

MANATEE COUNTY ZONING ORDINANCE
PDC-07-16(Z)(P) – CATHERYN A ROUTH REVOCABLE TRUST/ROUTHS EQUIPMENT CO.
– GRAVELY OF BRADENTON

FILED FOR RECORD
R. B. SHORE

2007 NOV 20 AM 8:44

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE 90-01 (THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF APPROXIMATELY 1.07 ACRES ON THE WEST SIDE OF 15TH STREET EAST AT 1408 57TH AVENUE DRIVE EAST FROM RSF-6 (RESIDENTIAL SINGLE-FAMILY, 6 DWELLING UNITS PER ACRE) AND THE HC (HEAVY COMMERCIAL) ZONING DISTRICTS TO THE PDC (PLANNED DEVELOPMENT COMMERCIAL) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR A 14,200 SQUARE FEET REPAIR SERVICE ESTABLISHMENT AND 1,000 SQUARE FOOT OF OFFICE USES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Catheryn A. Routh Revocable Trust / Rouths Equipment Co. (the "Applicant") has filed a rezone application to rezone approximately 1.07 acres described in Exhibit "A", attached hereto, (the "Property") from RSF-6 (Residential Single-Family, 6 dwelling units per acre) and HC (Heavy Commercial) zoning districts to the PDC (Planned Development Commercial) zoning district; and

WHEREAS, the Applicant has also filed a Preliminary Site Plan application for a 14,200 square foot repair service establishment and 1,000 square foot of office uses, (the "Project") to be located upon the Property; and

WHEREAS, the Applicant has also filed a request for Specific Approval for an alternative to Section 603.11.4.3 of the Land Development Code (LDC); and

WHEREAS, Planning staff recommended approval of the rezone, Preliminary Site Plan, and Specific Approval applications, subject to the stipulations contained in the Planning Staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held public hearings on September 13, 2007, and October 11, 2007, to consider the rezone, Preliminary Site Plan, and Specific Approval applications, received the Planning Staff's recommendations 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 rezone and Preliminary Site Plan 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 Planning staff report and granting the Specific Approval for an alternative to Section 603.11.4.3 of the Land Development Code.

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 of said County, 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 the real property described in Exhibit "A" of this Ordinance from the RSF-6 (Residential Single-Family, 6 dwelling units per acre) and HC (Heavy Commercial) zoning districts to the PDC (Planned Development Commercial) zoning district.

B. The Board of County Commissioners held duly noticed public hearings on September 27, 2007, and November 1, 2007, regarding said proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance 90-01, the Manatee County Land Development Code, and has further considered the information received at said 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 89-01, the 2020 Manatee County Comprehensive Plan.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 603.11.4.3, the Board finds that the purpose of the LDC regulations is satisfied to an equivalent degree by the proposed design because there is another existing structure on site (a 329.5 sq. ft. building) which is approximately 20' from the edge of the right-of-way which will be removed and replaced by the new warehouse storage building.

Section 2. PRELIMINARY SITE PLAN The Preliminary Site Plan is hereby approved for a 14,200 square foot repair service establishment and 1,000 square foot of office uses upon the Property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. All parking and drive aisles shall be either asphalt or concrete.
2. A 5' wide sidewalk is required along 301 Boulevard East and must be shown on the Final Site Plan.

3. All repair and service work shall take place within the easternmost building on this site.
4. The number of parking spaces is not approved as shown on this site plan. Applicant will be required to provide a parking study if a reduction in required parking is requested with the Final Site Plan.

B. TRANSPORTATION CONDITIONS:

1. No concurrency is granted with this approval.
2. As designated on the Manatee County Right-of-Way Needs Map in this location, 57th Avenue Drive East requires a right-of-way of 84 feet (42' half-width right-of-way) with the existing adjacent half width adjacent to this proposed development of 20 feet. The additional right-of-way can be conveyed by Right-of-Way Easement. Please show the proposed easement on the Final Site Plan.
3. As designated on the Manatee County Right-of-Way Needs Map in this location, 301 Boulevard requires a right-of-way of 120 feet (60' half-width right-of-way) with the existing adjacent half width adjacent to this proposed development of 50 feet. The additional right-of-way can be conveyed by Right-of-Way Easement. Please show the proposed easement on the Final Site Plan.
4. At the time of Final Site Plan and Construction Plan approval 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.

C. INFRASTRUCTURE CONDITIONS:

1. Prior to Final Site Plan approval the on and off site striping and signage shall comply with LDC Sections 733 and 710, the Manual of Uniform Traffic Control Devices, and the Florida Accessibility Code requirements. This includes all parking stalls, handicap signage/striping, pedestrian crossing striping, stop signs and bars at all egress points and at any proposed intersecting drive isles where it is deemed necessary by staff.
2. Prior to Final Site Plan approval sidewalks shall be depicted along all street frontages per LDC Section 722.1.4.3.
3. Prior to Final Site Plan approval all required handicap ramps shall comply with F.D.O.T. Index 304, for detectable warning / truncated domes.
4. Prior to Final Site Plan approval the solid waste dumpster pad must be sprinkled and provided with an entirely opaque enclosure as required per LDC Section 728.5.1.2.
5. Prior to Final Site Plan approval the applicant must demonstrate that all required Right of Way dedications are depicted on the plans as required per LDC Section 722.1.3.3.2.

6. Prior to Final Site Plan approval Fire Flow requirements shall be addressed in compliance with Comprehensive Plan Policy 9.6.1.4 and LDC Section 722.1.8.4.
7. Prior to Final Site Plan approval all ingress and egress locations shall comply with LDC Sections 711, 712, and specifically 711.4.5. This includes driveway separations, driveway locations, Transportation Department Standards and the total number of access points allowed.
8. Prior to Final Site Plan approval the storm water treatment facility as required shall comply with LDC Section 717 and Manatee Counties Transportation Department Standards.
9. Prior to Final Site Plan approval the off street parking design shall comply with LDC Section 710. This includes specific criteria such as surface material, location and pedestrian safety.

D. STORMWATER CONDITIONS:

1. Any fill within the 100-year floodplain of the Bowlees Creek shall be compensated by the creation of an equal or greater storage volume above seasonal high water table.
2. The existing 25-year flood elevation along the Bowlees Creek shall be utilized as tailwater condition.
3. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow, generated by new impervious area, directly or indirectly into Bowlees Creek. Modeling shall be used to determine pre- and post- development flows.
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. A 10' wide landscaped roadway buffer shall be provided along 15th Street East and along 57th Avenue Drive East consistent with planting requirements for roadway buffers in the Land Development Code. These roadway buffers shall be completed with Phase I of this project.
2. Screening buffers along west and south property lines shall be installed with Phase I.

3. A 6' high opaque fence shall be installed along the west and south property lines where this use is adjacent to residential uses.

F. ENVIRONMENTAL CONDITIONS:

1. All existing trees shall be identified on the plans prior to Final Site Plan approval, per Section 714 of the LDC. Replacements shall be provided for all trees not protected to the dripline.
2. All trees within the area proposed for construction activities that are to be preserved shall have protective barricades constructed at their driplines prior to commencement of construction. No improvements fill, grade changes, or compaction of soil due to heavy machinery will be permitted within the dripline of trees proposed to be preserved. Tree protection barriers shall consist of new or used chainlink fence (minimum 5' height) located at the tree dripline.
3. A Water Well Construction Permit must be obtained from the EMD prior to construction of the proposed well(s).
4. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.

G. FLOODPLAIN MANAGEMENT:

1. Proposed construction to be floodproofed as allowed by the Land Development Code, Section 718, The Manatee County Ordinance 89-10, and the Code of Federal Regulations (44 CFR) Section 60.3.
2. Details for floodproofing will be reviewed at building permit application and must be certified by an engineer or architect.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for an alternative to Section 603.11.4.3 of the Land Development Code.

Section 4. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County, Ordinance 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 the RSF-6 (Residential Single-Family, 6 dwelling units per acre) and HC (Heavy Commercial) zoning districts 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 1st day of November, 2007.

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

BY:


Chairman



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

BY:

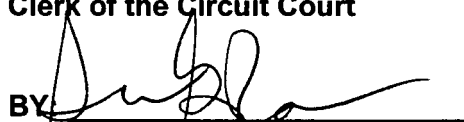

Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

LOTS 1,2,3 & 4 LESS THE EAST 20 FEET FOR ROAD RIGHT-OF-WAY OVERSTREET PARK AS RECORDED IN PLAT BOOK 7, PAGE 59 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FL



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 7th day of November, 2007
R.B. SHORE
Clerk of Circuit Court
By: [Signature] D.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

November 13, 2007

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

FILED FOR RECORD
R. B. SHORE

2007 NOV 20 AM 8:43

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

Attention: Quantana Acevedo, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 7, 2007 and certified copies of Manatee County Ordinance No. 07-68, PDR-06-09(Z)(P), PDMU-05-19(Z)(G), PDC-07-16(Z)(P), PDR-06-31(Z)(P) and PDR-05-77(Z)(P), which were filed in this office on November 9, 2007.

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

Sincerely,

Liz Cloud
Program Administrator

LC/lbh
Enclosures

DIRECTOR'S OFFICE

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