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R. B. SHORE

2008 OCT 16 PM 1:09

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

MANATEE COUNTY ZONING ORDINANCE
PDC-05-79(Z)(P) – PORTAL CROSSING RT 64 LLC/BLACKPOINT PLAZA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 6.17 ACRES ON THE SOUTH SIDE OF S.R. 64 AND ± 624 FEET WEST OF THE INTERSECTION OF LAKEWOOD RANCH BLVD. AND S.R. 64, BRADENTON FROM LM (LIGHT MANUFACTURING) AND A-1 (SUBURBAN AGRICULTURE) TO THE PDC (PLANNED DEVELOPMENT COMMERCIAL) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR: 18,300 SQUARE FOOT RETAIL SALES AND RESTAURANTS; 4,100 SQUARE FOOT CONVENIENCE STORE, (3,900 SQUARE FOOT CANOPY AND SIX GAS PUMPS); 1,152 SQUARE FOOT CARWASH; AND 5,800 SQUARE FOOT BANK WITH DRIVE-THRU; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Portal Crossings Rt. 64 LLC (the "Applicant") filed an application to rezone approximately 6.17 acres described in Exhibit "A", attached hereto, (the "property") from LM (Light Manufacturing) and A-1 (Suburban Agriculture) to the PDC (Planned Development Commercial) zoning district; and

WHEREAS, the applicant also filed a Preliminary Site Plan for: 18,300 square foot retail sales and restaurants; 4,100 square foot convenience store, (3,800 square foot canopy and six gas pumps); 1,152 square foot carwash; and 5,800 square foot bank with drive-thru (the "Project") on the property; and

WHEREAS, the applicant filed a request for Special Approval for a project in the MU Future Land Use Category; and

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

WHEREAS, Planning staff recommended approval of the rezone, 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 rezone, Preliminary Site Plan, Special Approval, and Specific Approval, received the staff recommendation, and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

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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, 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 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 Exhibit "A" of this Ordinance from LM (Light Manufacturing) and A-1 (Suburban Agriculture) to the PDC (Planned Development Commercial) zoning district

B. The Board of County Commissioners held a duly noticed public hearing on October 2, 2008 regarding the 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 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.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.1.g, the Board finds that the public purpose of the LDC requirement is satisfied to an equivalent degree by the proposed design because the combined area from back of curb of the access drive to the back of curb of the parking area exceeds the perimeter buffer requirements.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for: 18,300 square foot retail sales and restaurants; 4,100 square foot convenience store, (3,800 square foot canopy and six gas pumps); 1,152 square foot carwash; and

5,800 square foot bank with drive-thru on the property subject to the following Stipulations:

STIPULATIONS

Design and Land Use

1. The design of the structures shall be in substantial conformance with the elevations entered into the record for this case.
2. Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed concrete block and corrugated metal shall not be permitted. Architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least fifty percent (50%) of the building face is constructed from other permitted materials.
3. All roof mounted HVAC equipment shall be screened from view from adjacent roadways and surrounding properties. Screening shall be provided by materials consistent with the construction of the structures. Details of screening shall be submitted with the Final Site Plan.
4. Freestanding signs for this project shall be limited to ground signs with a maximum height of eight (8) feet and shall include decorative elements reflective of the building materials, colors, and architectural details consistent with each building.
5. Prior to Final Site Plan approval, a cross access easement agreement for joint use of parking and driveways shall be established and recorded between Lakewood Ranch Commerce Park, the bank, retail sales, and eating establishments.

Environmental

6. Prior to Final Site Plan approval, the entire site shall be re-evaluated to determine the level of contamination and appropriate remediation or mitigative measures as approved by the Planning Department. Copies of a remediation or mitigation plan shall be approved by the Planning Department and submitted along with approvals by appropriate State or Federal agencies to the Planning Department. All remediation or mitigation activities shall be completed prior to commencement of construction.
7. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Planning Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, unless otherwise approved by the Planning Department.

8. A Water Well Construction Permit must be obtained from the County prior to construction of any proposed well(s).
9. Existing wells shall be kept in a water-tight manner and be protected during all construction activities.
10. Underground or aboveground pollutant storage tank installation or removal must conform to the requirements of Chapter 62-761, Florida Administrative Code.
11. If burning of trees or branches is required for land clearing, a burn permit must first be obtained from the State.
12. The applicant shall address tree replacement for the roadway extension project with the Final Site Plan for this project. Tree replacement shall be achieved on-site to the greatest extent possible, with the balance of tree replacement to be address through payment into the Manatee County Tree Trust Fund. Total tree replacement shall be determined at the Final Site Plan stage. Any requirement to pay into the Tree Trust Fund shall be made prior to issuance of the first building permit for the project.

Stormwater and Drainage

13. Prior to Final Site Plan approval, the applicant shall be responsible for constructing the shared retention pond serving this project and S.R. 64 widening project if work has not commenced on S.R. 64.
14. 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.
15. All lots shall be graded at a minimum slope to provide positive drainage to the internal drainage system.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project in the MU Future Land Use Category. The 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 715.3.1.g 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. 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 Exhibit "A" herein from LM (Light Manufacturing) and A-1 (Suburban Agriculture) 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 said Official Zoning Atlas.

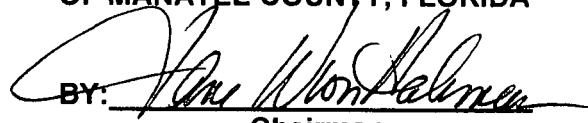
Section 5. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, clause, sentence, or other provision shall be deemed severable, and such invalidity or unconstitutionality 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, this ordinance is 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 2nd day of October, 2008.

BOARD OF COUNTY
COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: 
Chairman

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

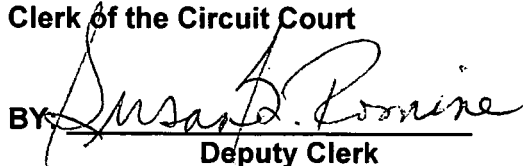
BY: 
Deputy Clerk



EXHIBIT "A"

Legal Description

Lots 7 through 11, inclusive Richland Farms, according to the map or plat thereof as recorded in Plat Book 6, Pages 63, Public Records of Manatee County, Florida, LESS road right-of-way at described in Deed Book 316, Page 127. (Parcel 1)

Lot 12, Richland Farms, according to the map or plat thereof as recorded in Plat Book 6, Pages 63, Public Records of Manatee County, Florida, LESS road right—of—way as described in Deed Book 316, Page 127.(Parcel 2)

Lot 13, Richland Farms, according to the map or plat thereof as recorded in Plat Book 6, Pages 63, Public Records of Manatee County, Florida, LESS road right-of-way as described in Deed Book 316, Page 127.(Parcel 3)



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 5th day of October, 2008

R.B. SHORE
Clerk of Circuit Court

By: Debi Jesmanec a.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

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

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