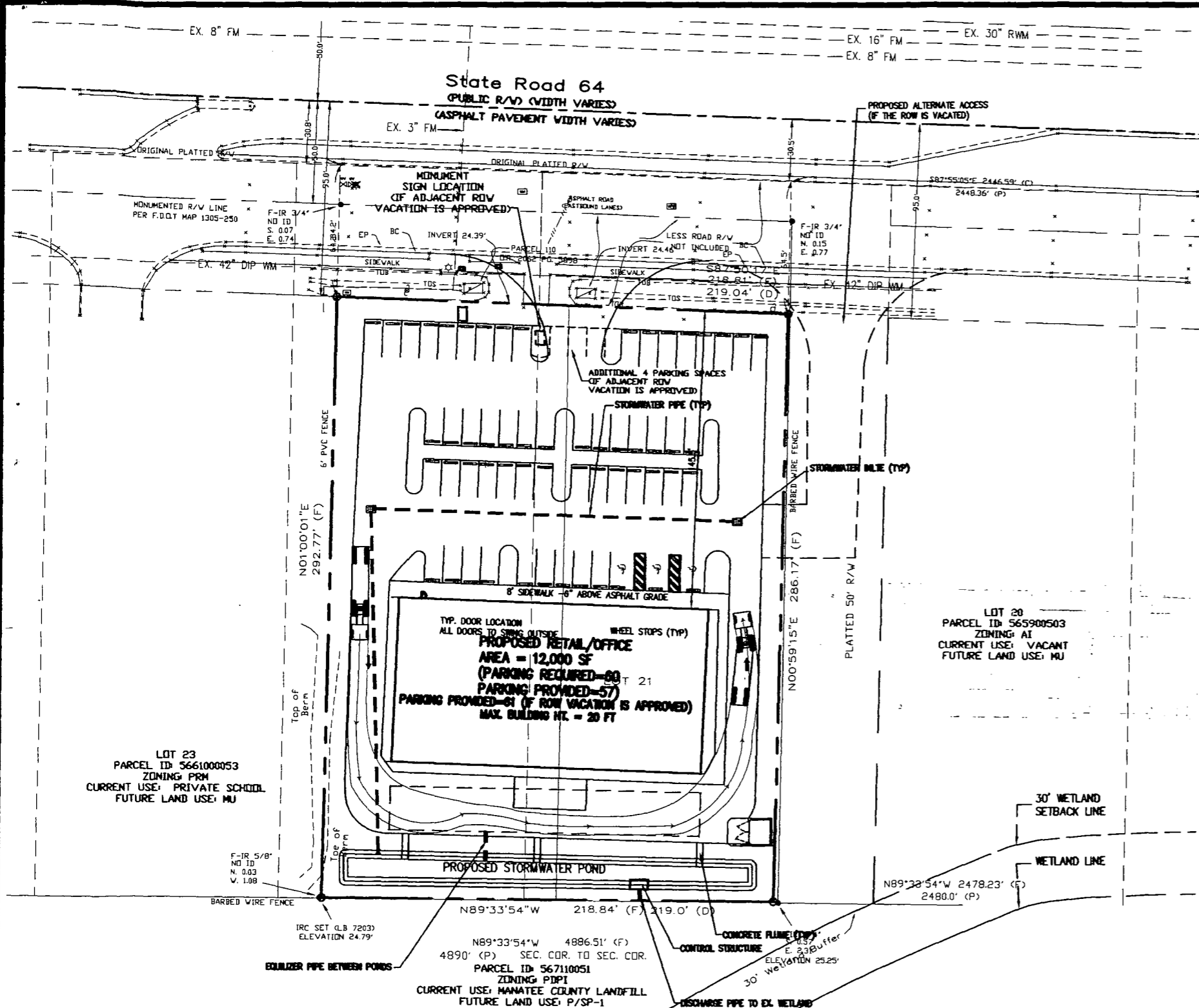
CALL SUNSHINE @ 1-800-432-4770  
 FL. STATUTE 653.801 (1979) REQUIRES A MIN. OF 2 DAYS AND MAX. OF 5 DAYS NOTICE BEFORE YOU EXCAVATE.

