

MANATEE COUNTY ZONING ORDINANCE

PDC-03-31(Z)(P) - BELL BROTHERS and GARY COX AND STEVE COX/COX REZONE

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 LM (LIGHT MANUFACTURING), HC (HEAVY COMMERCIAL), AND NC-S (NEIGHBORHOOD COMMERCIAL-SMALL) TO PDC (PLANNED DEVELOPMENT COMMERCIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A MOTOR VEHICLE SALES, RENTAL, OR LEASING ESTABLISHMENT, WITH ACCESSORY AUTO CENTER AND MOTOR VEHICLE REPAIR.

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, 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 Section 4 of this Ordinance from LM (Light Manufacturing), HC (Heavy Commercial), and NC-S (Neighborhood Commercial-Small) to PDC (Planned Development Commercial).

B. The Board of County Commissioners held a public hearing on June 22, 2004 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 2020 Manatee County Comprehensive Plan.

Section 2. The Preliminary Site Plan is hereby APPROVED to allow a Motor Vehicle Sales, Rental, or Leasing Establishment, with accessory auto service center and motor vehicle repair with the following Stipulations and Specific Approvals:

STIPULATIONS

1. There shall be no outdoor speakers on this site. This shall be noted on the Final Site Plan.
2. All motor vehicle repair work shall be conducted entirely within designated areas and inside the buildings only.

3. All repair activities shall be prohibited between the hours of 8:00 p.m. to 7:00 a.m.
4. A 20' foot wide buffer shall be planted along the west property line with one row of 3" caliper canopy trees at least 14' in height) spaced 25' on-center with a Wax Myrtle hedge. A 6' high opaque PVC fence or wall shall also be installed as a part of the buffer along the west property line adjacent to the trailers in Kozy Trailer Park. These requirements shall be detailed on the Final Site Plan.
5. A 5' wide buffer shall be planted along the south property line with 3" caliper Red Cedar trees spaced 40' on center. This buffer shall also include a hedge that will achieve a height of 42" and 80% opacity within 2 years of planting.
6. All vehicle use area landscaping must comply with the requirements of LDC Section 715. These requirements shall be detailed on the Final Site Plan.
7. The design and shielding of any on-site lighting shall comply with Section 709.2.2 of the Land Development Code. In addition, any pole-mounted lights shall be limited to 25' in height and directed to the interior of the development using horizontal cut-off fixtures.
8. Prior to Final Site Plan approval, concurrency shall be met relative to fire flow and drainage design.
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. The removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the first Certificate of Occupancy issuance in accordance with Section 715.4 of the LDC.
11. All landscaping areas shall be protected by wheel stops or curbing in accordance with Section 715.4 of the LDC. This shall be shown on the Final Site Plan.
12. All roof mounted H.V.A.C. equipment shall be screened from view from adjacent property to the west and Cortez Road or located on the ground. Screening shall be provided by materials consistent with the exterior finish materials of the buildings.
13. Access to Cortez Road shall require FDOT approval and revisions required by FDOT shall be shown on the Final Site Plan. The applicant may also show any alternative design with respect to driveway access on Cortez Road that has been approved by FDOT, at the time of Final Site Plan.

SPECIFIC APPROVALS:

1. Specific Approval of an alternative to Section 603.11.4.2 of the Land Development Code to allow a reduction in landscaped open space from 20% to 16.61 %.
2. Specific Approval of an alternative to Section 704.51.4 of the Land Development Code to allow a reduction in the buffer required along vehicle use areas from 8' to 5' along the south property line.

3. Specific Approval of an alternative to Section 715.3.2.b. of the Land Development Code to allow a reduction of the buffer required between commercial and industrial land uses from 10' to 5' along the south property line.

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 LM (Light Manufacturing), HC (Heavy Commercial), and NC-S (Neighborhood Commercial-Small) 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.

PARCEL A:

SITUATE AND BEING IN THE NW ¼ OF THE NW ¼ OF SECTION 10 T35S R17E IN MANATEE COUNTY, FLORIDA AND BEING FURTHER DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT IN THE SOUTH RIGHT OF WAY LINE OF SR #684 (CORTEZ ROAD) FOUND BY MEASURING FROM THE NE CORNER OF SAID NW ¼ OF THE NW ¼, SOUTH 0° 07' EAST ALONG THE EAST LINE OF SAID NW ¼ OF THE NW ¼, 40.95 FEET; THENCE NORTH 89° 50' WEST, 256.50 FEET TO THE ABOVE MENTIONED P.O.B.; THENCE SOUTH 0° EAST, 195.0 FEET; THENCE SOUTH 89° 50' EAST, 55.0 FEET; THENCE SOUTH 0° 07' EAST, 156.81 FEET; THENCE NORTH 89° 50' WEST, 130.75 FEET; THENCE NORTH 0° 07' WEST, 351.81 FEET TO THE ABOVE MENTIONED RIGHT OF WAY LINE; SOUTH 89° 50' EAST, 75.75 FEET TO THE AFOREMENTIONED P.O.B.

