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R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE

PDC-10-17(P) – CENTRE POINT COMMONS/DARDEN RESTAURANT

2011 MAR 16 PM 2:53

DTS#20100347

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 A 5,545 SQUARE FOOT EXPANSION (EATING ESTABLISHMENT) OF AN EXISTING SHOPPING CENTER; ON THE WEST SIDE OF 14TH STREET WEST, NORTH OF ROOMS TO GO AND SOUTHEAST OF LOWE'S AT 4230 14TH STREET WEST, BRADENTON; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE (PROJECT AREA 0.80 ± ACRES, SHOPPING CENTER 28.36± ACRES).

DEPUTY CLERK OF THE CIRCUIT COURT
TALLAHASSEE, FLORIDA

2011 MAR -8 PM 2:34

FILED

WHEREAS, Center Pointe Commons, LLC (the "Applicant") filed an application for a Preliminary Site Plan for a project area 0.80 ± acres, shopping center 28.36 ± acres total area described in Exhibit "A", attached hereto, (the "property") for a 5,545 square foot expansion (eating establishment) of an existing shopping center, on the west side of 14th Street West, north of Rooms To Go and southeast of Lowe's at 4230 14th Street West, Bradenton; and

WHEREAS, the applicant also filed a request for Special Approval for a project: 1) exceeding 0.25 FAR in ROR Future Land Use Category and 2) exceeding 150,000 sq. ft. gross building area in ROR; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Sections 710.1.6 and 603.11.4.2 of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the Preliminary Site Plan, Special Approval 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 February 10, 2011 to consider the Preliminary Site Plan, Special Approval, and Specific Approval, 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 held duly a noticed public hearing on March 3, 2011 regarding the proposed Official Zoning Atlas Amendment 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 said public hearing.

B. 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.

C. 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 no significant impact to the shopping is anticipated with the reduction in parking spaces.

D. Notwithstanding the failure of the site plan to meet the requirements of LDC Section 603.11.4.2, the Board finds that the purpose and intent of the LDC regulations have been satisfied to an equivalent degree because no change to open space is proposed.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for a 5,545 square foot expansion (eating establishment) of an existing shopping center on the property subject to the following Stipulations:

STIPULATIONS

DESIGN AND LAND USE CONDITIONS:

1. 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 14th Street West and Cortez Road West.
2. Prior to Final Site Plan approval, the shared parking agreement in effect shall be modified.

ENVIRONMENTAL PLANNING:

3. A copy of the Environmental Resource Permit (ERP) approved by SWFMD shall be submitted for review prior to Final Site Plan approval.
4. All missing, dead, or diseased landscaping shall be replaced and upgraded to meet current Code requirements in the buffers and parking lot adjacent to the project.
5. Tree barricades for trees to be preserved during construction shall be located at the drip line, unless otherwise approved by the Planning Department. The drip line shall be

defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. 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. SPECIFIC AND SPECIAL APPROVALS. Specific Approval is hereby granted for alternatives to Sections 710.1.6 and 603.11.4.2 of the Land Development Code. The Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof. Special Approval is hereby granted for a project: 1) exceeding 0.25 FAR in ROR Future Land Use Category and 2) exceeding 150,000 sq. ft. gross building area in ROR. The 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, 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 3rd day of March, 2011.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA



BY: _____

Carol Whitmore, Chairman

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

BY: _____

Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

LEGAL DESCRIPTION - Center Point Commons

Developer Parcel

A parcel of land lying in Section 2, Township 35 South, Range 17 East, Manatee County, Florida and described as follows:

Commence at the southeast corner of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 2; thence N.89°33'27"W. along the south line of said Section 2, a distance of 13.84 feet to the Survey Baseline of State Road 45 (Business 41), as shown on the Right-of-Way Map for State Road No. 684 (Cortez Road), Section 13040-000, approved 10/16/01, said point also being designated as Station 1483+01.47 on said Right-of-Way Map; thence S.00°27'37"W. along said Survey Baseline, a distance of 11.48 feet to the Survey Baseline of State Road 684 (Cortez Road), said point being designated as Station 1482+89.99 (State Road 45) and Station 413+84.88 (State Road 684); thence N.89°21'23"W., along said Survey Baseline of State Road 684, a distance of 1057.52 feet to the intersection of said Survey Baseline and the southerly extension of the east line of the Replat of Sharon Park as recorded in Plat Book 8, Page 45 of the Public Records of Manatee County, Florida, said point being Station 403+27.36 (State Road 684); thence N.00°28'20"E. along the east line of said Replat of Sharon Park, a distance of 75.00 feet to the POINT OF BEGINNING; thence continue N.00°28'20"E. along said east line, a distance of 780.12 feet thence S.89°33'41"E., a distance of 311.21 feet; thence S.00°26'19"W., a distance of 154.30 feet; thence S.89°33'41"E., a distance of 396.00 feet; thence S.00°26'19"W., a distance of 14.18 feet; thence S.89°33'41"E., a distance of 42.11 feet; thence S.00°29'11"W., a distance of 82.89 feet; thence S.89°50'38"E., a distance of 232.92 feet to a point on a line lying 75 feet westerly of the Survey Baseline of State Road 45, per the above mentioned right-of-way map; thence S.00°27'37"W., along said line, a distance of 440.78 feet; thence N.89°20'48"W., a distance of 233.12 feet; thence S.00°29'11"W., a distance of 24.87 feet; thence N.89°24'28"W., a distance of 25.10 feet; thence S.00°25'40"W., a distance of 226.55 feet to the aforementioned north right-of-way line of Cortez Road (State Road 684); thence N.89°21'22"W. along said north right-of-way line, a distance of 75.00 feet; thence N.00°29'46"E., a distance of 226.48 feet; thence N.89°20'30"W., a distance of 99.90 feet; thence S.00°31'50"W., a distance of 233.51 feet to a point on a line lying 75 feet northerly of and parallel with the Survey Baseline of State Road 684, per the above mentioned right-of-way map; thence N.89°21'23"W., along said line, a distance of 368.49 feet to a point of right-of-way change; the following 3 calls are along said right-of-way change; thence N.00°38'38"E., a distance of 5.00 feet; thence N.89°21'23"W., a distance of 18.00 feet; thence S.00°38'38"W., a distance of 5.00 feet to a point on a line lying 75 feet northerly of said Survey Baseline; thence N.89°21'23"W., along said line, a distance of 162.86 feet to the POINT OF BEGINNING.

Said parcel contains 590,066 square feet or 13.5461 acres, more or less.

Lowe's Parcel

A parcel of land lying in Section 2, Township 35 South, Range 17 East, Manatee County, Florida and described as follows:

Commence at the southeast corner of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 2; thence N.89°33'27"W. along the south line of said Section 2, a distance of 13.84 feet to the Survey Baseline of State Road 45 (Business 41), as shown on the Right-of-Way Map for State Road No. 684 (Cortez Road), Section 13040-000, approved 10/16/01, said point also being designated as Station 1483+01.47 on said Right-of-Way Map; thence S.00°27'37"W., along said Survey Baseline, a distance of 11.48 feet to the Survey Baseline of

