

MANATEE COUNTY ZONING ORDINANCE
PDC-04-16(Z)(P) – COVERED BRIDGE HOLDINGS II, LLC / THE FORUM

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 3.05 ACRES AT THE NORTHWEST CORNER OF TALLEVAST ROAD AND U.S. 301, BRADENTON FROM A-1 (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE) AND LM (LIGHT MANUFACTURING) TO THE PDC (PLANNED DEVELOPMENT COMMERCIAL) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR 23,378 SQUARE FEET OF NEIGHBORHOOD COMMERCIAL USES (INCLUDING 5,400 SQUARE FOOT CANOPY AREA); SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Covered Bridge Holdings II, LLC (the "Applicant") filed an application for a rezone of approximately 3.05 acres from A-1 (Suburban Agriculture, 1 Dwelling Unit per Acre) and LM (Light Manufacturing) to the PDC (Planned Development Commercial) zoning district; and

WHEREAS, the applicant also filed a request for a Preliminary Site Plan for approximately 3.05 acres described in Exhibit "A", attached hereto, (the "Property") for 23,378 square feet of Neighborhood Commercial Uses (including 5,400 square foot canopy area); and

WHEREAS, the applicant filed a request for Special Approval for a project exceeding 3,000 square feet of retail use in the IH Future Land Use Category; and

WHEREAS, Planning staff recommended approval of the rezone, Preliminary Site Plan, and Special 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 September 9, 2010 to consider the rezone, Preliminary Site Plan, and Special Approval applications, received the staff 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 applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code, and recommended approval of the applications, 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.

2010 OCT 21 AM 11:24

RECORD
R. B. SHORE

The Board of County Commissioners, 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 a portion of the real property described in Exhibit "A" of the Ordinance for 3.05 ± acres from A-1 (Suburban Agriculture, 1 Dwelling Unit per Acre) and LM (Light Manufacturing) to the PDC (Planned Development Commercial) zoning district.
- B. The Board of County Commissioners, after due public notice, held a duly noticed public hearing on October 12, 2010 regarding the 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 the public hearing.
- C. The proposed amendment to the Official Zoning Atlas 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. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the Preliminary Site Plan and as conditioned herein, 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 23,378 square feet of Neighborhood Commercial Uses (including 5,400 square foot canopy area); upon the Property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

- 1. The site shall be limited to 23,378 square feet of neighborhood convenience retail uses.
- 2. 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 brick, 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 all sides of the proposed building.

Other methods, as determined by the Planning Director, may be approved, including increasing the referenced 20 foot spacing requirement, provided superior building materials and significant horizontal design features are incorporated as part of the building elevation.

Building elevations for the buildings shall be submitted with the Final Site Plans to be reviewed and approved by the Planning Department.

3. The dumpster enclosures shall be constructed of similar materials as the main building. The enclosure and gate or fence shall be painted a similar color to the main building. Elevations of the dumpster enclosure and gate or fence shall be submitted to the Planning Department for review and approval prior to Final Site Plan approval.
4. HVAC equipment and mechanical equipment (including roof mounted) shall be screened from view from Tallevast Road and US 301. Screening shall be provided by materials and color consistent with the construction of the exterior finish of the building. Compliance shall be determined with the building elevations prior to Final Site Plan approval and field verified prior to issuance of C.O.
5. Service stations, convenience stores with gas pumps, and other drive-through facilities shall integrate any canopy with the main structure and include the following design criteria:
 - a. Drive-through windows shall incorporate coverings for service windows that are structurally and architecturally integrated into the design of the buildings.
 - b. No accessory building, gasoline pump, tank, vent, pump island, or pump island canopy shall be within 35 feet of any property line.
 - c. All drive-through facilities shall provide a by-pass lane or safe means of egress around drive-through lanes to be determined with the Final Site Plan.

B. TRANSPORTATION CONDITIONS:

1. The driveway access immediately to the west shall be completed or under construction prior to first Final Site Plan approval. This access shall be completed prior to issuance of the first Certificate of Occupancy.

C. ENVIRONMENTAL CONDITIONS:

1. No wells may be used as a potable water supply.
2. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be

submitted to the Natural Resources Department for review prior to Final Site Plan 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 classification a portion of the property identified in Exhibit "A" herein from A-1 (Suburban Agriculture, 1 Dwelling Unit per Acre) and LM (Light Manufacturing) to the PDC (Planned Development Commercial) zoning 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 Official Zoning Atlas.

