

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE

2007 OCT -1 PPD-06854(P) - AP BRADENTON LIMITED PARTNERS / ROYAL PALM CROSSING -
PHASE II

CLERK OF THE CIRCUIT COURT
MANATEE CO FLORIDA

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA, APPROVING A PRELIMINARY SITE PLAN
FOR 51,800 SQUARE FEET OF COMMERCIAL SPACE, IN ADDITION TO THE
EXISTING THEATRE ON APPROXIMATELY 23.57 ACRES AT THE
NORTHWEST CORNER OF U.S. 301 AND S.R. 70, AND EXTENDING NORTH
TO 51ST AVENUE EAST AND WEST TO 24TH STREET EAST, ONE CO;
SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; PROVIDING
A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING
AN EFFECTIVE DATE.

2007 SEP 24 PM 2:16
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CLERK OF THE CIRCUIT COURT
MANATEE CO FLORIDA

WHEREAS, AP Bradenton Limited Partners (the "Applicant") has filed an application for a Preliminary Site Plan for approximately 23.57 acres described in Exhibit "A", attached hereto, (the "Property") for a 51,800 square feet of commercial space, in addition to the existing theatre; and

WHEREAS, the Applicant has also filed a request for Special Approval for an addition of over 50,000 square feet to a project in the R/O/R Future Land Use Category; and

WHEREAS, Planning Department staff recommended approval of the 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 August 9, 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 and Special 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 September 6, 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 Sections 715.5.1.g and 715.3.1.d, the Board finds that the purpose of the LDC is satisfied to an equivalent degree by moving the buffer and landscaping it is enhancing the overall viability of the buffer and creating greater compatibility for the project as a whole.

E. 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 51,800 square feet of commercial space, in addition to the existing theatre, with the following stipulations:

STIPULATIONS

1. Permitted uses shall be limited to offices, clinics, veterinary clinics, retail sales, eating establishments, banks (with drive thru), dry cleaners, personal services, business services, repair services, and medical and dental laboratories.

Gas pumps and car washes may be permitted on Lots 2 and 4, provided the buffers along the abutting public roadways are increased to a minimum width of 20 feet.

2. The Final Site Plan for Lot 4 shall show a sidewalk from the building in Lot 4 to the sidewalk along the main east-west driveway to the north.
3. Building heights shall be limited to one and two stories, as shown on the Preliminary Site Plan.
4. Signs on Lots 2, 3, and 4 shall be limited to ground signs.
5. The facades facing U.S. 301, S.R. 70, 51st Avenue East, and 24th Street East shall be similar in design as the front of the building. Elevation drawings and architectural renderings from the appropriate angle shall be required with Final Site Plan submittals, and these shall be part of the Final Site Plan approval. If staff and the developer cannot agree on the facade, staff will schedule a public hearing before the Board of County Commissioners for determination on the design.

6. All drive-through windows shall incorporate coverings for service windows that are structurally and architecturally integrated into the design of the buildings.
7. Loading areas and dumpsters shall not be visible from 24th Street East, S.R. 70, U.S. 301, or 51st Avenue East.
8. All roof mounted H.V.A.C. mechanical equipment shall be screened with a solid parapet wall or other noise deflecting materials, which shall be consistent with the construction materials of the main buildings, so as not to be visible from adjacent roads or residential units. Roof mounted equipment shall be placed in the front half of the building, away from the residential development. This shall be approved with the Final Site Plan.
9. All dumpster(s) shall be screened with building materials matching the principal building on site.
10. Exterior loud speakers, bells, or similar audio-communication shall not be permitted on the rear side of the buildings facing east; however, directed (non-broadcast) communication devices and intercoms shall not be restricted. "Directed (non-broadcast)" shall mean not plainly audible to a person greater than 10 feet from the source.
11. The project shall use the lowest quality of water available for irrigation purposes. Use of Manatee County public potable water supply shall be prohibited for in ground irrigation systems.
12. The applicant shall be responsible for any on-site or off-site transportation capacity improvements required as part of a CLOS for this project.
13. Stormwater runoff from the proposed outparcels shall be accepted by the master stormwater system without causing impacts existing system onsite and offsite.
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. The applicant shall work with County staff during the Final Site Plan process to increase and enhance the roadside buffers on SR 70, US 301, and 51st Avenue by minimizing the interior buffers on the northern side of the southern parcels and the southern side of the northern parcel.
16. The front yard setback for Lot 4 may be reduced to 80' feet.

