

Manatee County Ordinance

PDC-23-22(G) – ANNA MARIA OYSTER BAR – LOBOTOMY **WORE OFF, LLC (OWNER) – PLN2303-0066**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A GENERAL DEVELOPMENT PLAN FOR AN EXISTING RESTAURANT OF APPROXIMATELY 8,471 SQUARE FEET THAT INCLUDES 146 ACTUAL PARKING SPACES WITH CREDITS FOR 154 PARKING SPACES NOTED ON AN APPROVED AS-BUILT PLAN FOR A JOINTLY DEVELOPED RESTAURANT AND HOTEL PROJECT ON TWO SEPARATE PARCELS, OF WHICH 89 PARKING SPACES ARE LOCATED ON THE RESTAURANT PARCEL, (THERE'S A RECIPROCAL PARKING EASEMENT WITH NEIGHBORING HOTEL PARCEL) THE RESTAURANT PARCEL IS ON APPROXIMATELY 2.14 ACRES OF LAND; GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 17TH STREET EAST AND 51ST AVENUE EAST AND IS COMMONLY KNOWN AS 1525 51ST AVENUE EAST, ELLENTON (MANATEE COUNTY) SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Lobotomy Wore Off, LLC (Owner) (the "Applicant") filed an application for a General Development Plan for an existing restaurant of approximately 8,471 square feet that includes 146 actual parking spaces with credits for 154 parking spaces noted on an approved as-built plan for a jointly developed restaurant and hotel project on two separate parcels, of which 89 parking spaces are located on the restaurant parcel on approximately 2.14 acres 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 August 10, 2023, to consider the General Development 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 General Development 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 General Development 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 August 24, 2023, 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. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for an existing restaurant of approximately 8,471 square feet that includes 146 actual parking spaces with credits for 154 parking spaces noted on an approved as-built plan for a jointly developed restaurant and hotel project on two separate parcels, of which 89 parking spaces are located on the restaurant parcel upon the property subject to the following Stipulations:

A. DESIGN AND LAND USE

1. All other applicable local, state or federal permits shall be obtained prior to commencement of construction.
2. All existing dumpsters, compactors, and other utility equipment shall maintain compliance with LDC requirements such as a six foot high screening wall constructed with building materials consistent with the principal building(s). Compliance shall be verified with review new building permits.
3. The subject property is limited to a restaurant having no more than 251 seats as shown on the GDP.

B. ENVIRONMENTAL

1. All previous stipulations from prior approvals (FSP-87-93) shall stand.
2. 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.
3. 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.

C, DEVELOPMENT REVIEW

1. Connection to the County water and wastewater system is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the Applicant. Such off-site extension shall be designed and constructed in accordance with the applicable County Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by County Engineer through the construction plans review process for the project.
2. The project will need to be built to the Manatee County Utility, Stormwater, and Highway & Traffic Standards that are current at the time of construction.

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 24th day of August 2023.



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

BY: 
Kevin Van Ostenbridge, Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court

BY: 
Deputy Clerk

Exhibit "A"