### UTILITY PROVIDERS

- POTABLE WATER - MANATEE COUNTY
- SANITARY SEWER - MANATEE COUNTY
- FIRE SERVICE - EAST MANATEE FIRE RESCUE
- ELECTRIC SERVICE - FLORIDA POWER
- SOLID WASTE - MANATEE COUNTY
- TELEPHONE SERVICE - VERIZON (Fko. GTE)

APPROVAL TYPE: <u>PRELIMINARY SITE PLAN</u>	PROJECT NAME: <u>MAGNOLIA PLAZA</u>
APPROVED: _____ DATE	FILE NUMBER: _____
PROJECT PLANNER (PD)	_____
PROJECT ENGINEER (PW)	_____
CONCURRENCY (PD)	_____
ENVIRONMENTAL PLANNING (PD)	_____
ENVIRONMENTAL HEALTH	_____
FIRE DISTRICT	_____
OWNER/AGENT	_____

Attention: The combination of this signed plan and accompanying approved letter constitutes the complete approval document. Both documents should be provided to interested parties and submitted with any building permit application.



**WETLANDS AND ENDANGERED SPECIES NOTES:**  
 1. THERE ARE NO WETLANDS AND/OR ENDANGERED SPECIES IN THE PROJECT AREA.

**IRRIGATION NOTES:**  
 1. IRRIGATION WATER SOURCE TO BE PROVIDED BY SHALLOW WELL IRRIGATION

**EROSION CONTROL NOTES:**

- construction sequencing, dewatering activities and sump locations, stockpile areas and/or deposition areas for excavated materials -CONSTRUCT PROPOSED PONDS FIRST AND DEWATER USING PONDS -NO DIRECT DISCHARGE TO THE DITCH ALLOWED.
    - land clearing/disturbing activities, existing site conditions and adjacent land uses/areas that might be affected by land clearing/disturbances -NONE.
    - Identification of stockpile areas and/or deposition areas for excavated materials -ON-SITE.
    - Description of potential on-site problem areas such as steep grade changes, highly erodible soils, areas adjacent to wetlands, surface waters, or upland preservation areas -SOD ALL DISTURBED AREAS.
    - Construction scheduling, including the expected starting and stabilization dates -EXPECTED START DATE -07/2009; STABILIZATION DATE -07/2010
    - Identification of disturbed areas where construction will not be ongoing, and final grade will not be achieved within fourteen (14) days, and an indication of temporary stabilization measures -NONE.
  - Details of Best Management Practices and Fugitive Particulate Abatement Methods.
    - Details, drawings and cross-sections of erosion and sediment control devices, if different from the approved Final Site Plan/Construction Plans, and when they will be installed -SEE SITE PLANS.
    - Maintenance program for erosion and sediment control devices including inspection frequency and maintenance activities -ONCE A WEEK.
    - Haul routes and details of apron stabilization at ingress/egress points to rights-of-way -SEE THIS SHEET.
    - Details/location of equipment washing area -ON-SITE ONLY.
    - Details of fugitive particulate abatement methods -WATER TANK TRUCKS.
    - Contractor information, including a twenty-four-hour, seven-day contact and phone numbers -MARK CAHILL, CAHILL & CHELSEA BUILDING CONTRACTING -941-756-2224.
  - Details of dewatering activities and locations, drawings and cross-sections of dewatering sumps -SEE SHEET C-4.
  - Water Quality Monitoring Plan and monitoring stations (if applicable) -NONE.
- The developer shall be responsible for scheduling an on-site meeting with staff from the Manatee County Environmental Management and Project Management Departments, the Engineer of Record and the Contractor. Final approval of the ESOP and authorization of construction will be granted only after an on-site meeting has been conducted. Necessary revisions, as determined by EMD staff, shall be made prior to final approval of the ESOP. Any changes to the approved ESOP must be submitted to the EMD by the Engineer of Record for review and approval prior to implementation. Changes that qualify as an amendment to the final site plan and/or construction plans must be approved by the Planning Department prior to implementation.

