

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE
2009 NOV 13 PM 8:31 PDC#08-02(Z)(P) – SM DUCK DOG 2 LLC / LORRAINE & S.R. 64 COMMERCIAL PARK
DTS#20070354

CLERK OF THE DISTRICT COURT
MANATEE CO. FLORIDA

FILED FOR RECORD
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2009 NOV 13 AM 9:31

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 14.46 ACRES NEAR THE SOUTHWEST CORNER OF S.R. 64 E. AND LORRAINE ROAD FROM A (GENERAL AGRICULTURE) TO THE PDC (PLANNED DEVELOPMENT COMMERCIAL) ZONING DISTRICT, APPROVING A PRELIMINARY SITE PLAN FOR COMMERCIAL BUILDINGS INCLUDING A GROCERY STORE, A BANK, RETAIL STORES, OFFICES, AND A CONVENIENCE STORE WITH FUEL PUMPS ON APPROXIMATELY 15.04 ACRES (INCLUDING THE 14.46 ACRE IN THE PDC REZONING AND 0.58 ACRES OF ADJACENT LAND ALREADY ZONING PDC); SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, SM Duck Dog 2 LLC (the "Applicant") filed an application to rezone approximately 14.46 acres of a total site acreage of 15.04 ± acres described in Exhibit "A", attached hereto, (the "property") from A (General Agriculture) to the PDC (Planned Development Commercial) zoning district, and

WHEREAS, the applicant also filed a Preliminary Site Plan application for Commercial Buildings including a grocery store, a bank, retail stores, offices, and a convenience store with fuel pumps (the "project") on the property; and

WHEREAS, Planning staff recommended approval of the rezone and Preliminary Site Plan 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 13, 2009 to consider the rezone and Preliminary Site Plan 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, 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 A (General Agriculture) to the PDC (Planned Development Commercial) zoning district.

B. The Board of County Commissioners held duly noticed public hearings on September 3, 2009, October 1, 2009, and November 5, 2009 regarding the 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.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for commercial buildings including a grocery store, a bank, retail stores, offices, and a convenience store with fuel pumps the property subject to the following Stipulations:

STIPULATIONS

A. STORMWATER CONDITIONS:

1. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Mill Creek. Modeling shall be used to determine pre- and post- development flows.
2. A twenty five (25) foot Drainage-Maintenance Access Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along the proposed box culvert within the project boundaries.
3. 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.
4. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring property surrounding the site in respect to drainage routing, grading, and runoff.
5. Prior to construction plan approval the developer shall provide to the County an access, flowage and drainage easement to allow the County to use the stormwater drainage and retention facilities within the project to provide stormwater capacity for Lorraine Road so

long as any necessary modifications to the stormwater facilities (and permits for such facilities) are completed at the County's expense and do not adversely affect the ability of the developer to use such facilities to serve the project.

6. The proposed box culvert design shall be approved by the Public Works department prior to Final Site Plan approval.
7. A drainage easement intrusion form shall be provided to the County for the required easement over the proposed box culvert.

B. ENVIRONMENTAL CONDITIONS:

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Environmental Planning Division for review prior to Final Site Plan approval.
2. A Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers and upland preservation areas shall be dedicated to the County prior to issuance of the first Certificate of Occupancy.
3. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.
4. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Planning Department. 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.

Section 3. 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 classification of the property identified in Exhibit "A" herein from A (General 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 Official Zoning Atlas.

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, 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 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 5th day of November, 2009.

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

BY: 
Carol Whitmore, First Vice-Chairman

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

BY: 
Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION

DESCRIPTION:

PARCEL "A"

(O.R. 1519, PAGE 7916)

THAT CERTAIN PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S89°32'00"E, ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 1289.50 FEET; THENCE S00°16'00"W, 50.00 FEET FOR A **POINT OF BEGINNING**, SAID POINT OF BEGINNING BEING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 64 (A 100 FOOT WIDE RIGHT-OF-WAY) AND THE WEST RIGHT-OF-WAY LINE OF LORRAINE ROAD (A 66 FOOT WIDE RIGHT-OF-WAY); THENCE CONTINUE S00°16'00"W, ALONG SAID WEST RIGHT-OF-WAY LINE OF LORRAINE ROAD A DISTANCE OF 617.72 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF NORTHWEST 1/4 OF NORTHWEST 1/4 OF SAID SECTION 3; THENCE N89°28'55"W, ALONG SAID SOUTH LINE A DISTANCE OF 433.70 FEET; THENCE N00°16'01"E, 617.33 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 64; THENCE S89°32'00"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 433.70 FEET TO THE POINT OF BEGINNING. CONTAINING 6.15 ACRES, MORE OR LESS.

LESS

(O.R. 1552, PAGE 3969)

THAT CERTAIN PARCEL OF LAND LYING AND BEING IN SECTION 3, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S89°32'00"E, ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 1289.50 FEET; THENCE S00°16'00"W, 50.00 FEET FOR A **POINT OF BEGINNING**, SAID POINT OF BEGINNING BEING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 64 (A 100 FOOT WIDE RIGHT-OF-WAY) AND THE WEST RIGHT-OF-WAY LINE OF LORRAINE ROAD (A 66 FOOT WIDE RIGHT-OF-WAY); THENCE CONTINUE S00°16'00"W, ALONG SAID WEST RIGHT-OF-WAY LINE OF LORRAINE ROAD, A DISTANCE OF 223.00 FEET; THENCE N89°32'00"W, 223.00 FEET; THENCE N00°16'00"E, 223.00 FEET TO A POINT ON THE AFOREMENTIONED SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 64; THENCE S89°32'00"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 223.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

PARCEL "B"

(SEE NOTE 13)

THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 35 SOUTH, RANGE 19 EAST. SUBJECT TO RIGHT-OF-WAY FOR LORRAINE ROAD.

* ALL LAND LYING AND BEING IN MANATEE COUNTY, FLORIDA.



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

November, 2009

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

FILED FOR RECORD
R. B. SHORE

2009 NOV 13 AM 9:31

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

November 10, 2009

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

Attention: Ms. Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 5, 2009 and certified copy of Manatee County Ordinance No. PDC-08-02(Z)(P), which was filed in this office on November 9, 2009.

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

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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