State Road 684 (Cortez Road), said point being designated as Station 1482+89.99 (State Road 45) and Station 413+84.88 (State Road 684); thence N.89°21'23"W., along said Survey Baseline of State Road 684, a distance of 1057.52 feet to the intersection of said Survey Baseline and the southerly extension of the east line of the Replat of Sharon Park as recorded in Plat Book 8, Page 45 of the Public Records of Manatee County, Florida, said point being Station 403+27.36 (State Road 684); thence N.00°28'20"E. along the east line of said Replat of Sharon Park, a distance of 855.12 feet to the POINT OF BEGINNING; thence continue N.00°28'20"E. along said east line, a distance of 213.89 feet to the northeast corner of the aforementioned Replat of Sharon Park; thence S.89°54'48"W. along the north line of said Replat of Sharon Park, a distance of 106.56 feet; thence N.16°16'18"W., a distance of 104.58 feet to a point on the south line of John Gaglianese Subdivision as recorded in Plat Book 8, Page 49 of the aforementioned Public Records; thence S.89°54'18"E. along said south line, a distance of 125.46 feet to the southwest corner of Lot 16 of the aforementioned John Gaglianese Subdivision; thence N.00°05'32"W. along the west line of said Lot 16, a distance of 164.02 feet to the north line of said John Gaglianese Subdivision; thence N.89°57'25"E. along said north line, a distance of 750.06 feet to the northeast corner of Lot 2 of said John Gaglianese Subdivision; thence S.00°05'32"E. along the east line of said Lot 2, a distance of 5.00 feet to the south line of a deed to Manatee County, recorded in Official Record Book 1441, Page 2910, of said Public Records; thence N.89°57'25"E., along said south line, a distance of 65.00 feet to the intersection with the east line of Lot 1 of said John Gaglianese Subdivision; thence S.00°05'32"E., along said east line, a distance of 160.98 feet to the south line of said John Gaglianese Subdivision; thence S.89°54'18"E., along the easterly extension of the south line of said John Gaglianese Subdivision, a distance of 177.93 feet to a point lying 75 feet westerly of the aforementioned Survey Baseline of State Road 45; the following 2 calls are along a line 75 feet westerly of and parallel with said Survey Baseline of State Road 45; thence S.00°21'37"W. a distance of 304.04 feet; thence S.00°27'37"W., a distance of 100.18 feet; thence N.89°50'38"W., a distance of 232.92 feet; thence S.00°29'11"W., a distance of 82.89 feet; N.89°33'41"W., a distance of 42.11 feet; thence N.00°26'19"E., a distance of 14.18 feet; thence N.89°33'41"W., a distance of 396.00 feet; thence N.00°26'19"E., a distance of 154.30 feet; thence N.89°33'41"W., a distance of 311.21 feet to the POINT OF BEGINNING.

Said parcel contains 545,505 square feet or 12.5231 acres, more or less. •

Auto Care Parcel:

Parcel B: The certain parcel marked "A" shown on the said Plat of John Gaglianese Subdivision, although not a part of said plat, as lying between the East line of said Lot 1 and the Tamiami Trail, said parcel marked "A" being a parcel of land more particularly described as: Beginning at the SE corner of Lot 1 of said John Gaglianese Subdivision; run thence North along the East line of said Lot 1, a distance of 165 feet to the NE corner of said Lot 1; run thence East, a distance of 221 feet, more or less, to the TAMIA MI Trail; run thence South along said Tamiami Trail, a distance of 165 feet; run thence West, a distance of 220 feet, more or less, to the Point of Beginning, LESS AND EXCEPT the portions thereof described in: (a) Order of Taking recorded in Official Record Book 223, Page 671 of said records, and (b) deeds to the State of Florida recorded in Official Record Book 291, page 633 and Official Record Book 295, Page 660 of said records. ALSO: All rights of easement appurtenant to said property or any part thereof in and to the use of water from a large artesian well located on a portion of John Gaglianese Subdivision, as per Plat thereof recorded in Plat Book 8, Page 49 of the Public Records of Manatee County, Florida and of ingress and egress to said well for the purposes of fixing pipe, cleaning out or in any way working on said well and in and to that easement described in Deed Book 293, Page 487.

Containing 33,639 square feet or 0.7722 acres, more or less.

LESS AND EXCEPT:

Premises conveyed to Manatee County by Warranty Deed dated April 21, 2006, recorded in Official Record Book 2134, Page 44 of the Public Records of Manatee County, Florida.

Containing 3,750 square feet or 0.0861 acres, more or less.

Total Net Area = 26.7553 acres, more or less.

ROOMS TO GO PARCEL

DESCRIPTION (Taken from A.L.T.A. Commitment noted hereon)

PARCEL 1:

A tract of land in the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of Section 2, Township 35 South, Range 17 East, Manatee County, Florida, being 275 feet North and South by 275 feet East and West, less the roads off the East and South and more particularly described as follows:

From the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of Section 2, Township 35 South, Range 17 East, run South 88°44'08" West, along the South line of said Section 2, a distance of 47.03 feet to the intersection with the original West right-of-way line of S.R. 45 (14th Street West); thence North 01°15'22" West, along said original right-of-way line a distance of 22.30 feet to the Northerly original right-of-way line of S.R. 684 (Cortez Road); thence South 88°55'38" West, along said Northerly original right-of-way line a distance of 275.00 feet; thence North 01°15'22" West, a distance of 30.65 feet to the Northerly existing right-of-way line of said SR. 684, also being the POINT OF BEGINNING; thence along said existing right-of-way line of Cortez Road the following three courses: South 86°09'48" West, a distance of 7.69 feet; North 01°04'22" West, a distance of 18.22 feet; thence South 88° 55'38" West, a distance of 17.38 feet; thence North 01°15'22" West, a distance of 226.67 feet; thence North 88°55'38" East, a distance of 25.00 feet; thence North 01°15'22" West, a distance of 25.00 feet; thence North 88°55'38" East, a distance of 254.67 feet to the Westerly existing right-of-way line of said S.R. 45 (14th Street West); thence Southerly the following three courses along said Westerly existing right-of-way line; thence South 02°40'00" West, a distance of 131.26 feet; thence South 00°15'22" East, a distance of 75.00 feet; thence South 36°36'23" West, a distance of 67.85 feet to the aforesaid Northerly existing right-of-way line of S.R. 684 (Cortez Road); thence South 86°09'48" West, along said existing right-of-way line a distance of 204.26 feet to the POINT OF BEGINNING; lying and being in Section 2, Township 35 South, Range 17 East, Manatee County, Florida.

PARCEL 2:

Commence at a point 47.03 feet West and 22.30 feet North of the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of Section 2, Township 35 South, Range 17 East, Manatee County, Florida; thence South 88°55'38" West and parallel to the centerline of Cortez Road (S.R. No. 684), 300.0 feet; thence North 01°12'22" West, 48.50 feet to the North right-of-way line of said Cortez Road (82 foot R/W at this point) for a POINT OF BEGINNING; thence South 88°55'38" West, along said right-of-way 75.0 feet; thence leaving said right-of-way, North 01°12'22" West, 226.5 feet; thence North 88°51'33" East, 74.73 feet; thence South 01°12'22" East, 226.5 feet to the POINT OF BEGINNING.

PARCEL 3:

TOGETHER WITH non-exclusive easements for parking, vehicular and pedestrian access, ingress and egress as set forth in that certain Amendment to Lease recorded in Official Records Book 1942, page 6768, of the public records of Manatee County, Florida.

LESS AND EXCEPT THEREFROM ANY PORTIONS THAT LIE WITHIN THE RIGHT-OF-WAY OF S.R. 45 (14TH STREET WEST) OR THE RIGHT-OF-WAY OF STATE ROAD NO. 684 (CORTEZ

ROAD), INCLUDING, BUT NOT LIMITED TO THOSE LANDS AS DESCRIBED IN: QUITCLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 1846, PAGE 7273; ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1886, PAGE 2590; AND TRUSTEE'S DEED RECORDED IN OFFICIAL RECORDS BOOK 2059, PAGE 5815, ALL OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

Containing 69,830 square feet or 1.6031 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 3RD day of

MARCH, 20 11

R.B. SHORE
Clerk of Circuit Court

By: Henry Harris D.C.



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R. B. SHORE

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FLORIDA DEPARTMENT OF STATE

STATE LIBRARY AND ARCHIVES OF FLORIDA

RICK SCOTT
Governor

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA
KURT S. BROWNING
Secretary of State

March 9, 2011

Honorable R. B. "Chips" Shore
Clerk of the 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 March 3, 2011 and certified copy of Manatee County Ordinance No. PDC-10-17(P), which was filed in this office on March 8, 2011.

Please forward the Florida County Ordinance Data Retrieval System (CODRS) Form for the ordinance as soon as possible.

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

Sincerely,

Liz Cloud
Program Administrator

LC/vm
Enclosure

DIRECTOR'S OFFICE

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