

Manatee County Ordinance

PDC-20-14(P) RELATED TO PDC-95-05(P)(R) – WAL-MART STORES EAST, LP STORE #528 / WALMART LIQUOR BOX #528 - PLN2009-0024

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN TO ADD A 3,991 SQUARE FOOT GENERAL RETAIL BUILDING ADDITION TO A PREVIOUSLY APPROVED 205,184 SQUARE FOOT RETAIL FACILITY FOR A TOTAL 209,175 SQUARE FOOT; THE APPROXIMATELY 27.20 ACRES SITE IS GENERALLY LOCATED AT THE NORTHEAST CORNER OF US 301 AND STATE ROAD 70, ZONED PDC (PLANNED DEVELOPMENT COMMERCIAL), AND COMMONLY KNOWN AS 2911 53RD AVENUE EAST, BRADENTON (MANATEE COUNTY); SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; REPEALING ORDINANCES IN CONFLICT; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Wal-Mart Stores East, LP Store 528 (the “Applicant”) filed an application for a Preliminary Site Plan to add a 3,991 square foot general retail building addition to a previously approved 205,184 square foot retail facility for a total 209,175 square foot on approximately 27.20 acres zoned PDC (Planned Development Commercial) as described in Exhibit “A”, attached hereto, (the “Property”); and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on October 14, 2021 to consider the Preliminary Site Plan application 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 Preliminary Site Plan application consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval subject to the stipulations 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 and Specific Approval as it relates to the real property described in Exhibit “A” of this Ordinance.

B. The Board of County Commissioners, after due public notice, held a public hearing on November 4, 2021, regarding the proposed Ordinance described herein in accordance with the requirements of the Manatee County Land Development Code and has further considered the information received at said public hearing.

C. The proposed Ordinance regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved to add a 3,991 square foot general retail building addition to a previously approved 205,184 square foot retail facility for a total 209,175 square foot, upon the property subject to the following Stipulations:

STIPULATIONS

A. ENVIRONMENTAL

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. There are no impacts to jurisdictional wetlands or wetland buffers being approved by the adoption of this Ordinance.
3. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the EPS for review and approval prior to recommencing construction activities. 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.
4. 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.

B. PUBLIC WORKS UTILITY ENGINEERING

1. All potable water and sanitary sewer construction shall be in accordance with the approved Construction Plan.
2. Utility Record Drawings are required prior to placing water and wastewater facilities into service.

Section 3. 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, sentence, clause, or 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 4. 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 5. STATE AND FEDERAL PERMITTING. The issuance of the local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

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 4th day of November 2021.



**BOARD OF COUNTY
COMMISSONERS OF MANATEE
COUNTY, FLORIDA.**

BY: _____

Vanessa Baugh, Chairperson

**ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court**

BY: _____

Deputy Clerk

Exhibit “A”

Legal Description

ALL THAT CERTAIN PARCEL OF LAND LYING & BEING IN SEC 8, TWN 35S, RNG 18E,
BEING A PORTION OF LANDS OR R I WATERMAN PROPERTIES INCAS REC IN ORB
1431, P 4263 PRMCF



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

November 5, 2021

Honorable Angelina Colonnese
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Quantana Acevedo

Dear Ms. Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. PDC-20-14(P), which was filed in this office on November 4, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb