

FILED FOR RECORD  
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE  
PDC-02-32(Z)(P) – MOORE'S DAIRY FARM, INC./ECKERDS SR 64

2003 SEP 19 PM 4:19

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

2003 SEP 16 PM 4:25  
DEPARTMENT OF  
TALLAHASSEE, FLORIDA

FILED

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 90-01 (THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE) TO PDC (PLANNED DEVELOPMENT COMMERCIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 10,657 SQUARE FOOT DRUGSTORE WITH A DRIVE-THRU PHARMACY AND A 3,820 SQUAREE FOOT BANK WITH A DRIVE-THRU, AND GRANTING SPECIAL APPROVAL FOR: 1) A SMALL COMMERCIAL PROJECT EXCEEDING 3,000 SQUARE FEET IN AN IL FUTURE LAND USE CATEGORY, AND 2) A PROJECT ADJACENT TO A PERENNIAL STREAM.

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

Section 1. FINDINGS OF FACT. The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission of said County, as well as all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 4 of this Ordinance from A-1 (Suburban Agriculture, 1 dwelling unit per acre) to PDC (Planned Development Commercial).

B. The Board of County Commissioners held a public hearing on September 9, 2003; regarding said proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, the Manatee County Land Development Code, and has further considered the information received at said public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

Section 2. The Preliminary Site Plan is hereby APPROVED to allow a 10,657 square foot drugstore with a drive-thru pharmacy and a 3,820 square foot bank with drive-thru, and GRANTING Special Approval for: 1) a small commercial project exceeding 3,000 square feet in an IL Future Land Use Category, and 2) a project adjacent to a perennial stream with the following stipulations:

1. The design of the structure shall be in substantial conformance with the elevations entered into the record for this case.
2. All roof mounted HVAC equipment shall be screened from view from adjacent roadways and surrounding properties. Screening shall be provided by materials consistent with the construction of the structures.
3. A Wetland Buffer Restoration Plan shall be submitted to the EMD for review and approval with the Final Site Plan in accordance with Section 719.11.2.1 of the LDC. The plan shall include both supplemental plantings and ongoing removal of exotic, nuisance vegetation.
4. Wetland buffers shall be provided from all post-development jurisdictional wetlands (including wetland mitigation areas) in accordance with Section 719.11.1 of the LDC, and shall be delineated on the Final Site Plan.
5. Prior to Final Site Plan approval, the applicant shall provide proof of ownership of the proposed off-site mitigation area. Prior to Final Site Plan approval, the applicant shall provide a conservation easement to Manatee County acceptable to the County Attorney for the preservation and protection of this area as a floodplain compensation and wetland mitigation area.
6. The developer shall provide signs adjacent to wetland buffers/conservation easements indicating that the area is a "Conservation Area" pursuant to Section 719.11.1.3.3 of the LDC. The type and location of such signs shall be shown and approved by the EMD with the Final Site Plan.
7. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the first Certificate of Occupancy, in accordance with Section 715.4 of the LDC.
8. To the maximum extent possible, existing indigenous vegetation shall remain within the required landscape buffers and be utilized to meet the buffering and screening requirements. Unless otherwise approved by Environmental Management Department, native xeriscape landscape or drought tolerant materials shall be utilized in these areas.
9. The lowest quality water possible shall be used for irrigation. In ground irrigation using Manatee County public potable water supply shall be prohibited.
10. If applicable, a copy of all Water Use Permits shall be submitted to the Environmental Management Department Water Well Permitting Program concurrently with the Final Site Plan.
11. A Water Well Construction Permit must be obtained from the EMD prior to construction of the proposed well(s).
12. Freestanding signs for this project shall be limited to ground signs with a maximum height of eight (8) feet and shall include decorative elements reflective of the finish building materials, colors, and architectural details consistent with each building.

13. Prior to Final Site Plan approval, approval must be granted from the Stormwater Division for the proposed boxed culvert design.
14. Prior to Final Site Plan approval, the easement area around the floodplain compensation area must be shown.
15. Prior to Final Site Plan approval, a FEMA map amendment must be approved by the Manatee County Building Official and F.E.M.A. to connect and make the off-site floodplain mitigation area a part of the floodplain.
16. Prior to Final Site Plan approval, the proposed guardrail on both sides of the drive aisle on top of the retaining walls must be shown.
17. All improvements on S.R. 64 will require FDOT approval.
18. The appropriate turning radii at the ingress/egress points and intersections shall be provided consistent with AASHTO design guidelines. This shall be approved by the Growth Management Division of the Planning Department with the Construction Plan and Final Site Plan.
19. Adequate intersection sight distance shall be provided at all project driveways consistent with AASHTO green book guidelines. This shall be approved by the Growth Management Division of the Planning Department with the Construction Plan and Final Site Plan.
20. All traffic control signage and pavement markings, if warranted, shall conform to FDOT and MUTCD standards.
21. Prior to Final Site Plan approval, the design and shielding of on-site lighting shall comply with Sections 709.2.2, 709.2.3 and 709.2.4. In addition, pole and building mounted lights shall be limited to 20 feet in height and directed to the interior of the development using horizontal cutoffs. A photometric plan shall be submitted to the Planning Department along with the Final Site Plan for approval.

Section 3. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County, Ordinance No. 90-01, the Manatee County Land Development Code, is hereby amended by changing the zoning district classification of the property identified in Section 4 herein from A-1 (Suburban Agriculture, 1 dwelling unit per acre) to PDC (Planned Development Commercial), and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

LOTS 1, 2, 3, 4, 5, AND 6 OF RICHLAND FARMS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 63, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LESS THOSE PORTIONS CONVEYED TO THE STATE OF FLORIDA IN DEED BOOK 316, PAGE 129 AND CIRCUIT COURT MINUTE BOOK 22, PAGE 115, AND LESS THOSE PORTIONS CONVEYED TO MANATEE COUNTY IF OFFICIAL RECORDS BOOK

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1505, PAGE 977 AND OFFICIAL RECORDS BOOK 1593, PAGE 1422, ALL IN THE PUBLIC  
RECORDS OF MANATEE COUNTY, FLORIDA.

Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately  
upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of  
Manatee County, Florida on the 9<sup>th</sup> day of September, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

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

Chairman

ATTEST: \_\_\_\_\_

R. B. SHORE

Clerk of the Circuit Court



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 10<sup>th</sup> day of

September 2003

R.B. SHORE

Clerk of Circuit Court

By: \_\_\_\_\_ D.C.

FILED FOR RECORD  
R. B. SHORE



2003 SEP 19 PM 4: 08  
STATE OF FLORIDA  
DEPARTMENT OF STATE

**JEB BUSH**  
*Governor*

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

**GLEND A E. HOOD**  
*Secretary of State*

September 17, 2003

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

Attention: Diane E. Vollmer

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated September 10 and 11, 2003 and certified copies of Manatee County Ordinance Nos. PDR/PDC-96-03-(Z)(G)(R5), PDC-02-32(Z)(P), Z-03-02, Z-03-07 and 03-31, which were filed in this office on September 16, 2003.

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

Sincerely,

Liz Cloud  
Program Administrator

LC/mp