

FILED FOR RECORD
R. B. SHORE

Revised 7/28/08

2008 AUG -8 AM 10: 18

ORDINANCE NO. 08-06

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING, AMENDING MANATEE COUNTY ORDINANCE NO. 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING A PURPOSE AND INTENT PROVIDING FINDINGS; PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAP OF FUTURE LAND USE ELEMENT FROM THE FROM THE UF-3 (URBAN FRINGE 3 DWELLING UNITS/GROSS ACRE) TO ROR (RETAIL-OFFICE-RESIDENTIAL 9 DWELLING UNITS/GROSS ACRE) FOR CERTAIN LAND LOCATED NORTHWEST OF THE INTERSECTION OF US 301 AND BUCKEYE ROAD CONSISTING OF 19.3± ACRES; AND PROVIDING FOR AN ASSOCIATED AMENDMENT TO THE GENERAL INTRODUCTION - SPECIAL PLAN INTERPRETATION PROVISIONS OF THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

2008 AUG -4 AM 9:45
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WHEREAS, Chapter 125, Florida Statutes empowers the Board of County Commissioners of the County of Manatee to prepare and enforce comprehensive plans for the development of the county; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, titled the Local Government Comprehensive Planning and Land Development Regulation Act, (the "Act") empowers and requires the County (a) to plan for the county's future development and growth, (b) to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county, (c) to implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations, and (d) to establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of said Act; and

WHEREAS, Manatee County Ordinance No. 89-01, as amended, was adopted pursuant to general law for the purpose of providing a framework for land use and development in the unincorporated area of Manatee County, and established the Manatee County Comprehensive Plan; and

WHEREAS, Application PA-08-06 is a request for a map and a text amendment to amend the Future Land Use Map Series and to establish associated text within Section D - Special Plan Interpretation Provisions of the General Introduction Chapter of the Manatee County Comprehensive Plan, consistent with Chapter 163, Part II, Florida Statutes; and

WHEREAS, at a duly noticed public hearing, the Manatee County Planning Commission, as the County's Local Planning Agency, as established by Ordinance 90-01, considered an amendment to the Manatee County Comprehensive Plan, described in Application PA-08-06 and associated amendments of the comprehensive plan, in order to more adequately address Manatee County's future development and growth; and

WHEREAS, the minimum statutory and plan administration requirements for public participation for the adoption of this Ordinance and the amendment of the County's Comprehensive Plan provided herein, have been met or exceeded; and

WHEREAS, on February 14, 2008, the Manatee County Planning Commission, after due public notice, held a public hearing to consider the amendment, and forwarded its recommendation to the Board of County Commissioners as required by law; and

WHEREAS, after due public notice, the Board of County Commissioners of Manatee County received and considered the recommendation of the Manatee County Planning Commission, and held a public hearing on March 25, 2008, to consider the transmittal of the proposed amendment to the Florida Department of Community Affairs as the State Land Planning Agency in accordance with Sec. 163.3184, F.S.; and

WHEREAS, the State Land Planning Agency by letter dated June 16, 2008 transmitted their Objections, Recommendations and Comments Report on said amendment to the comprehensive plan; and

WHEREAS, said amendment to the Comprehensive Plan was revised as appropriate in view of comments by the State Land Planning Agency; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on July 29, 2008, the Board of County Commissioners of Manatee County, Florida held another public hearing, with due public notice having been provided, to consider adoption of the proposed amendment to the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments received during said public hearings, including appropriate changes to the technical support document as needed, the recommendations of the Planning Commission, and objections, recommendations and comments of the State Land Planning Agency; and

WHEREAS, the Board of County Commissioners has determined that the amendments to the Comprehensive Plan set forth herein are necessary to implement the requirements of Section 163, Part II, Florida Statutes; and

WHEREAS, in exercise of said authority, the Board of County Commissioners of Manatee County has determined it necessary and desirable to adopt this Ordinance to effect the said amendment of the Comprehensive Plan to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources, consistent with the public interest; overcome present deficiencies and deal effectively with future problems that may result from the use and development of land within Manatee County; and

WHEREAS, the Technical Support Document for the Manatee County Comprehensive Plan includes background material and justification for the amendment to the Comprehensive Plan; and

WHEREAS, all applicable requirements of general law and local law have been followed, and the proceedings have been conducted pursuant to the Act, and the Plan Format and Administration Section of the Manatee County Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County that:

Section 1. Purpose and Intent: This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings: The recitals set forth in the whereas clauses above are true and correct and are hereby adopted as findings by the Board for the adoption of this Ordinance. Based upon the findings made relative to the proposed text and map amendments to the Future Land Use Element and the General Introduction – Special Plan Interpretation Provisions, it has been determined that the existing map and text, sought to be amended are no longer in the best interest of the public and should be amended as described in Section 3 below.

