

FILED FOR RECORD  
R. B. SHORE

2008 AUG 20 PM 1:36

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

**MANATEE COUNTY ZONING ORDINANCE**

**PDC-07-32(P) – HEARGERTY INVESTMENTS, LC / FREEDOM BANK AT SR 70**

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR A 4,155 SQUARE FOOT BANK WITH DRIVE THRU ON ± 1.11 ACRES ON THE NORTH SIDE OF SR 70 AND APPROXIMATELY 2,000 FEET EAST OF 33<sup>RD</sup> STREET EAST AT 3703 SR 70, BRADENTON; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Heagerty Investments, LLC (the "Applicant") filed an application for a Preliminary Site Plan for approximately 1.11 acres described in Exhibit "A", attached hereto, (the "Property") for a 4,155 square foot bank with drive thru; and

**WHEREAS**, the applicant filed a request for Specific Approval for an alternative to Section 710.1.6 of the Land Development Code; and

**WHEREAS**, Planning 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 July 10, 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.

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B. The Board of County Commissioners held a duly noticed public hearing on August 5, 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 this plan to comply with the requirements of LDC Section 710.1.6, the Board finds that the public purpose of the LDC regulations is satisfied to an equivalent degree by the proposed design because traffic circulation should not be impacted.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved for a 4,155 square foot bank with drive thru upon the Property subject to the following Stipulations:

**STIPULATIONS**

**DESIGN AND LAND USE CONDITIONS:**

1. The 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 window 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 one ground sign with a maximum height of 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.
6. The species of trees proposed under the power lines shall be reviewed and approved by the Planning Department with the Final Site Plan.

**B. TRANSPORTATION CONDITIONS:**

1. All traffic concurrency-related transportation improvements and required traffic safety and operational improvements shall be shown on the Final Site Plans(s) and Construction Plan(s).

**C. STORMWATER CONDITIONS:**

1. 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.
2. 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.
3. The SWFWMD Permits and an exhibit identifying the areas that are under each permit modification shall be provided to this department prior to Final Site Plan approval.

**D. ENVIRONMENTAL CONDITIONS:**

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Planning Department for review prior to Commencement of Construction.
2. Existing native vegetation located within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.
3. 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.

**Section 3. SPECIFIC APPROVAL.** 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 5<sup>th</sup> day of August, 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:**

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 8, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE N.89°41'44"W., ALONG THE SOUTH LINE OF SAID SECTION 8, 332.02 FEET TO THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 8; THENCE N.00°03'46"W., ALONG THE EAST LINE OF SAID WEST 1/2 OF THE EAST 1/2, 73.35 FEET; THENCE N.89°41'44"W., PARALLEL TO THE NORTH RIGHT-OF-WAY OF STATE ROAD NUMBER 70 (SECTION 1316-101), 275.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE N.89°41'44"W.. PARALLEL TO SAID NORTH RIGHT-OF-WAY, 144.16 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 50.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 89°33'07", 78.15 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.00°08'37"W., PARALLEL TO THE EAST LINE OF A PUBLIC EASEMENT, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 125, PAGE 269, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND 3.0 FEET EASTERLY THEREFROM, 202.29 FEET; THENCE N.89°56'14"E., PERPENDICULAR TO THE EAST LINE OF SAID WEST 1/2 OF THE EAST 1/2, 194.12 FEET; THENCE S.00°03'46"E., PARALLEL TO THE EAST LINE OF SAID WEST 1/2 OF THE EAST 1/2, 253.44 FEET TO THE POINT OF BEGINNING, BEING AND LYING IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 48,448 SQUARE FEET.



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 13<sup>th</sup> day of AUGUST, 2008

H.B. SHORE  
Clerk of Circuit Court

By: Nancy Harris D.C.



## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

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CLERK OF THE CIRCUIT COURT  
MANATEE COUNTY  
**KURT S. BROWNING**  
Secretary of State

August 15, 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 August 13, 2008 and certified copies of Manatee County Ordinance Nos. PDO-08-06(Z) (P), PDMU-08-15(G), PDMU-07-36, PDC 07-32 (P), PDR-04-27 (Z) (P), 08-57, Z-89-46 (G) (R-11), PDC 07-02 (P), 08-28, 08-13 and PDMU-06-30 (Z) (G) , which were filed in this office on August 15, 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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