

MANATEE COUNTY ZONING ORDINANCE
PDC-11-15(Z)(P) – R & R PROPERTIES, LLC/MYAKKA DOLLAR GENERAL

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 1.2 ACRES ON THE SOUTH SIDE OF S.R.70 EAST, APPROXIMATELY ¼ MILE WEST OF WAUCHULA ROAD, AT 36750 S.R.70 EAST MYAKKA; FROM THE VIL (VILLAGE) AND A-1 (SUBURBAN AGRICULTURE) ZONING DISTRICTS TO PDC (PLANNED DEVELOPMENT COMMERCIAL) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR A 9,002 SQUARE FOOT COMMERCIAL RETAIL ESTABLISHMENT; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING A LEGAL DESCRIPTION, AND PROVIDING AN EFFECTIVE DATE.

RECEIVED
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2012 MAR -5 AM 11:00

FILED

WHEREAS, R & R Properties, LLC (the "Applicant") filed an application to rezone approximately 1.2 acres described in Exhibit "A", attached hereto, (the "property") from VIL (Village) and A-1 (Suburban Agriculture) to the PDC (Planned Development Commercial) Zoning District; and

WHEREAS, the applicant also filed a Preliminary Site Plan application for a 9,002 square foot commercial retail establishment (the "project") on the property; and

WHEREAS, the applicant also filed a request for Specific Approval for an alternative to Section 714.8.7 of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the rezone, Preliminary Site Plan and Specific Approval application, 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 9, 2012 to consider the rezone, Preliminary Site Plan and Specific Approval 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 Plan Amendment PA 12-02 as enacted by Ordinance No. 12-02 becoming effective and 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 VIL (Village) and A-1 (Suburban Agriculture) to the PDC (Planned Development Commercial) Zoning District.

B. The Board of County Commissioners held a duly noticed public hearing on February 28, 2012 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.

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 No. 89-01, the Manatee County Comprehensive Plan subject to Ordinance No. 12-02 becoming effective.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 714.8.7, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the required number of trees and canopy will be provided.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for a 9,002 square foot commercial retail establishment upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. All roof mounted HVAC equipment shall be screened from view from adjacent roadways and residential uses. Screening shall consist of similar colors and materials consistent with the construction of the exterior finish of the buildings. Details of screening shall be submitted with the Final Site Plan.
2. All dumpsters screening shall consist of building materials and colors matching the principal building on site.
3. The Final Site Plan shall not be issued until the Plan Amendment becomes effective.

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. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Environmental Planning Division. 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. Tree protection methodology shall be approved with the Final Site Plan.
3. The developer shall provide an updated study, consistent with Policy 3.3.2.3 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. A Management Plan, approved by the appropriate State or federal agency, shall be provided to the Planning Department for any listed species found on-site, prior to Final Site Plan approval.
4. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the Environmental Planning Division for review and approval prior to Final Site Plan approval. The Well Management Plan shall include the following information:
 - Digital photographs of the well along with nearby reference structures (if existing).
 - GPS coordinates (latitude/longitude) of the well.
 - The methodology used to secure the well during construction (e.g. fence, tape).
 - The final disposition of the well - used, capped, or plugged.

C. HEALTH DEPARTMENT:

1. Prior to Final Site Plan approval, a 75 foot separation is required and shall be provided between any private potable well (including neighboring parcels) and septic system.
2. Prior to Final Site Plan approval, a 15 foot separation is required between septic system and storm swale.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for an alternative to Section 714.8.7 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.

Section 4. 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 VIL (Village) and A-1 (Suburban 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.

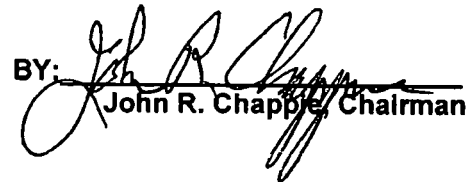
Section 5. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, clause, sentence, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

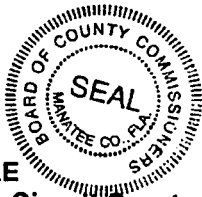
Section 6. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 7. EFFECTIVE DATE. This ordinance shall not become effective until such time as the companion Comprehensive Plan Amendment PA-12-02, as adopted by Ordinance No. 12-02, becomes effective.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 28th day of February, 2012.

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

BY: 
John R. Chapple, Chairman



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


BY: 
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

BEGIN AT THE NORTHWEST CORNER OF SECTION 13, TOWNSHIP 36 SOUTH, RANGE 21 EAST; THENCE SOUTH 1326.8 FEET TO THE SOUTHWEST CORNER OF BLOCK 40 OF MYAKKA CITY, RECORDED IN PLAT BOOK 3, PAGE 12 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE EAST 1273.14 FEET TO A POINT AS A **POINT OF BEGINNING**; THENCE NORTH 190.35 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF THE RIGHT-OF-WAY OF STATE ROAD 70; THENCE SOUTHERLY AND EASTERLY ALONG THE SOUTHERLY BOUNDARY LINE OF THE RIGHT-OF-WAY BOUNDARY LINE; THENCE SOUTH 169.02 FEET TO A POINT; THENCE WEST 208.71 FEET; THENCE NORTH 141.54 FEET TO THE POINT OF BEGINNING, LOCATED IN BLOCKS 43, 44, 63, AND 64 OF SAID PLAT.



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 15th day of

March, 2012

R.B. SHORE
Clerk of Circuit Court

By: Deane E. Holloman D.C.



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

RECEIVED

MAR 12 2012

BOARD RECORDS

March 7, 2012

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

Attention: Ms. Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 1, 2012 and certified copy of Manatee County Ordinance No. PDC-11-15 (Z) (P), which was filed in this office on March 5, 2012.

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

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/srd

Enclosure