Section 3. Map Amendment: The Manatee County Comprehensive Plan, Ordinance No. 89-01, is hereby amended to change the Future Land Use Classification of the property depicted on Exhibit A hereto which is incorporated herein by reference from the UF-3 (Urban Fringe-3 dwelling units/gross acre to the ROR (Retail Office Residential-9 dwelling units/gross acre). The legal description for such property is attached hereto labeled Exhibit B and made a part of reference.

Section 4. Text Amendment: The Manatee County Comprehensive Plan, Ordinance No. 89-01, Section D-Special Plan Interpretation Provisions of the General Introduction, is hereby amended by adding the following new Subsection D.5. to provide as follows:

General Introduction - Section D – Special Plan Interpretation Provisions

“D.5. SPECIFIC PROPERTY– DEVELOPMENT CONDITIONS

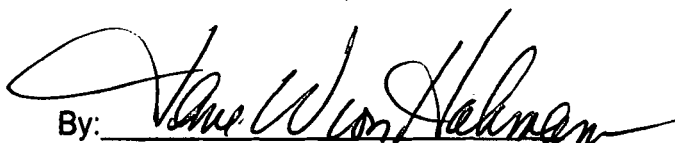
The 19.3± acre property located northwest of the intersection of U.S. 301 and Buckeye Road and designated Retail/Office/Residential (R/O/R) on the Future Land Use Map pursuant to Manatee County Ordinance No. 08-06 and Comprehensive Plan Amendment No. PA-08-06 shall be limited to any combination of permitted uses which collectively generate cumulative transportation impacts on the Major Thoroughfare System no greater than those generated by a project comprised of 160,000 square feet of commercial retail uses. The foregoing notwithstanding, for the first five (5) years after adoption of Manatee County Ordinance No. 08-06 and Comprehensive Plan Amendment No. PA-08-06, said property shall be further limited to any combination of permitted uses which collectively generate cumulative transportation impacts on the Major Thoroughfare System no greater than those generated by a project comprised of the maximum development identified by the Urban Fringe-3 (UF-3) Future Land Use Map category (the previous Future Land Use Map category for the property).”
(Additions to text indicated by underlining.)

Section 5. Severability: If any part, section, subsection, or other portion of this Ordinance, or any application thereof to any person or circumstance is declared to be void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be deemed severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

Section 6. Effective Date: This Ordinance shall take effect immediately upon the State Land Planning Agency, as defined in Section 163.3164, Florida Statutes, issuing a final order finding the Ordinance in compliance with Section 163.3184(9), Florida Statutes, or upon the Administration Commission issuing a final order finding the Ordinance to be in compliance if a petition challenging the finding of compliance by the Department of Community Affairs is filed with the Division of Administrative Hearing in accordance with Section 163.3184(10), Florida Statutes, whichever occurs first.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting this 29th day of July, 2008.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