Section 3. SPECIAL AND SPECIFIC APPROVALS. The Board hereby GRANTS Special Approval for an addition of over 50,000 square feet to a project in the R/O/R 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. Specific Approval is hereby granted for alternatives to Sections 715.5.1.g and 715.3.1.d of the Land Development

Code.

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 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 6th day of September, 2007.

BY: BOARD OF COUNTY
COMMISSIONERS
MANATEE COUNTY, FLORIDA

BY: 
Vice-Chairman

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

BY: 
Deputy Clerk



EXHIBT "A"
LEGAL DESCRIPTION OF THE PROPERTY

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE S89°07'50"E, ALONG THE SOUTH LINE OF SAID SECTION 7, A DISTANCE OF 329.42 FT.; THENCE N00°52'10"E, PERPENDICULAR WITH SAID SOUTH LINE, A DISTANCE OF 96.59 FT. TO THE INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. RIGHT-OF-WAY MAPS, SECTION 13160-2514, FOR A POINT OF BEGINNING; THENCE N 00°09'04"W, 299.86 FT.; THENCE S89°07'50"E, 165.73 FT. THENCE S00°05'59"E, A DISTANCE OF 296.20 FT. TO THE INTERSECTION WITH SAID NORTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 70; THENCE N89°36'18"E, ALONG SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE OF 20.00 FT. TO THE END OF SAID NORTHERLY RIGHT-OF-WAY AND THE BEGINNING OF THE WESTERLY LIMITED ACCESS RIGHT-OF-WAY OF U.S. HIGHWAY NO. 301 (STATE ROAD NO. 683) AS SHOWN ON F.D.O.T. RIGHT-OF-WAY MAPS, SECTION 13120-2506; THENCE RUN THE FOLLOWING COURSES ALONG SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY: CONTINUE N89°36'18"E, 280.56 FT.; THENCE N37°24'33"E, 137.20 FT.; THENCE N09°31'25"E, A DISTANCE OF 1080.62 FT. TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF 51ST AVENUE EAST, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1613, PAGE 3412, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N88°35'28"W, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 1040.78 FT. TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF 24TH STREET COURT EAST, AS DESCRIBED AND RECORDED IN SAID OFFICIAL RECORDS BOOK 1613, PAGE 3412; THENCE S00°27'02"W, ALONG SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 286.41 FT. TO THE END OF SAID EASTERLY RIGHT-OF-WAY AND THE BEGINNING OF THE EASTERLY RIGHT-OF-WAY OF 24TH STREET COURT EAST, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 815, PAGE 240, SAID PUBLIC RECORDS; THENCE S00°12'44"E, ALONG SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 190.97 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 477.82 FT.; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°32'38", A DISTANCE OF 196.35 FT. TO THE P.R.C. OF A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 482.65 FT.; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°32'38", A DISTANCE OF 198.33 FT.; THENCE S00°12'44"E, A DISTANCE OF 344.37 FT. TO THE INTERSECTION WITH AFORESAID NORTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 70; THENCE N89°36'18"E, ALONG SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE OF 231.23 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 7, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 23.57 ACRES MORE OR LESS.

EXHIBT "A"
LEGAL DESCRIPTION OF THE PROPERTY

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CONTAINING 23.57 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 19th day of September, 2007
R.B. SHORE
Clerk of Circuit Court
By: Ulebi J. Sinner D.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

FILED FOR RECORD
R. B. SHORE
2007 OCT -1 PM 2:54
CLERK OF THE CIRCUIT COURT
MANATEE COUNTY, FLORIDA
KURT S. BROWNING
Secretary of State

September 25, 2007

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

Attention: 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 September 19, 2007 and certified copies of Manatee County Ordinance Nos. PDC-06-54(P), and 07-57 which were filed in this office on September 24, 2007.

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

Sincerely,

Liz Cloud
Program Administrator

LC/lbh
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

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