**MAGNOLIA PLAZA - INVASIVE PLANT REMOVAL, DISPOSAL & MAINTENANCE PLAN**

- MAINTENANCE ENTITY:**  
 MARK CAHILL INVESTMENTS, LLC.  
 PO BOX 20859  
 BROWARDTON, FL 34204
- MAINTENANCE RESPONSIBILITY INSTRUMENT:**  
 The owner of the property, Mark Cahill Investments, LLC, will be the Maintenance Entity. Because they solely own the property, no instrument is required.
- DESCRIPTION & METHODS OF REMOVAL:**  
 All invasive exotic species, must be removed from the site. Exotic trees & shrubs shall be cut flush with finish grade, resulting stumps shall be removed from the site or treated with an approved herbicide. Contractor shall treat cut stumps with GAVLON 3A, TROOPER, or RODEO Herbicide to the cambium layer as per manufacturer's instructions, at the recommended strength to prevent regrowth. Apply Herbicide immediately after trunks are cut to protect sap from sealing wound.  
 The work will be conducted in the month of July 2009 and the surrounding area shall not be disturbed once the work is done, the contractor shall stabilize the exposed soils with vegetation.
- DISPOSAL:**  
 Contractor to remove all waste materials produced by this work from the site and disposed them in a legal manner. All regulations including Rule 62 C-20 of the FAC regarding Aquatic Plant Management Permits must be complied with.
- CONTROL & MONITORING:**  
 The property owner shall institute a maintenance and monitoring program which includes periodic inspection and treatment as required, to prevent reestablishment of invasive species.  
 Reports will be required for submitted within 6 and 12 months of the 1st 2 years and every 12 months period for the 3rd through 5th years. The following information must be contained within the report.  
  - Areas of infestation with color photographs displayed on a scaled site plan.
  - Approximate aerial coverage or number of individuals removed.
  - Species removed.
  - Color photographs from local location representing the established near-convergence of invasive plants problems encountered and the corrective measures implemented.

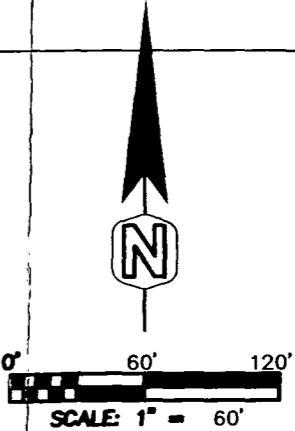
**LANDSCAPING MATERIALS CALCULATIONS:**

LANDSCAPE AREA	REQUIRED
FOUNDATION	20 LF PER 1000 SF = 20/1000 * 12,000 = 240 SF
VEHICLE USE AREA	360 SF OF LANDSCAPE AREA; 4 CANOPY TREES & 20 SHRUBS PER 20 PARKING SPACES (20, 3 GAL SHRUBS OR 40, 1 GAL SHRUBS) FOR 60 SPACES; 1,080 SF OF LANDSCAPED AREA, 12 CANOPY TREES & 60 SHRUBS
VEHICLE USE PERIMETER BUFFER (WEST)	2.5 CANOPY TREES PER 100 LF & 33 SHRUBS PER 100 LF = 2.5/100*293 = 8 CANOPY TREES; 33/100*293 = 97 SHRUBS
ROADWAY BUFFER (NORTH AND EAST)	2 CANOPY TREES PER 100 LF & 33 SHRUBS PER 100 LF = 2/100*505 = 10 CANOPY TREES = 33/100 * 505 = 167 SHRUBS

**TREE REMOVAL AND REPLACEMENT SCHEDULE**

DBH	NO. OF TREES TO BE REMOVED	REPLACEMENT RATIO	REPLACEMENT TREES REQUIRED	MIN. CALIPER
4"-15"	64	1:1	64	3"
16"-30"	7	2:1	14	4"
OVER 30"	3	3:1	9	4"

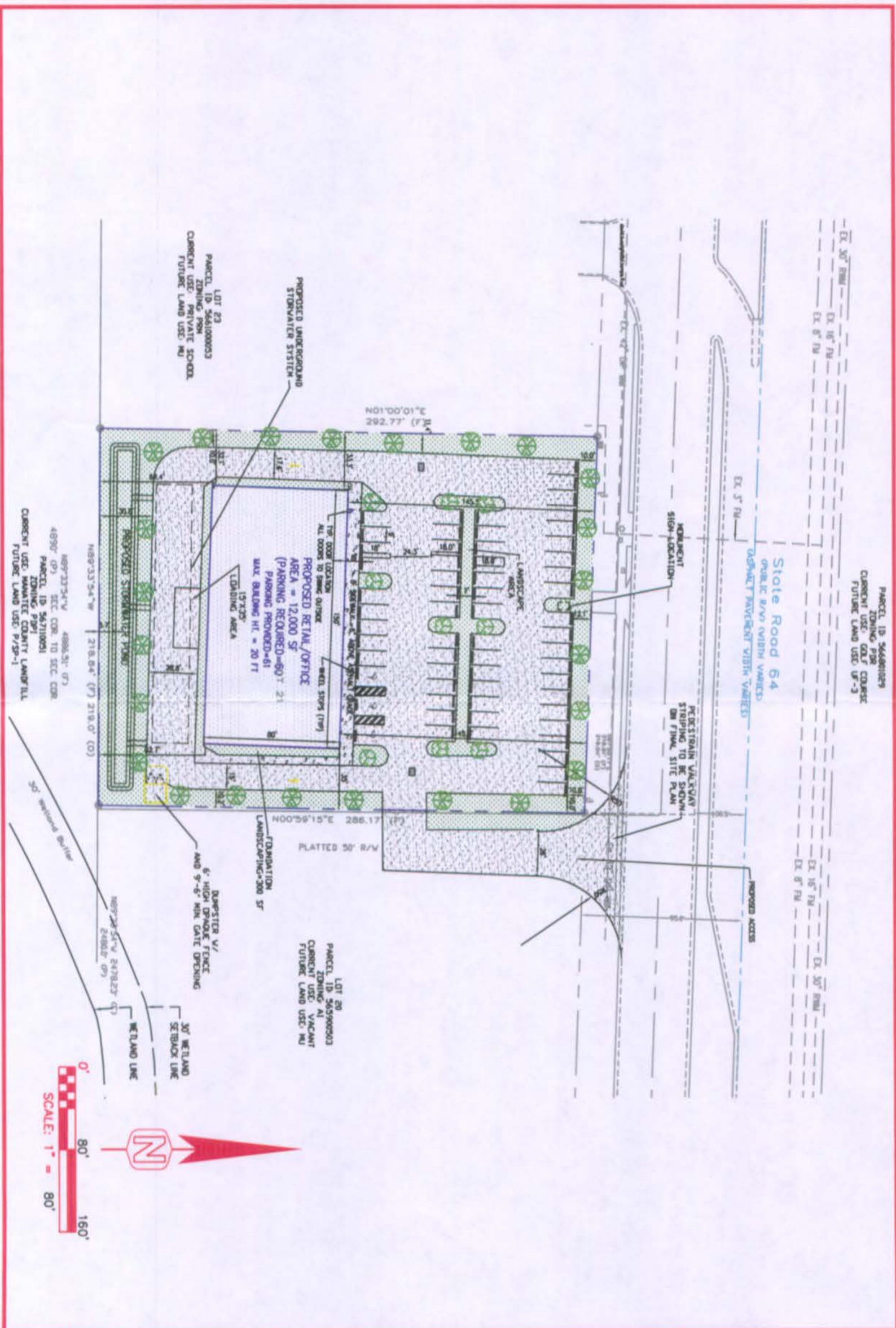
TREE REPLACEMENTS SHALL BE PER MANATEE COUNTY LDC 714.8.7.