PARCEL B:

FROM THE NE CORNER OF THE NW ¼ OF THE NW ¼ OF SECTION 10 TWP. 35S, RGE. 17 E, GO SOUTH 160 FEET FOR A P.O.B. THENCE CONTINUE SOUTH 231.5 FEET; THENCE GO WEST 201.5 FEET; THENCE NORTH 231.5 FEET; THENCE EAST 201.5 FEET TO THE P.O.B. LESS ROAD R/W IN 29TH STREET WEST

PARCEL C:

BEGIN 332.25 FEET WEST OF THE NE CORNER OF THE E ½ OF THE NW ¼ OF THE NW ¼ OF SECTION 10, TOWNSHIP 35 S, RANGE 17 E FOR POINT OF BEGINNING, THENCE SOUTH 391.5 FEET; THENCE WEST 110.75 FEET, THENCE NORTH 391.5 FEET; THENCE EAST 110.75 FEET TO THE POINT OF BEGINNING, LESS A STRIP OF LAND OFF THE NORTH END OF SAID PROPERTY CONVEYED TO THE STATE OF FLORIDA FOR STATE HIGHWAY BY DEED RECORDED IN DEED BOOK 265, PAGE 527 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA

PARCEL D:

BEGINNING 201.5 FEET WEST OF THE NE CORNER OF THE EAST 1/2 OF THE NW ¼ OF THE NW ¼ OF SECTION 10, TWP.35S RGE 17 E THENCE GO SOUTH AND PARALLEL TO THE EAST LINE OF THE EAST ½ OF SAID NW ¼ OF NW ¼ OF SECT 10-35-17 A DISTANCE OF 40.35 FEET TO A POINT ON THE SOUTH R/W LINE OF CORTEZ ROAD (STATE ROAD 684); THENCE GO SOUTH PARALLEL TO SAID EAST LINE A DISTANCE OF 181 FEET FOR A P.O.B.; THENCE CONTINUE SOUTH ALONG LAST DESCRIBED LINE EXTENDED A DISTANCE OF 14 FEET TO A POINT; THENCE GO WEST AND PARALLEL TO THE SOUTH R/W LINE OF SAID CORTEZ ROAD A DISTANCE OF 55 FEET TO A POINT;

THENCE GO NORTH AND PARALLEL TO THE SAID DESCRIBED EAST LINE A DISTANCE OF 14 FEET TO A POINT 181 FEET SOUTH OF THE SOUTH R/W LINE OF SAID CORTEZ ROAD; THENCE GO EAST PARALLEL TO THE SAID SOUTH R/W LINE, 55 FEET TO THE P.O.B.

PARCEL E:

BEGIN 181.5 FEET WEST OF THE NE CORNER OF THE E ½ OF NW ¼ OF SECTION 10, TWP. 35 S, RGE 17 E.; THENCE GO SOUTH 40.4 FEET SOUTH AND PARALLEL TO THE EAST LINE OF SAID EAST ½ TO THE SOUTH LINE OF CORTEZ ROAD. R/W FOR A P.O.B.; THENCE GO WESTERLY, ALONG THE SAID SOUTH R/W LINE OF CORTEZ ROAD A DISTANCE OF 75 FEET TO A POINT; THENCE GO SOUTH PARALLEL TO THE SAID EAST LINE A DISTANCE OF 181 FEET TO A POINT; THENCE GO EAST PARALLEL TO SAID SOUTH R/W LINE OF CORTEZ ROAD A DISTANCE OF 55 FEET; THENCE GO NORTH AND PARALLEL TO SAID LINE A DISTANCE OF 21.33 FEET TO A POINT; THENCE GO EAST 20 FEET TO A POINT 159.6 FEET SOUTH OF SOUTH LINE OF CORTEZ ROAD TO A POINT; THENCE GO NORTH AND PARALLEL TO SAID EAST LINE A DISTANCE OF 159.6 FEET TO THE P.O.B.

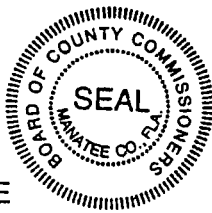
Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 22nd day of June, 2004.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: 

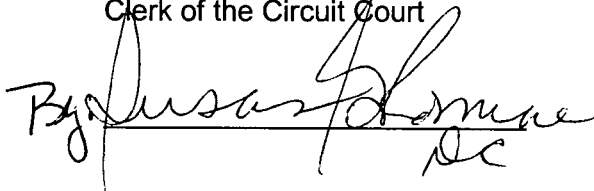
Chairman



ATTEST:

R. B. SHORE

Clerk of the Circuit Court


R.B. Shore



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 23rd day of

June, 2004

R.B. SHORE
Clerk of Circuit Court

By:  R.B. Shore



FILED FOR RECORD
R. B. SHORE

2004 JUL -2 PM 4:18

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

June 30, 2004

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

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated June 23, 2004 and certified copies of Manatee County Ordinance Nos. Z-03-17, PDC-03-31(Z)(P) and 04-53 through 04-55, which were filed in this office on June 29, 2004.

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

Sincerely,

Liz Cloud
Program Administrator

LC/mp

Enclosure