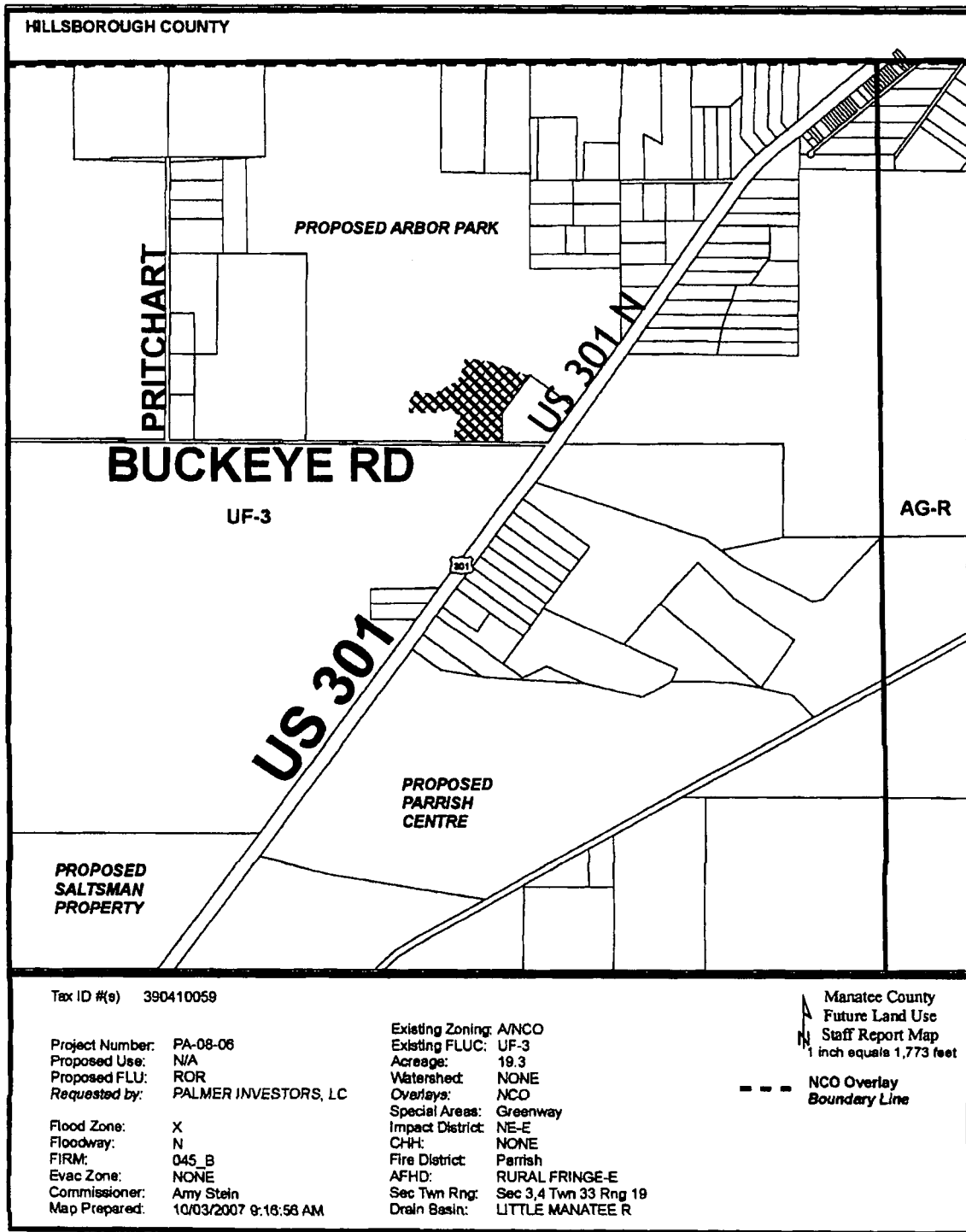
By: 
Jane von Hahmann
Chairman



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

By: 
Deputy Clerk

Exhibit "A"



Arbor Park Phase 2 Legal Description

COMMENCE AT THE NORTHEAST CORNER OF SECTION 4, TOWNSHIP 33 SOUTH, RANGE 19 EAST, RUN S 89° 47' 31" W ALONG THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 1332.62 FEET; THENCE S 00° 51' 34" W ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 4, A DISTANCE OF 1606.91 FEET; THENCE; S 88° 29' 32" E ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF 1343.76 FEET; THENCE S 00°30'38" W ALONG THE EAST LINE OF SAID SECTION 4, A DISTANCE OF 1419.51 FEET; THENCE N 89° 40' 11" E ALONG THE NORTH LINE OF LOTS 1 THROUGH 4, BLOCK 3, SECTION 3 OF MANATEE RIVER FARMS, UNIT 1, RECORDED IN PLAT BOOK 6, PAGE 45, A DISTANCE OF 1281.86 FEET; THENCE S 00°10'07" W ALONG THE WESTERLY MAINTAINED RIGHT OF WAY LINE OF GETTIS LEE ROAD, A DISTANCE OF 1240.19 FEET; THENCE S 34° 32' 25" W ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF U.S. 301, A DISTANCE OF 131.31 FEET TO THE P.C. OF A CURVE TO THE RIGHT WHOSE RADIUS POINT LIES N 55° 23' 26" W, A DISTANCE OF 22850.32 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT ALSO BEING SAID NORTHWESTERLY RIGHT OF WAY LINE OF U.S. 301, A DISTANCE OF 598.22 FEET THROUGH A CENTRAL ANGLE OF 01° 30' 00" TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 36° 06' 34" W ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF U.S. 301, A DISTANCE OF 308.86 FEET; FOR A POINT OF BEGINNING THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT OF WAY S 36° 06' 34" W, A DISTANCE OF 660.00 FEET; THENCE N 89°44'15" W ALONG THE NORTHERLY RIGHT OF WAY LINE OF BUCKEYE ROAD, A DISTANCE OF 308.36 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY N 89°42'45" W A DISTANCE OF 351.64 FEET; THENCE N.46°01'06"W., A DISTANCE OF 116.18 FEET TO THE POINT OF BEGINNING; THENCE N.89°44'51"W., A DISTANCE OF 591.83 FEET; THENCE N.00°21'23"E., A DISTANCE OF 71.83 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 279.00 FEET AND A CENTRAL ANGLE OF 24°21'57"; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 118.65 FEET; THENCE N.24°43'20"E., A DISTANCE OF 131.73 FEET; THENCE N.34°32'56"E., A DISTANCE OF 38.48 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.18°14'14"W., A RADIAL DISTANCE OF 74.92 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 29°22'59", A DISTANCE OF 38.42 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.11°07'47"W., A RADIAL DISTANCE OF 97.50 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 38°51'40", A DISTANCE OF 66.13 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 75.00 FEET AND A CENTRAL ANGLE OF 48°45'05"; THENCE WESTERLY ALONG THE ARC, A DISTANCE OF 63.82 FEET; THENCE N.28°15'53"W., A DISTANCE OF 56.26 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.28°15'53"W., A RADIAL DISTANCE OF 75.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 08°42'00", A DISTANCE OF 11.39 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 726.77 FEET AND A CENTRAL ANGLE OF 00°42'57"; THENCE WESTERLY ALONG THE ARC, A DISTANCE OF 9.08 FEET; THENCE S.72°09'46"W., A DISTANCE OF 25.67 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.16°49'32"W., A RADIAL DISTANCE OF 726.77 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 17°06'46", A DISTANCE OF 217.07 FEET; THENCE N.89°42'45"W., A DISTANCE OF 276.28 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.85°29'40"E., A RADIAL DISTANCE OF 724.32 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 22°34'01", A DISTANCE OF 285.29 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 81°48'14"; THENCE EASTERLY ALONG THE ARC, A DISTANCE OF 35.69 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 755.67 FEET AND A CENTRAL ANGLE OF 04°11'00"; THENCE EASTERLY ALONG THE ARC, A DISTANCE OF 55.17 FEET TO A POINT OF COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 471.71 FEET AND A CENTRAL ANGLE OF 21°37'03"; THENCE EASTERLY ALONG THE ARC, A DISTANCE OF 177.98 FEET; THENCE N.77°45'11"E., A DISTANCE OF 72.33 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.22°26'31"W., A RADIAL DISTANCE OF 125.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 08°28'45", A DISTANCE OF 18.50 FEET; THENCE N.59°04'44"E., A DISTANCE OF 62.88 FEET; THENCE N.59°39'58"E., A DISTANCE OF 84.00 FEET; THENCE N.59°04'44"E., A DISTANCE OF 52.30 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 175.16 FEET AND A CENTRAL ANGLE OF 19°14'03"; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 58.80 FEET; THENCE N.37°40'54"E., A DISTANCE OF 42.78 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.54°55'03"W., A RADIAL DISTANCE OF 487.82 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 29°37'08", A DISTANCE OF 252.18 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 14.29 FEET AND A CENTRAL ANGLE OF 83°32'58"; THENCE NORTHEASTERLY ALONG THE ARC, A DISTANCE OF 20.84 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.03°22'52"E., A RADIAL DISTANCE OF 875.48 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A

EXHIBIT B

CENTRAL ANGLE OF 15°31'32", A DISTANCE OF 237.23 FEET; THENCE S.77°40'20"E., A DISTANCE OF 11.66 FEET; THENCE S.76°37'33"E., A DISTANCE OF 55.01 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.14°14'16"W., A RADIAL DISTANCE OF 1,825.30 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 13°51'17", A DISTANCE OF 441.38 FEET; THENCE S.29°17'07"W., A DISTANCE OF 137.82 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 1,542.00 FEET AND A CENTRAL ANGLE OF 13°56'22"; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 375.15 FEET; THENCE S.13°25'32"W., A DISTANCE OF 103.34 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.78°29'41"E., A RADIAL DISTANCE OF 1,542.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11°13'04", A DISTANCE OF 301.91 FEET; THENCE S.00°17'15"W., A DISTANCE OF 2.55 FEET TO THE POINT OF BEGINNING

CONTAINING 840,895 SQUARE FEET OR 19.3 ACRES, MORE OR LESS.



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 30th day of July, 2008.

R.B. SHORE
Clerk of Circuit Court

By: Diane E. Vollmer etc.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

FILED FOR RECORD
R. B. SHORE

2008 AUG -8 AM 10:18

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA
KURT S. BROWNING
Secretary of State

August 4, 2008

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

Attention: Ms. Diane E. Vollmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated July 30, 2008 and certified copy of Manatee County Ordinance Nos. 08-03, 08-04, 08-06, 08-09, 08-10, 08-11 and 08-36, which were filed in this office on August 4, 2008.

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

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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