Section 4. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project exceeding 3,000 square feet of retail use in the IH Future Land Use Category. This Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof.

Section 5. 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, 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 6. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, the ordinance if not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 7. 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 12th day of October, 2010.

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

BY: 
Donna G. Hayes, Chairman

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

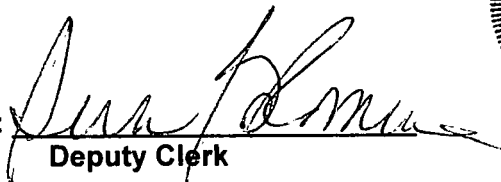
BY: 
Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION

PDC PARCEL (REVISED)

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTH ½ OF THE SOUTHEAST ¼ OF SECTION 30, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S89°30'38"E, ALONG THE NORTH LINE OF SAID SOUTH ½ OF THE SOUTHEAST ¼, A DISTANCE OF 1673.84 FEET TO A POINT ON THE WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF NEW U.S. 301 – STATE ROAD 683 AS RECORDED IN OFFICIAL RECORD BOOK 880, PAGE 632 AND OFFICIAL RECORD BOOK 1015, PAGE 3460 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S00°26'56"W, ALONG SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE, A DISTANCE OF 847.81 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S00°26'56"W, ALONG SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE, A DISTANCE OF 404.25 FEET; THENCE S55°21'44"W, ALONG SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE, A DISTANCE OF 24.52 FEET; THENCE N89°36'52"W, ALONG SAID LIMITED ACCESS RIGHT-OF-WAY LINE, A DISTANCE OF 150.00 FEET TO THE POINT OF INTERSECTION OF SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE AND THE NORTHERLY RIGHT-OF-WAY LINE, OF TALLEVAST ROAD; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING THREE COURSES AND DISTANCES: S80°15'00"W, 178.99 FEET; THENCE S00°19'11"W, 1.50 FEET; THENCE N89°40'49"W, 73.77 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, GO N00°26'56"E, 241.87 FEET; THENCE S89°33'04"E, 210.00 FEET; THENCE N00°26'56"E, 210.00 FEET; THENCE S89°33'04"E, 210.00 FEET TO THE POINT OF BEGINNING

LESS THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTH ½ OF THE SOUTHEAST ¼ OF SECTION 30, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S89°30'38"E, ALONG THE NORTH LINE OF SAID SOUTH ½ OF THE SOUTHEAST ¼, A DISTANCE OF 1673.84 FEET TO A POINT ON THE WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF NEW U.S. 301 – STATE ROAD 683 AS RECORDED IN OFFICIAL RECORD BOOK 880, PAGE 632 AND OFFICIAL RECORD BOOK 1015, PAGE 3460 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S00°26'56"W, ALONG SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE, A DISTANCE OF 1252.06 FEET; THENCE S55°21'44"W, ALONG SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE, A DISTANCE OF 24.52 FEET; THENCE N89°36'52"W, ALONG SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE, A DISTANCE OF 150.00 FEET TO THE POINT OF INTERSECTION OF SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE, AND THE NORTHERLY RIGHT-OF-WAY LINE OF TALLEVAST ROAD; THENCE S80°15'00"W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 7.92 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S80°15'00"W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 171.07 FEET; THENCE S00°19'11"W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1.50 FEET; THENCE N89°40'49"W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 73.77 FEET; THENCE

N00°26'56"E, 23.67 FEET; THENCE N88°29'19"E, 242.28 FEET TO THE POINT OF BEGINNING.

ALL THE ABOVE DESCRIBED LAND CONTAINING 3.05 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 14th day of October, 2010
R.B. SHORE
Clerk of Circuit Court
By: Debi J. Shore



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

FILED FOR RECORD
R. B. SHORE
2010 OCT 21 AM 11:23

CLERK
DAWN K. ROBERTS
Interim Secretary of State

October 18, 2010

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

Attention: Ms. Vicki Tessmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 14, 2010 and certified copies of Manatee County Ordinance Nos. 10-04, 10-07, 10-08, 10-09, 10-10, 10-11, 10-12, 10-15, 10-17, 10-18, 10-30, 10-31, 10-32, 10-43, 10-45, 10-48, PDC-10-09(Z) (G), PDR-03-54 (P) (R), PDR-10-12 (Z) (P) and PDC-04-16 (Z) (P), which were filed in this office on October 18, 2010.

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

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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