

RECORD
R. B. SHORE

2004 JUN 14 PM 1:10

MANATEE COUNTY ZONING ORDINANCE

PDC-03-43(Z)(P) - OVERCAST SANDS LIMITED, LLC./COTTMAN TRANSMISSION

CLERK
MANATEE CO. FLORIDA

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 ± 1.09 ACRES FROM GC/AI (GENERAL COMMERCIAL/AIRPORT IMPACT OVERLAY DISTRICT) TO PDC/AI (PLANNED DEVELOPMENT COMMERCIAL/AIRPORT IMPACT OVERLAY DISTRICT); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 5,850 SQUARE FOOT MAJOR AUTOMOTIVE VEHICLE REPAIR ESTABLISHMENT, AND GRANTING SPECIAL APPROVAL TO WAIVE THE MANDATORY CONNECTION TO THE MANATEE COUNTY PUBLIC WASTEWATER SYSTEM AND FOR A PROJECT WITHIN AN ENTRANCEWAY.

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 GC/AI (General Commercial/Airport Impact Overlay District) to PDC/AI (Planned Development Commercial/Airport Impact Overlay District).

B. The Board of County Commissioners held a public hearing on May 25, 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 5,850 square foot major automotive vehicle repair establishment and GRANTING Special Approval to waive the mandatory connection to the Manatee County public wastewater system and for a project within an entranceway with the following Stipulations and Specific Approval:

STIPULATIONS

1. Prior to Certificate of Occupancy, the design and shielding of on-site lighting shall demonstrate compliance with LDC Sections 709.2.2, 709.2.3, and 709.2.4. All 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.

2. All roof mounted H.V.A.C. mechanical equipment, and outdoor storage shall be screened from view from roadways with a solid parapet wall or other noise deflecting materials, consistent with the exterior finish materials of the buildings.
3. One pole sign is permitted along US 41. The sign shall provide concealment of main support structure (e.g., pole) between 20% and 100% of sign width with materials, colors, and architectural details consistent with the exterior wall of the building. No other pole signs are allowed. A separate sign permit issued by the Building Official is required before construction or placement of any sign, and all signs shall comply with Entranceway requirements. A sign plan with details of sizes and types of signs shall be approved with the Final Site Plan.
4. Unless otherwise approved by EMD, native or drought tolerant species shall be utilized in the landscaping materials. At least 3 different tree species shall be used with no one species comprising more than 40% of the total number of required trees throughout the project.
5. The lowest quality water possible shall be used for irrigation for the project. In ground irrigation using Manatee County public potable water supply shall be prohibited.
6. Upon expiration of the lease for the existing billboard, the billboard shall be removed and no new billboards may be placed on this site.
7. An additional 20 square feet of foundation landscaping per 1000 square feet of gross floor area shall provide at least sixty (60) percent of the required landscaping shall be located along foundations visible from US 41. This shall be approved by the Planning Department with the Final Site Plan.
8. 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 Final Site Plan.
9. All nuisance exotic plant species shall be removed from the entire site prior to issuance of the Certificate of Occupancy.
10. Prior to Final Site Plan approval, the architect/engineer of record shall provide documentation that concurrency has been met relative to fire flow per Section 9.6.1.4 of the Comprehensive Plan. Final engineering drainage design must be approved by the Growth Management Division of the Planning Department prior to Final Site Plan approval.

SPECIFIC APPROVALS:

1. Specific Approval of an alternative to Section 603.11.4.3 of the Land Development Code to allow a reduction of the side yard setback from 15' to 10' along the northern perimeter of the site.

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 GC/AI (General Commercial/Airport Impact Overlay District) to PDC/AI (Planned Development Commercial/Airport Impact Overlay 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 said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

COMMENCE AT THE NORTHEAST CORNER OF THE SW ½ 4 OF THE SW ½ 4 OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 17 EAST; THENCE N 89° 31' 00" W ALONG THE NORTH LINE OF SAID SW ½ 4 OF THE SW ½ 4 A DISTANCE OF 615 FEET TO THE INTERSECTION WITH THE NEW RIGHT-OF-WAY OF STATE ROAD 45 (US HIGHWAY 41); THENCE S 26° 48' 00" E ALONG SAID NEW RIGHT-OF-WAY A DISTANCE OF 245.01 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND IN OFFICIAL RECORDS BOOK 1452, PAGE 279, FOR A POINT OF BEGINNING; THENCE CONTINUE S 26° 48' 00" E ALONG SAID NEW RIGHT-OF-WAY A DISTANCE OF 128.75 FEET; THENCE S 89°31'00" E PARALLEL TO THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND IN OFFICIAL RECORDS BOOK 1452, PAGE 280 AND 15 FEET NORTHERLY THEREFROM A DISTANCE OF 339 FEET TO THE INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF A 40 FOOT WIDE PUBLIC ROAD; THENCE N 26 ° 48' 00" W ALONG SAID WESTERLY RIGHT-OF-WAY A DISTANCE OF 151.25 FEET TO THE INTERSECTION WITH THE CENTERLINE OF THAT CERTAIN VACATED 40 FOOT WIDE PUBLIC ROAD IN OFFICIAL RECORDS BOOK 1485, PAGE 3877; THENCE N 89° 31' 00" W ALONG THE CENTERLINE OF SAID VACATED PUBLIC ROAD A DISTANCE OF 322.13 FEET TO THE WESTERLY END OF SAID VACATED PUBLIC ROAD A DISTANCE OF 2250 FEET TO THE INTERSECTION WITH THE NORTH LINE OF SAID CERTAIN PARCEL IN OFFICIAL RECORDS BOOK 1452, PAGE 279; THENCE N 89° 31' 00" W ALONG SAID NORTH LINE A DISTANCE OF 16.87 FEET TO THE POINT OF BEGINNING.

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 25th day of May, 2004.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: [Signature]
Chairman

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

[Signature]



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 2ND day of JUNE, 2004.
R.B. SHORE
Clerk of Circuit Court
[Signature]



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

FILED FOR RECORD
R. B. SHORE

2004 JUN 14 PM 1:09

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

June 9, 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 2, 2004 and certified copies of Manatee County Ordinance Nos. 04-33, PDR-03-49(Z)(P), PDC-03-47(Z)(G), PDC-03-43(Z)(P), PDR-03-10(Z)(P) and PDR/PDC-96-03(G)(R6), which were filed in this office on June 7, 2004.

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

Sincerely,

Liz Cloud
Program Administrator

LC/mp

Enclosure