

MANATEE COUNTY ORDINANCE
PDC-98-11(G)(R) – WR-I ASSOCIATES, LTD / NORTH RIVER INTERCHANGE PARK
DTS #20090087

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE NO. PDC-98-11(Z)(G) PERTAINING TO APPROXIMATELY 11.9 ACRES ON THE SOUTH SIDE OF FACTORY SHOPS BOULEVARD AND WEST OF 60TH AVENUE EAST, ELLENTON IN THE PDC (PLANNED DEVELOPMENT COMMERCIAL) ZONING DISTRICT; APPROVING A REVISED GENERAL DEVELOPMENT PLAN AND AMENDING AND RESTATING ZONING ORDINANCE PDC-98-11(Z)(G) APPROVED ON FEBRUARY 23, 1999; TO AMEND STIPULATION NO. 6 TO INCLUDE AS PERMITTED USES; DRINKING ESTABLISHMENTS, PERSONAL SERVICE ESTABLISHMENTS, DRY CLEANERS, AND SCHOOLS OF SPECIAL EDUCATION; SUBJECT TO STIPULATIONS AND CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, WR-I Associates, LTD. (the "Applicant") filed an application for a revised General Development Plan for approximately 11.9 acres described in Exhibit "A", attached hereto, (the "Property") to amend Stipulation No. 6 to include as permitted uses: drinking establishments, personal service establishments, dry cleaners, and schools of special education; and

WHEREAS, the applicant filed a request for a project that was previously granted Special Approval for a project in an Entranceway; and

WHEREAS, Planning Department staff recommended approval of the revised General Development Plan and Special Approval applications 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 16, 2009 to consider the General Development Plan, 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 General Development Plan and Special Approval applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code, recommended approval 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.

FILED FOR RECORD
R. B. SHORE

2009 MAY -7 AM 7:54

CLERK OF THE LEGAL COURT
MANATEE COUNTY, FLORIDA

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2009 APR 29 PM 12:09

FILED

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 revised General Development Plan as it relates to the real property described in Exhibit "A" of this Ordinance.
- B. The Board of County Commissioners held a duly noticed public hearing on April 21, 2009 regarding the proposed General Development 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 General Development 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.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved to amend and restate Zoning Ordinance PDC-98-11(Z)(G) to amend Stipulation No 6 to include as permitted uses: drinking establishments, personal service establishments, dry cleaners, and schools of special education to the following Stipulations:

STIPULATIONS

- 1. The building facades visible from other properties outside the project shall exhibit and aesthetically attractive appearance. Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed concrete block or corrugated metal shall not be permitted. Architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least fifty percent (50%) of the building face is constructed from other permitted materials.
- 2. The sides of buildings visible from I-75, US 301 North and 60th Avenue East shall have minimal blank walls no longer than 40 feet in length. In order to insure that the buildings do not project a massive blank wall, design elements including prominently visible architectural details (e.g. bumpouts, reveals, projecting ribs, offsets, windows, shutters, etc.) shall be applied to the walls of buildings visible from the above-referenced streets. Design elements shall be reviewed for compliance by staff at Final Site Plan.
- 3. A coordinated sign plan for the development shall be approved by the Planning Department as part of the Preliminary Site Plan approval. All signs must provide concealment of main support structure (e.g., pole) between 20% and 100% of sign width with materials consistent with those in the development.

4. All roof mounted H.V.A.C. equipment, loading areas, and dumpsters for structures shall be screened from view from I-75, U.S. 301 North and 60th Avenue East, and adjacent properties. Screening shall be provided by materials consistent with the exterior finish materials of the buildings, landscaping, or other opaque materials consistent with the standards of the entranceway.
5. The landscape buffer along the western property line of Lot 4 shall be 20' wide.
6. Uses in this development shall be limited to office, general retail, motel, eating establishments, drive-through eating establishments, drinking establishments, personal service establishments, dry cleaners, and schools of special education.
7. A non-ingress/egress easement shall be recorded along 60th Avenue East for the remainder of Lot 6, with one (1) right-in, right-out access, with a design approved by the Planning Department, shall be allowed prior to approval of any Final Site Plan or Final Plat for this lot.
8. The preservation of significant trees within the landscape buffers and parking areas of the development sites shall be a condition of Preliminary and Final Site Plan approvals. Every reasonable attempt shall be made to preserve trees over 12 inches in caliper. Tree preservation shall be reviewed on each Preliminary Development Plan. Sufficient area around trees, as determined by a registered Landscape Architect, shall be provided to reasonably guarantee their survival.
9. Applicant shall install a 5' wide sidewalk along the west side of 60th Avenue East from Gulf Coast Factory Boulevard to US 301, where sufficient right-of-way exists or is within the project boundaries, prior to the next Certificate of Occupancy.
10. Wetland buffer compensation shall be provided within the boundaries of this project in accordance with Section 719 of the Land Development Code and shall be delineated on all Final Site Plans.
11. The maximum height shall be 35 feet for all uses other than hotels. The maximum height for hotel uses shall be 57'.
12. The location of the driveway/access on Parcel 1 will be determined with the review of the traffic analysis.
13. All parcels fronting on 20th Street Court East must have access to 20th Street Court East.
14. The easement for 20th Street Court East may be extended to the west end of the subdivision providing cross access to the west, or in the alternative a cross access easement may be provided through Lot 4 to the adjoining parcel to the west connecting it to 20th Street Court East.
15. The design for the motel use shall be in substantial conformance with the plans entered into the record for this case.

16. The hotel shall be placed so as to most effectively utilize existing vegetation for screening buffers.

Section 3. SPECIAL APPROVAL. Special Approval is hereby granted for a project that was previously GRANTED Special Approval for a project in an Entranceway. The Special Approval shall continue in effect and shall expire concurrent with the General Development Plan for the project approved pursuant to Section 2 hereof.

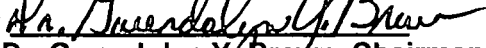
Section 4. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality 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, 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 21st day of April, 2009.

BY: BOARD OF COUNTY
COMMISSIONERS
MANATEE COUNTY, FLORIDA

BY: 
Dr. Gwendolyn Y. Brown, Chairman

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

BY: 
Deputy Clerk

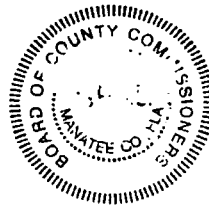


EXHIBIT "A"

LEGAL DESCRIPTION:

(PART OF)

