

FILED FOR RECORD
R. B. SHORE

2007 AUG 16 PM 3:17

**MANATEE COUNTY ORDINANCE
PDC-03-47(P) – SYNOVUS BANK**

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR A 3,726 SQUARE FOOT BANK WITH A DRIVE-THRU ON APPROXIMATELY 0.82 ACRES ON THE NORTHWEST CORNER OF UNIVERSITY PARKWAY AND SHADE AVENUE AT 2391 UNIVERSITY PARKWAY; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Synovus University Investment, LLC. (the "Applicant") has filed an application for a Preliminary Site Plan for approximately 0.82 acres described in Exhibit "A", attached hereto, (the "Property") for a 3,726 square foot bank with a drive-thru facility; and

WHEREAS, the Applicant has also requested Special Approval for a project: 1) in the Mixed Use Future Land Use Category and 2) an Entranceway; and

WHEREAS, the Applicant has also filed a request for Specific Approval for alternatives to Sections 710.1.6 and 719.11.1 of the Land Development Code; and

WHEREAS, Planning Department staff recommended approval of the Preliminary Site Plan, Special Approval, and Specific Approval applications, 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 June 14, 2007 to consider the Preliminary Site Plan application, received the staff's 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 Preliminary Site Plan, Special Approval, and Specific Approval applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code, recommended approval of the application, 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, 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 a Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.
- B. The Board of County Commissioners held a duly noticed public hearing on August 2, 2007 regarding the proposed Preliminary Site Plan 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 the public hearing.
- C. The proposed Preliminary Site Plan 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. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 710.1.6, the Board finds that the public purpose of the LDC regulations is satisfied to an equivalent degree by the proposed design because wetlands are not impacted and a large tree is preserved.
- E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 719.11.1, the Board finds that the public purpose of the LDC regulations is satisfied to an equivalent degree by the proposed design, which includes 560 square feet of wetland buffer compensation.
- F. The Board hereby finds that the project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for a 3,795 square foot bank with a drive-thru facility subject to the stipulations below.

Section 3. SPECIAL AND SPECIFIC APPROVAL. Special Approval is hereby granted for a project: 1) in the MU future land use category; and 2) in the Entranceway. This Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the Project approval pursuant to Section 2 hereof. Specific Approval is hereby granted for alternatives to Sections 710.1.6. and 719.11.1 of the Land Development Code subject to the following stipulations:

STIPULATIONS

- 1. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Pearce Drain. Modeling shall be used to determine pre- and post-development flows.
- 2. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.

3. The lowest quality water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited.
4. All building facades shall include landscaping and design features which reduce the mass, scale, and uniform monolithic appearance of large unadorned walls. Exterior building materials shall consist of block, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed standard concrete block, or corrugated metal shall not be permitted. Architectural metals or standard concrete block with stucco type finish, in conjunction with other permitted building materials may be allowed, provided that at least fifty percent (50%) of the building face is constructed from other permitted materials.

In order to ensure that the building does not project a massive blank wall, blank walls shall be no longer than 20 feet in length. Design elements including prominently visible architectural details (e.g., bumpouts, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.) shall be applied to the proposed building. Building elevations shall be approved with the Final Site Plan by the Planning Department ensuring compliance with this condition.

5. The dumpster shall be screened with building materials matching the principal building on site.
6. Roof mounted HVAC equipment shall be screened from view from adjacent roadways and residences. Screening shall be provided by materials consistent with the construction of the structures.
7. Subject to approval pursuant to any sign regulations then in effect, freestanding signs shall be limited to one ground sign with a maximum height of 8 feet and shall include decorative elements reflective of the finish building materials, colors, and architectural details.
8. Any wells discovered during land clearing shall be protected or abandoned in accordance with Rule 40 D, Florida Administrative Code.
9. A Water Well Construction Permit must be obtained from the EMD prior to construction of any proposed well(s).
10. All trees within the area proposed for construction activities that are to be preserved shall have protective barricades constructed at their drip lines prior to commencement of construction. No improvements, fill, grade changes, or compaction of soil due to heavy machinery shall be permitted within the drip line of trees proposed to be preserved. Barricades shall consist of minimum 5' high chain link fencing (new or used) to be placed at the drip line prior to commencement of construction and to remain until construction is completed.
11. An ERP approved by SWFWMD shall be provided to the Planning Department for review prior to Final Site Plan approval.

12. A Wetland Buffer Restoration Plan shall be provided with the Final Site Plan to be reviewed and approved by Natural Resources Division prior to Final Site Plan approval.

13. If burning of trees and branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans and Construction Plans are approved.

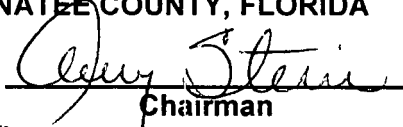
Section 4. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 5. 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 6. 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 2nd day of August, 2007.

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

BY: 
Chairman

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



BY: 
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

FROM THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 32, RUN N00°21'39"E, ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 133.30 FEET TO THE NORTH RIGHT-OF-WAY LINE OF S.R. 610 (RELOCATED COUNTY LINE ROAD) AND THE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING ON THE ARC OF A CURVE, WHOSE RADIUS POINT BEARS S05°11'24"E, A DISTANCE OF 5729.58 FEET; THENCE ALONG SAID CURVE TO THE LEFT IN A WESTERLY DIRECTION, A DISTANCE OF 26.67 FEET THROUGH A CENTRAL ANGLE OF 00°16'00"; THENCE S84°32'36"W, STILL WITH SAID NORTH RIGHT-OF-WAY OF S.R. 610, A DISTANCE OF 153.99 FEET; THENCE N00°21'39"E, A DISTANCE OF 252.25 FEET; THENCE S89°38'21"E, A DISTANCE OF 179.73 FEET TO THE EAST LINE OF THE SOUTHWEST 1/4; THENCE ALONG SAID EAST LINE OF THE SOUTHWEST 1/4, A DISTANCE OF 234 FEET TO THE POINT OF BEGINNING, LESS THE EAST 33 FEET THEREOF, LYING AND BEING IN SECTION 32, TOWNSHIP 35 SOUTH, RANGE 18 EAST, 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 16th day of August, 2007
R.B. SHORE
Clerk of Circuit Court
By: G. Acaredo D.C.



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FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

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

August 14, 2007

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

Attention: Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 6, 2007, and certified copies of Manatee County Ordinance Nos. PDMU-01-02(P)(R), PDC-03-47(P), PDPI-06-42(Z), PDR-97-04(P)(R), PDC-06-57(Z)(P), PDR-06-87(Z)(P), PDPM-06-74(G), PDI-05-56(P), PDR-06-78(Z)(P), PDI-05-18(Z)(P), and PDMU-06-23(Z)(P), which were filed in this office on August 9, 2007.

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

Sincerely,

Liz Cloud
Program Administrator

LC/lbh
Enclosures

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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COMMUNITY DEVELOPMENT
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STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
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