

MANATEE COUNTY ZONING ORDINANCE
PDC-08-23(P) – B & J CITRUS GROVES, INC. /ELLENTON BUSINESS PARK
DTS#20080152

2009 MAY 21 AM 10:21

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR 28,000 SQUARE FEET OF COMMERCIAL RETAIL AND SERVICES ON APPROXIMATELY 4.85 ACRES ON THE NORTH SIDE OF US 301, APPROXIMATELY 415 FEET WEST OF ELLENTON-GILLETTE ROAD, AT 3314 US 301 NORTH, ELLENTON; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, B & J Citrus Groves, Inc. (the "Applicant") filed an application for a Preliminary Site Plan for approximately 4.85 acres described in Exhibit "A", attached hereto, (the "Property") for 28,000 square feet of commercial retail and services; and

WHEREAS, the applicant filed a request for Special Approval for a project adjacent to a Perennial stream; and

WHEREAS, Planning staff recommended approval of the Preliminary Site Plan and Special 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 April 9, 2009 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.

FILED
2009 MAY 21 AM 11:00
CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

B. The Board of County Commissioners held a duly noticed public hearing on May 7, 2009 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. 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.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 28,000 square feet of commercial, retail, and services upon the Property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. This project is approved for 14,000 sq. ft. of the following uses:

- Bank
- Professional Office
- Clinic
- Miscellaneous Office
- Dry Cleaners, Pick-up and Neighborhood
- Personal Service Establishments
- Printing, Small
- Rental Services Establishment
- Repair Services Establishment, Non-Motorized Vehicle
- Sign-Painting Services
- Lawncare/Landscaping

and 14,000 sq. ft. of the following uses:

- Retail Sales, General, Neighborhood General and Convenience
- Business Services 1/250 sq. ft. of office space plus 1/1000 remaining gross floor area
- Construction Services Establishment
- Medical and Dental Laboratory
- Schools of Special Education

Food catering or eating or drinking establishments shall not be permitted.

2. Any dead trees in the perimeter landscape buffer installed along the northern and western property lines as required by PDC-99-09(P)(R) shall be replaced

B. STORMWATER CONDITIONS:

1. Any landscaping along the northern project boundary that is to be replaced or any additional landscaping required shall be located outside the existing pond/swale areas shown on the plan.

C. ENVIRONMENTAL CONDITIONS:

1. 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. SPECIAL APPROVAL. Special Approval is hereby granted for a project adjacent to a Perennial Stream. 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.

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 7th day of May, 2009.

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

BY: *Dr. Gwendolyn Y. Brown*
Dr. Gwendolyn Y. Brown, Chairman

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

BY: *Susan Plonke*
Deputy Clerk

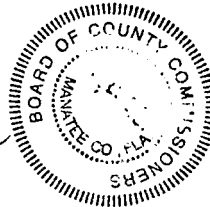


EXHIBIT "A"

LEGAL DESCRIPTION

Lot 5, Ellenton Commercial Subdivision, as per plat thereof recorded in Plat Book 26, Pages 161 -163 of the Public Records of 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 13TH day of

MAY 2009
R.B. SHORE
Clerk of Circuit Court

By: Nancy Harris D.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

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FILED FOR RECORD
R. B. SHORE
2009 MAY 21 AM 10:21
CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA
KURT S. BROWNING
Secretary of State

May 15, 2009

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

Attention: Ms. Nancy Harris, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 13, 2009 and certified copies of Manatee County Ordinance Nos. PDC-08-23 (P), PDC-08-26 (Z) (P), PDMU-09-04 (Z) (G), Z-08-01, 09-17, 09-28, 09-41 and PDR-06-63 (Z) (G), which were filed in this office on May 15, 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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