Legal Description

A PARCEL OF LAND LYING IN SEC 16 COMPRISED IN PART OF ALL OF LOT 9, AND PARTS OF LOTS 8, 10, 11, & 12 ROCKY BLUFFS ESTATES (PB11, PG 88) PRMCF MORE PARTICULARLY DESC AS FOLLOWS: COM AT THE NW CORNER OF SEC 16 TH ELY ALG THE N LN OF SD SEC 16, A DIST OF 366.00 FT; TH SLY A DIST OF 25.00 FT TO THE SLY R/W LN OF 17TH ST E (FORMERLY KNOWN AS MEMPHIS RD); TH ELY ALG THE S R/W LN OF 17TH ST E, A DIST OF 246.00 FT TO THE POB; TH CONT ELY ALG SD R/W LN OF 17TH ST E, A DIST OF 152.00 FT TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RAD OF 150.00 FT; TH SELY 235.62 FT ALG THE ARC OF SD CURVE, SUBTENDED BY A CHORD BEARING OF S 45 DEG 00 MIN 00 SEC E AND A CHORD DISTANCE OF 212.13 FT; TH S 00 DEG 10 MIN 26 SEC W, A DIST OF 139.00 FT; TH N 89 DEG 49 MIN 34 SEC W, A DIST OF 216.48 FT; TH S 13 DEG 56 MIN 48 SEC W, A DIST OF 186.60 FT; TH N 76 DEG 03 MIN 12 SEC W, A DIST OF 41.36 FT; TH N 00 DEG 00 MIN 08 SEC E, A DIST OF 459.47 FT TO THE POB ALSO DESC AS: COM AT THE NW COR OF SEC 16; TH ELY ALG THE N LN OF SD SEC 16, A DIST OF 366.00 FT; TH SLY A DIST OF 25.00 FT TO THE NW COR OF THE PARCEL DESC IN OR 1192/3498; TH ELY ALG THE S R/W LN OF MEMPHIS RD AS DESC IN OR 440/565 A DIST OF 246.00 FT TO THE POB; TH CONT ELY ALG SD R/W OF MEMPHIS RD A DIST OF 143.97 FT, SD PT ALSO BEING THE NW COR OF THE PARCEL DESC IN OR 1192/3496; TH ALG THE W LN OF SD PARCEL AS DESC IN OR 1192/3496, THE FOLLOWING 5 COURSES; S 00 DEG 10 MIN 26 SEC W, 132.52 FT, N 89 DEG 49 MIN 34 SEC W 15.00 FT, S 00 DEG 10 MIN 26 SEC W 74.00 FT, N 89 DEG 49 MIN 34 SEC W 43.00 FT, S 00 DEG 10 MIN 26 SEC W 82.00 FT; TH S 13 DEG 56 MIN 48 SEC W 186.60 FT; TH N 76 DEG 03 MIN 12 SEC W 41.36 FT; TH N 00 DEG 00 MIN 08 SEC E 459.47 FT TO THE POB & COM AT THE NW COR OF SEC 16; TH ELY A DIST OF 366.00 FT; RUN TH SE A DIST OF 25.00 FT TO A PT ON THE SLY R/W OF MEMPHIS RD (17TH ST E); RUN TH ELY ALG SD R/W A DIST OF 389.97 FT TO THE POB; CONT TH ELY A DIST OF 8.03 FT TO THE BEGINNING OF A CURVE CONCAVE TO THE SE, HAVING A RAD OF 150.00 FT; TH SELY 235.62 FT ALG THE ARC OF SD CURVE, SUBTENDED BY A CHORD BEARING OF S 45 DEG 00 MIN 00 SEC E & A CHORD DIST OF 212.13 FT; TH S 00 DEG 10 MIN 26 SEC W A DIST OF 139.00 FT; TH N 89 DEG 49 MIN 34 SEC W A DIST OF 216.48 FT; TH N 00 DEG 10 MIN 26 SEC E A DIST OF 82.00 FT; TH S 89 DEG 49 MIN 34 SEC E A DIST OF 43.00 FT; TH N 00 DEG 10 MIN 26 SEC E A DIST OF 74.00 FT; TH S 89 DEG 49 MIN 34 SEC E A DIST OF 15.00 FT; TH N 00 DEG 10 MIN 26 SEC E A DIST OF 132.52 FT TO THE POB [DELETE "LESS AND EXCEPT ANY INT IN AND TO OIL, GAS, COAL, METALLIC ORES AND OTHER MINERALS THEREIN AND THEREUNDER PREVIOUSLY RESERVED OR CONVEYED OF RECORD AND ALL RIGHTS INTS AND ESTATES OF WHATSOEVER NATURE INCIDENT THERETO OR ARISING THEREUNDER"] PI#8665.1505/9



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

August 28, 2023

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

Dear Honorable Angelina 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-23-22(G), which was filed in this office on August 28, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh