

FILED FOR RECORD
R. B. SHORE

2008 OCT 16 PM 4:52(P) - HUPP RETAIL UPPER MANATEE LLC / WALGREEN'S @ SR 64 & UPPER
MANATEE RIVER ROAD

CLERK OF DISTRICT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR A 16,486 SQUARE FOOT DRUG STORE WITH DRIVE-THRU AND A 3,940 SQUARE FOOT BANK WITH DRIVE-THRU ON ± 2.63 ACRES AT THE NORTHEAST CORNER OF SR 64 AND UPPER MANATEE RIVER ROAD AT 1455 UPPER MANATEE RIVER ROAD, BRADENTON; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Hupp Retail Upper Manatee LLC (the "Applicant") filed an application for a Preliminary Site Plan for approximately 2.63 acres described in Exhibit "A", attached hereto, (the "Property") for a 16,486 square foot drug store with drive thru and a 3,940 square foot bank with drive-thru; and

WHEREAS, the applicant filed a request for Special Approval for a project adjacent to a Perennial Stream; and

WHEREAS, the applicant filed a request for Specific Approval for an alternative to Section 715.3.1.d of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the Preliminary Site Plan. Special Approval, 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 September 11, 2008 to consider the Preliminary Site Plan application, 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 October 2, 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. 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.

E. Notwithstanding the failure of the site plan to comply with LDC Section 715.3.1.d, the Board finds that the purpose and intent of Section 715.3.1.d has been satisfied to an equal degree because the design of the project provides considerably more parking lot landscaping than required by strict compliance with the LDC.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for a 16,486 square foot drugstore with drive-thru and a 3,940 square foot bank with drive-thru upon the Property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. The 16,486 sq. ft. building shall be in substantial conformance with the elevations submitted into the record at the Public Hearing. Building elevations shall be provided at time of Final Site Plan to verify compliance.
2. The drive-thru windows shall incorporate coverings for service windows that are structurally and architecturally integrated into the design of the building.
3. The can enclosure shall be constructed of similar material and painted the same color as the building. This shall be verified with the building elevations required at time of Final Site Plan approval.
4. HVAC equipment shall be screened from view from adjacent roadways. Screening shall be provided by materials consistent with the construction of the structures. This shall be verified with the building elevations required at time of Final Site Plan approval.

5. Free-standing signs shall be limited to ground signs with a maximum height of eight (8) feet and shall include decorative elements reflective of the finish building materials, colors, and architectural details. Sign elevations shall be provided for review and approval with the Final Site Plan. The number of signs permitted shall be consistent with the Land Development Code.
6. The species of trees to be planted under the power lines shall be reviewed and approved by the Planning Department with the Final Site Plan.
7. There shall be no freestanding lighting fixtures to the north of the buildings. All lighting fixtures affixed to the buildings shall provide full oblique shielding and shall comply with the standards in Section 719 of the Land Development Code.
8. No wall signs are approved with this Preliminary Site Plan. Wall signs shall be reviewed and approved with the final site plan.

B. TRANSPORTATION CONDITIONS:

1. At the time of Final Site Plan and Construction Plan approval for each phase of the project the developer shall be responsible for any additional on-site or off-site transportation operational and safety improvements attributable to this project, as determined by the Public Works Department, and in accordance with LDC Section 722.1.3.4., as well as any capacity improvements associated with the issuance of a Certificate of Level of Service.
2. All traffic concurrency-related transportation improvements and required traffic safety and operational improvements shall be shown on the Final Site Plan(s) and Construction Plan(s).

C. INFRASTRUCTURE CONDITIONS:

1. No new tap shall be made to the existing 42" water main unless it can be demonstrated, via engineering calculations, that the existing 6" water main 400 feet north of this site cannot provide adequate fire protection."

D. STORMWATER CONDITIONS:

1. Any fill within the 25-year or 100-year floodplains of the Gates Creek shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year and 25-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
2. There shall be full 25-year attenuation on all stormwater ponds within the development.
3. The existing 25-year flood elevation along the Gates Creek shall be utilized as tail water condition.

4. Routing and modeling of the existing conditions shall be provided with the Drainage Model and Construction Plan for all natural drainage systems within and surrounding this project taking into consideration all wetland storage and ground depressions.
5. 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.

E. BUFFERS:

1. Finished elevations along the north property line shall be consistent with the cross sections provided by the applicant and entered into the record.

F. ENVIRONMENTAL CONDITIONS:

1. An ERP approved by SWFWMD must be provided to the Planning Department for review prior to Final Site Plan approval.
2. Prior to Certificate of Occupancy issuance, if SWFWMD determines that there are any wetlands either on site or adjacent to the site, a Conservation Easement for the areas defined as post-development jurisdictional wetlands and wetland buffers shall be dedicated to the County in accordance with Section 719.11.1.3 of the LDC.
3. Construction is not authorized with this approval. Prior to commencement of construction or land clearing, an Erosion and Sediment Control Plan (ESCP) shall be submitted to the Planning Department for review and approval pursuant to Section 508.3.4.7.j. of the LDC. Construction water quality monitoring will be required for this project. Final Site Plans, Construction Plans, ERP, and NPDES permit approvals must be obtained prior to submittal of the ESCP. Construction or land clearing is not authorized until an ESCP has been approved by the Planning Department and all required meetings have been completed.
4. Irrigation for landscaping shall use the lowest water quality source available. Use of Manatee County public potable water supply shall be prohibited.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project adjacent to a Perennial Stream. 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. Specific Approval is hereby granted for an alternative to Section 710.1.6 of the Land Development Code. This 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.

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 October, 2008.

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:

LOT A, BLOCK B OF WINDSONG ACRES SUBDIVISION AS RECORDED IN PLAT BOOK 20, PAGE 24 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; LESS A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 1800, PAGE 5619 OF THE PUBLIC RECORDS OF MANATEE COUNTY FLORIDA: LYING AND BEING IN SECTION 29, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA. SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD. CONTAINING 2.639 ACRES.



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 8th day of October, 2018

R.B. SHORE
Clerk of Circuit Court

By: Heidi Sessner S.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

FILED FOR RECORD
R. B. SHORE

2008 OCT 16 PM 1:09

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

October 13, 2008

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

Attention: Ms. Diane E. Vollmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 8, 2008 and certified copies of Manatee County Ordinance Nos. 08-70, 08-67, PDC-05-57 (P) and PDC-05-79 (Z) (P), which were filed in this office on October 10, 2008.

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

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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