DATE: 10/24/2008  
 DESIGNED BY: RA  
 DRAIN BY: RA  
 CHECKED BY: RA  
 FILE NAME: 080426SP  
 PROJECT #: 08-012  
 SHEET: C-4

**ASPIRE ENGINEERING, INC.**  
 CONSULTING ENGINEERS - PLANNERS  
 100 E. MOBILE BLVD., SUITE 200  
 TAMPA, FLORIDA 33604  
 TEL: 813-288-1111 FAX: 813-288-1112 E-MAIL: info@aspireeng.com

**MARK CAHILL INVESTMENTS, LLC /**  
**MAGNOLIA PLAZA**  
 SECTION 30, TOWNSHIP 34 S., RANGE 19 E.,  
 HILLSBOROUGH COUNTY, FLORIDA



<p><b>PRELIMINARY SITE PLAN</b></p>	<p><b>MARK CAHILL INVESTMENTS, LLC / MAGNOLIA PLAZA</b></p> <p>SECTION 30, TOWNSHIP 34 S., RANGE 18 E. HILLSBOROUGH COUNTY, FLORIDA</p>	<p><b>ASPIRE ENGINEERING, INC.</b></p> <p>CONSULTING ENGINEERS - PLANNERS</p> <p>1030 E. BRUNSON BLVD., BRUNSON, FL 32001</p> <p>TEL: (904) 321-3000, FAX: (904) 321-1753, E-mail: aspireeng@aspires.com</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>REVISION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>SUBMIT TO HILLSBOROUGH COUNTY</td> <td>11/15/2018</td> </tr> <tr> <td>2</td> <td>REV FOR PER</td> <td>12/20/18</td> </tr> <tr> <td>3</td> <td>REV FOR PER</td> <td>1/20/19</td> </tr> <tr> <td>4</td> <td>REV FOR PER &amp; REVISION</td> <td>1/20/19</td> </tr> <tr> <td>5</td> <td>REV FOR PER &amp; REVISION</td> <td>1/20/19</td> </tr> </tbody> </table>	NO.	REVISION	DATE	1	SUBMIT TO HILLSBOROUGH COUNTY	11/15/2018	2	REV FOR PER	12/20/18	3	REV FOR PER	1/20/19	4	REV FOR PER & REVISION	1/20/19	5	REV FOR PER & REVISION	1/20/19
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NO. 001

DATE 11/15/2018

PROJECT # 18-00000000

SCALE: 1" = 80'

0' 80' 160'

50' Wetland Buffer

30' Wetland Setback Line

WETLAND LINE

PROPOSED UNDERGROUND STORMWATER SYSTEM

PROPOSED RETAIN./OFFICE AREA = 12,000 SF (PARKING REQUIRED=61) MAX. BUILDING HT. = 20 FT

LANDSCAPING=200 SF

PROPOSED STORMWATER POND

PROPOSED ACCESS

PARCEL ID 564680129  
ZONING FOR PUBLIC R/V WITH VARIANCES  
CURRENT USE: GOLF COURSE  
FUTURE LAND USE: P-3

State Road 64  
PUBLIC R/V WITH VARIANCES  
ASPHALT PAVEMENT WITH VARIANCES

MONUMENT SIGN LOCATION

PER STRIPED WALKWAY STRIPING TO BE SHOWN ON FINAL SITE PLAN

PROPOSED UNDERGROUND STORMWATER SYSTEM

PROPOSED RETAIN./OFFICE AREA = 12,000 SF (PARKING REQUIRED=61) MAX. BUILDING HT. = 20 FT

LANDSCAPING=200 SF

PROPOSED STORMWATER POND

PROPOSED ACCESS

PARCEL ID 565960503  
ZONING: VACANT  
CURRENT USE: VACANT  
FUTURE LAND USE: R1

LOT 20

PARCEL ID 564100003  
ZONING: PPM  
CURRENT USE: PRIVATE SO-HOUS  
FUTURE LAND USE: R1

LOT 23

PARCEL ID 564100003  
ZONING: PPM  
CURRENT USE: PRIVATE SO-HOUS  
FUTURE LAND USE: R1