FROM THE NW COR OF S1/2 OF THE NW1/4 OF THE SE1/4 OF SEC 9, RUN N 89 DEG 37 MIN 26 SEC E, ALG THE C/L OF WILLIAM ST ALSO BEING THE N LN OF N1/2 OF THE S1/2 OF THE NW1/4 OF THE SE1/4 OF SD SEC 9, A DIST OF 675.68 FT; TH S 00 DEG 30 MIN 30 SEC E, A DIST OF 36 FT TO THE POB; TH N 89 DEG 37 MIN 26 SEC E, A DIST OF 625.31 FT TO THE PC OF A CURVE TO THE RIGHT WHOSE RADIUS PT LIES S 00 DEG 22 MIN 34 SEC E, A DIST OF 25 FT; TH SELY ALG ARC OF SD CURVE A DIST OF 39.37 FT THRU A C/A OF 90 DEG 14 MIN 11 SEC TO TH PT OF SD CURVE AND W R/W LN OF 60TH AVE E; TH S 00 DEG 08 MIN 23 SEC E, ALG SD W R/W LN, A DIST OF 267.85 FT TO THE N LN OF BLK 1, PHILLIPS AND ALLEN RESUB, PB 1 P 308A; TH S 89 DEG 31 MIN 17 SEC W, ALG SD N LN, A DIST OF 648.53 FT TO THE NW COR OF SD BLK 1; TH N 00 DEG 30 MIN 30 SEC W, A DIST OF 294.11 FT TO THE POB. TOGETHER WITH EASMT OF INGRESS/EGRESS IN OR 1331/419 AND RE-REC IN OR 1367/1056 AND 1392/5317; INSERT ["LESS R/W DESC IN O.R. 1635 P 4991 AS: AN 8 FT R/W DEDICATION FOR 60TH AVE E, LOCATED IN SEC 9-34S-18E DESC AS: COM AT THE NE COR OF THE S 1/2 OF THE NW 1/4 OF THE SE 1/4 OF SD SEC 9; TH S 00 DEG 08 MIN 37 SEC E, ALG THE W LN OF SD S 1/2 OF THE NW 1/4 OF THE SE 1/4 OF SEC 9, A DIST OF 61.21 FT; TH S 89 DEG 51 MIN 23 SEC W, A DIST OF 24.99 FT TO THE WLY R/W LN OF AFORESAID 60TH AVE E, ALSO BEING THE POB; TH S AND W, ALG SD WLY R/W LN OF 60TH AVE E, THE FOLL TWO (2) COURSES: 1) S 00 DEG 10 MIN 48 SEC E, A DIST OF 267.71 FT; TH 2) S 89 DEG 31 MIN 30 SEC W, A DIST OF 8.00 FT; TH N 00 DEG 10 MIN 48 SEC W, PARALLEL WITH AND 8.00 FT W OF SD WLY R/W LN, A DIST OF 267.75 FT TO THE PT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RAD OF 25.00 FT; TH NWLY, ALG THE ARC OF SD CURVE TO THE LEFT, THROUGH A C/A OF 90 DEG 11 MIN 11 SEC, A DIST OF 39.35 FT TO THE SLY R/W LN OF GULF COAST BLVD AND A PT OF TANGENCY; TH E AND SELY, ALG SD SLY R/W LN OF GULF COAST BLVD, THE FOLL TWO (2) COURSES: 1) N 89 DEG 38 MIN 01 SEC E, A DIST OF 7.99 FT TO THE PT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RAD OF 25.00 FT; TH 2) SELY, ALG THE ARC OF SD CURVE TO THE RIGHT, THROUGH A C/A OF 90 DEG 14 MIN 15 SEC, A DIST OF 39.37 FT TO A PT OF TANGENCY AND THE POB"] SUBJECT TO CONTSERVATION EASMT DESC IN OR 1681 PG 3241 AS FOLLOWS: COM AT THE NE COR OF THE S1/2 OF THE NW1/4 OF THE SE1/4 OF SEC 9, TWN 34S, RNG 18E; TH S 00 DEG 08 MIN 37 SEC E ALONG THE W LN OF SD S1/2 OF THE NW1/4 OF THE SE1/4 OF SEC 9, A DIST OF 328.97 FT; TH S 89 DEG 51 MIN 23 SEC W A DIST OF 32.82 FT TO THE WLY R/W LN OF 60TH AVE E; TH WLY ALONG THE N LN OF NORTH RIVER INTERCHANG PARK SUB, PB 26 PG 93 & 94, THE FOLLOW TWO (2) COURSES: 1) S 89 DEG 31 MIN 30 SEC W A DIST OF 314.00 FT TOT EHT POB; TH 2) CONT S 89 DEG 31 MIN 30 SEC W A DIST OF 260.70 FT; TH N 00 DEG 28 MIN 30 SEC W A DIST OF 96.59 FT; TH N 42 DEG 31 MIN 30 SEC E A DIST OF 27.00 FT; TH N 89 DEG 31 MIN 30 SEC E A DIST OF 201.00 FT; TH S 48 DEG 28 MIN 30 SEC 3 A DIST OF 41.00 FT; TH S 00 DEG 28 MIN 30 SEC E A DIST OF 55.00 FT; TH S 75 DEG 28 MIN 30 SEC E A DIST

OF 11.20 FT; TH S 00 DEG 28 MIN 30 SEC E A DIST OF 31.00 FT TO THE POB
PI#8161.0010/1



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 21st day of
April, 2009

R.B. SHORE
Clerk of Circuit Court

By: Ueki Jessner D.C.

FILED FOR RECORD
R. B. SHORE

2009 MAY -6 AM 11:13



CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

May 4, 2009

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

Attention: Ms. Vicki Tessmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 27, 2009 and certified copies of Manatee County Ordinance Nos. PDR-09-05 (Z) (G), PDC-98-11(G) (R) and PDMU-96-01 (G) (R6), which were filed in this office on April 29, 2009.

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

Sincerely,

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

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dls.dos.state.fl.us>

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