

**MANATEE COUNTY ZONING ORDINANCE**  
**PDC-05-119(P) – PANTHER PETROLEUM/CHEVRON STATION (DTS #20050523)**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, PERTAINING TO APPROXIMATELY 0.89 ACRES AT THE NORTHEAST CORNER OF LOCKWOOD RIDGE ROAD AND UNIVERSITY PARKWAY AT 8471 LOCKWOOD RIDGE ROAD IN THE PDC (PLANNED DEVELOPMENT COMMERCIAL) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR REDEVELOPMENT OF AN EXISTING CONVENIENCE STORE WITH GAS PUMPS; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Panther Petroleum (the "Applicant") filed an application for a Preliminary Site Plan for approximately 0.89 acres described in Exhibit "A", attached hereto, (the "property") for the redevelopment of an existing convenience store with gas pumps; and

**WHEREAS**, the Applicant also filed a request for Specific Approval for an alternative to Section 704.66.3 of the Land Development Code; and

**WHEREAS**, Planning Department staff recommended approval of the Preliminary Site Plan and Specific Approval 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 February 14, 2008 to consider the Preliminary Site Plan 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.

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 March 20, 2008 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 and to satisfy the criteria for approval in the Land Development Code.

D. Notwithstanding the failure of the site plan to meet the requirements of LDC Section 704.66.3, the Board finds that the purpose and intent of the LDC regulations have been satisfied to an equivalent degree because the underground tanks are existing and no purpose would be served by moving them 15 ft. south.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved for the redevelopment of an existing convenience store with gas pumps upon the property subject to the following Stipulations:

**STIPULATIONS**

**A. DESIGN AND LAND USE CONDITIONS:**

1. There shall be no drop down light fixtures in the canopy. The Lighting Plan submitted with the Final Site Plan shall show full details on all proposed project lighting meeting the standards of Section 709.
2. The dumpster shall be screened with the building materials matching the principal building on site. Additionally, the dumpster shall be a minimum of 10 feet from the building or projected by a fire sprinkler. This shall be approved by the Planning Department with the Final Site Plan.
3. A sign plan with the details of size and type of signs shall be approved with the Final Site Plan. This parcel is one premise for determining allowable signs.

**B. TRANSPORTATION CONDITIONS:**

1. The applicant shall be responsible for any additional on-site or off-site related safety improvements or capacity improvements attributable to this project, as determined by the Public Works Department.

**C. BUFFERS:**

1. Roadway buffer details shall be shown on the Final Site Plan. The applicant shall have a minimum 10 ft. width where possible. Lesser buffer widths are allowed due to the

redevelopment nature of the site, but must be clearly shown on the Final Site Plan. The buffer shall contain a minimum of 5 understory trees and 33 shrubs per 100 linear feet of frontage.

**D. ENVIRONMENTAL CONDITIONS:**

1. A Water Well Construction Permit must be obtained from the EMD prior to construction of the proposed well(s).
2. Existing wells shall be kept in a watertight manner and be protected during all construction activities.
3. Underground/aboveground pollutant storage tank installation/removal must conform to the requirements of Chapters 62-761, Florida Administrative Code.

**Section 3. SPECIFIC APPROVAL.** Specific Approval is hereby approved for an alternative to Section 704.66.3 of the Land Development Code. The Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof.

**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, 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, the ordinance if not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

(Signature block on next page)

**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 20<sup>th</sup> day of March, 2008.

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

**BY:** 

**Chairman**

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



**BY:** 

**Deputy Clerk**

EXHIBT "A"

LEGAL DESCRIPTION OF THE PROPERTY

KNOWN AS AND BEING A PART OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE FOR REFERENCE AT THE S.W. CORNER OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE N 00°53'04" E AND ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 33, A DISTANCE OF 345.00 FEET; THENCE S 89°39'56" E AND PARALLEL TO THE SOUTH LINE OF SECTION 33, A DISTANCE OF 68.00 FEET TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING S 89°39'56" E A DISTANCE OF 142.00 FEET; THENCE S 00°53'04" W A DISTANCE OF 45.00 FEET; THENCE S 89°39'56" E A DISTANCE OF 90.00 FEET; THENCE S 00°53'04" W A DISTANCE OF 148.44 FEET MORE OR LESS TO THE NORTH R/W LINE OF UNIVERSITY PARKWAY; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 5832.58 FEET A DISTANCE OF 162.72 FEET; THENCE N 03°54'32" E A DISTANCE OF 2.00 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 5834.58 FEET A DISTANCE OF 35.44'; THENCE N 54°17'12" W A DISTANCE OF 44.50 FEET; THENCE N 24°15'56"E A DISTANCE OF 6.77 FEET; THENCE N00°40'20" E A DISTANCE OF 144.95 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 38,751 SQUARE FEET (0.89 ACRES) MORE OR LESS.