

FILED FOR RECORD
R. B. SHORE

2008 APR 22 PM 12:46

MANATEE COUNTY ZONING ORDINANCE

PDI-07-27(Z)(P) – APS 49TH STREET LLC / ANCHOR POOLS OFFICE (DTS #20070460)
CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 2.2 ACRES ON THE NORTH SIDE OF EXPERIMENTAL FARM ROAD (49TH ST. E.) AND ±425 FEET EAST OF US 41 AT 810 AND 812 EXPERIMENTAL FARM ROAD, PALMETTO FROM NCS (NEIGHBORHOOD COMMERCIAL SMALL) TO THE PDI (PLANNED DEVELOPMENT INDUSTRIAL) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR A 18,012 SQUARE FOOT CONSTRUCTION SERVICE ESTABLISHMENT OFFICE AND WAREHOUSE; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, APS 49th Street LLC (the "Applicant") filed an application to rezone approximately 2.2 acres described in Exhibit "A", attached hereto, (the "property") from NCS (Neighborhood Commercial Small) to the PDI (Planned Development Industrial) zoning district; and

WHEREAS, the applicant also filed a Preliminary Site Plan for a 18,012 square foot construction service establishment office and warehouse (the "Project") on the property; and

WHEREAS, the applicant filed a request for Specific Approval for an alternative to Section 603.13.14.3 of the Land Development Code, and

WHEREAS, Planning staff recommended approval of the rezone, Preliminary Site Plan, 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 March 13, 2008 to consider the rezone, Preliminary Site Plan, 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:

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2008 APR 16 AM 8:57
CLERK OF THE CIRCUIT COURT
MANATEE CO. 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 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 NCS (Neighborhood Commercial Small) to the PDI (Planned Development Industrial) zoning district.

B. The Board of County Commissioners held duly a noticed public hearing on April 3, 2008 regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance 90-01, the Manatee County Land Development Code, and has further considered the information received at the 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 89-01, the 2020 Manatee County Comprehensive Plan.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 603.13.14.3, the Board finds that the proposed design satisfies the public purpose and intent of the LDC regulations to an equivalent degree because the reduced and existing setbacks will not adversely affect adjacent property.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for a 18,012 square foot construction service establishment office and warehouse on the property subject to the following Stipulations:

STIPULATIONS

A. **GENERAL CONDITIONS:**

1. The existing facility is approved as shown on the Preliminary Site Plan for setbacks, parking, outdoor storage, landscaping, and stormwater management. Any new or expanded facilities must comply with the LDC.

B. **STORMWATER CONDITIONS:**

1. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.

C. ENVIRONMENTAL CONDITIONS:

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Planning Department for review prior to Final Site Plan approval.
2. 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.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for an alternative to Section 603.13.14.3 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 district classification of the property identified in Exhibit "A" herein from NCS (Neighborhood Commercial Small) to the PDI (Planned Development Industrial) 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 said 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 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 April, 2008.

BOARD OF COUNTY
COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: 

Jane von Hahmann, Chairman



ATTEST:

R. B. SHORE
Clerk of the Circuit Court

BY: 

Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

Legal Description

COM AT THE SW COR OF THE SE 1/4 OF SEC 36, TH E 375 FT; TH N 15 DEG 25 MIN 30 SEC E 25.93 FT TO THE N R/W LN OF EXPERIMENTAL FARM RD; TH W ALG SD R/W 195.82 FT FOR THE POB; TH CONT W 195.83 FT; TH N 19 DEG 07 MIN 15 SEC E 265 FT; TH E 195.83 FT; TH S 19 DEG 07 MIN 15 SEC W 265 FT TO THE POB AS DESC IN OR 1122 P 2688 PRMCF P-37-4 PI#22570.1005/4

FM THE SW COR OF THE SE 1/4 OF SEC 36, RUN E 375 FT & N 15 DEG 25 MIN 30 SEC E 25.93 FT TO A PT ON THE N R/W LN OF EXPERIMENTAL FARM RD FOR POB; RUN TH N 15 DEG 25 MIN 30 SEC E 265 FT, M/L TO A PT WHICH IS DUE E OF THE NE COR OF LANDS DESC (OR 443 P 493); TH W 195.82 FT, M/L TO THE NE COR OF LANDS DESC (OR 443 P 493); TH S 19 DEG 07 MIN 15 SEC W 265.0 FT TO N R/W LN OF EXPERIMENTAL FARM RD; TH E ALG N R/W LN OF EXPERIMENTAL FARM RD 195.82 FT, M/L TO POB, AS DESC (OR 543 P 39) PI#22570.1010/4



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 14th day of

April, 2008
R.B. SHORE
Clerk of Circuit Court

By: [Signature] D.C.



FILED FOR RECORD
R. B. SHORE

2008 APR 22 PM 12:46

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

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

April 17, 2008

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

Attention: Ms. Vicki Jarratt

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 14, 2008 and certified copies of Manatee County Ordinance Nos. 08-22, 08-01, PDO-06-082(Z) (P), PDI-07-27 (Z) (P), PDC-07-20 (Z) (P) and 08-35, which were filed in this office on April 16, 2008.

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

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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