

MANATEE COUNTY ZONING ORDINANCE
PDMU-05-46(Z)(P) – JUNG S. LUCK/PARK PLAZA/THE LANDINGS AT PARKVIEW

FILED FOR RECORD
R. B. SHORE

2006 OCT 26 AM 9:35

A ZONING ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 AND A-1/CH (SUBURBAN AGRICULTURE - ONE DWELLING UNIT PER ACRE, COASTAL HIGH HAZARD OVERLAY DISTRICT) TO PDMU AND PDMU/CH (PLANNED DEVELOPMENT MIXED USE, RETAINING THE OVERLAY DISTRICT); PROVIDING AN EFFECTIVE DATE; AND A PRELIMINARY SITE PLAN FOR 372 LOTS FOR SINGLE-FAMILY ATTACHED RESIDENCES AND A 105,660 SQUARE FOOT CAR DEALERSHIP (MOTOR VEHICLE SALES, RENTAL, LEASING, AND REPAIR ESTABLISHMENT) PROVIDING FOR SEVERABILITY; PROVIDING A LEGAL DESCRIPTION; AND SETTING FORTH FINDINGS. THE SITE IS AT THE NORTHWEST CORNER OF S.R. 64 AND CYPRESS CREEK BOULEVARD (A.K.A. THE KAY RD REALIGNMENT) AT 6219 S.R. 64 EAST, BRADENTON (± 95.5 ACRES).

WHEREAS, Jung Luck and Ruben Holland Development (the "Applicants") have filed a rezone application to rezone approximately 95.5 acres described in Exhibit "A", attached hereto, (the "Property") from the A-1 and A-1/CH (Suburban Agriculture – one dwelling unit per acre, Coastal High Hazard Overlay District) zoning district to the PDMU and PDMU/CH (Planned Development Mixed Use, retaining the Overlay District) zoning district; and

WHEREAS, the Applicant has also filed a Preliminary Site Plan application for 372 lots for single-family attached residences and a 105,660 square foot car dealership (motor vehicle sales, rental, leasing, and repair establishment) (the "Project") to be located upon the Property; and

WHEREAS, the Applicant has also filed a request for Special Approval for a project: 1) exceeding a gross density of 4.5 dwelling units per acre in the RES-6 Future Land Use Category; 2) exceeding 30,000 square feet of building area in the RES-6 Future Land Use Category; 3) in an Entranceway; 4) in the Coastal Planning Area; 5) in the Coastal Evacuation Area; 6) in the Coastal Storm Vulnerability Area; 7) partially in the Coastal High Hazard Overlay District, and 8) a mixed use project, and Specific Approval for alternatives to Section 712.2.8 and 907.9.4.2; and

WHEREAS, the Planning Staff has recommended approval of the rezone, Preliminary Site Plan, Special Approval, and Specific Approval applications, subject to the stipulations contained in the Planning Staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on September 14, 2006 to consider the rezone, Preliminary Site Plan Special Approval and Specific Approval applications, received the Planning Staff's recommendations 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 rezone, Preliminary Site Plan, Special Approval, and Specific Approval

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 Planning 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 of said County, 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 the A-1 and A-1/CH (Suburban Agriculture, one dwelling unit per acre, Coastal High Hazard Overlay District) zoning districts to the PDMU and PDMU/CH (Planned Development Mixed Use, retaining the Overlay District) zoning districts.
- B. The Board of County Commissioners held a duly noticed public hearing on October 5, 2006 regarding said 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 2020 Manatee County Comprehensive Plan.
- D. Notwithstanding the failure of the plan to comply with the requirements of LDC Section 712.2.8, the Board finds that the public purpose of the LDC regulations has been satisfied to an equal or greater degree, because a boulevard road and an emergency access is provided.
- E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 907.9.4.2, the Board finds that the public purpose of the LDC regulations is satisfied to an equivalent degree by the proposed design because wetlands are not impacted.
- F. The Board finds that the public purpose of Policy 2.10.2.3 is satisfied by the proposed design because the site meets commercial locational criteria and the design addresses compatibility through screening and buffering.

Section 2. PRELIMINARY SITE PLAN The Preliminary Site Plan is hereby APPROVED for 372 lots for single-family attached residences and a 105,660 square foot car dealership (motor vehicle sales, rental, leasing, and repair establishment), upon the Property subject to the Stipulations set out below. The Board hereby GRANTS Special Approval for a project: 1) exceeding a gross density of 4.5 dwelling units per acre in the RES-6 Future Land Use

Category; 2) exceeding 30,000 square feet of building area in the RES-6 Future Land Use Category; 3) in an Entranceway; 4) in the Coastal Planning Area; 5) in the Coastal Evacuation Area; 6) in the Coastal Storm Vulnerability Area; 7) partially in the Coastal High Hazard Overlay District, and 8) a mixed use project;; subject to the Stipulations set out below. The Board hereby GRANTS Specific Approval for alternatives to Sections 712.2.8, and 907.9.4.2 of the Land Development Code, with the following Stipulations:

STIPULATIONS

1. Site plan revisions may be considered that will preserve additional existing desirable habitat (411-Pine Flatwoods) and trees, especially in areas adjacent to wetland buffers (expand buffers). Such revisions may include but shall not be limited to shifting of buildings, shifting of recreation area amenities, and stormwater facility reconfiguration. Specific revisions shall be reviewed and approved with the Final Site Plan.
2. An updated study, consistent with Policy 3.3.2.3 of the Comprehensive Plan, for threatened and endangered plant and animal species shall be submitted 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.
3. Environmental Resource Permit (ERP) approval by SWFWMD shall be provided to the Planning Department prior to Final Site Plan approval.
4. Final Engineering drainage design must be approved prior to Final Site Plan approval, including the following:
 - a) Any fill within the 100-year floodplain shall be compensated by the creation of stormwater storage of an equal or greater storage volume credited above seasonal high water table, with such compensatory storage also located within the 100-year floodplain. Compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation). Stormwater retention and detention facilities within the 100-Year Floodplain adjacent to a tidally influenced waterbody shall not be subject to this performance standard.
 - b) There shall be a full 25-year attenuation on all stormwater ponds within the development.
5. 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.
6. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along the natural drain flowing south to north within the project. Manatee County is only responsible for maintaining the free flow of drainage through these systems.

7. Any filling of existing retention pond(s) shall be compensated with equal attenuation, water quality treatment, and floodplain volume.
8. Drainage from the lots shall be included within the master drainage system.
9. All waste water manhole rims, service clean-outs, and lift station wet wells and valve vault covers shall be set 12 inches above the 25-year flood plain elevation or 4 inches above the 100- year floodplain elevation, whichever is higher.
10. All roads within the 100-year floodplain must be above the flood elevation set by the FEMA flood zone maps.
11. The applicant shall be responsible for any additional on-site or off-site transportation safety improvements attributable to this project, as determined by the Transportation and Planning Departments.
12. The applicant shall be responsible for any additional on-site or off-site capacity related transportation improvements required as part of a CLOS for this project.
13. The Final Site Plan shall demonstrate that all lots are graded at minimum to provide positive drainage to the internal drainage system or retention ponds.
14. Prior to Final Site Plan approval for the residential component, the applicant shall gain approval of a Hurricane Evacuation Plan and Disaster Plan from the Director of Public Safety. The plan shall ensure delivery of the Manatee County "All-Hazard Guide" and Red Cross brochure "Your Family Disaster Plan" to each homeowner, and assure of receipt or posting of an evacuation zone map. Covenants and Restrictions shall provide for an ongoing responsibility for the Homeowner's Association to ensure that all subsequent purchasers receive copies of these documents.
15. The recreational facility shall provide a playground, benches, shade trees, and picnic tables. The details of the type of equipment and layout shall be shown on the Final Site Plan.
16. The applicant and their heirs, assigns, or transferees are hereby notified that a payment of an impact fee for emergency shelter facilities shall be required if such a program is adopted by the Board of County Commissioners.
17. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions and in a separate addendum to the sales contract, and the Final Site Plan shall include language to inform prospective homeowners of the location of the inter-neighborhood roadway, the pedestrian tie to the southwest, and the proximity of the project to SR 64 and potential noise impacts from that roadway.
18. The inter-neighborhood tie shall extend to the southwest property line. Bollards or reflector signs may be placed at the property line to prohibit vehicular traffic until the tie is connected to a road on the site to the west.

19. The two emergency access connections shall be paved to a minimum width of 15 feet. This shall be depicted on the Final Site Plan and Construction Plans.
20. Entrance gates to the project shall be accessible to EMS by either a remote control or siren activated system. Prior to Final Site Plan approval, the applicant shall receive written approval from EMS and the Fire Marshal approving the proposed system.
21. The lowest quality water possible shall be used for irrigation. In ground irrigation using Manatee County public potable water supply shall be prohibited, including on individual lots.
22. There shall be no outdoor storage (excluding vehicles) associated with the auto dealership.
23. A 20 foot wide landscape buffer, containing 2 offset rows of canopy and understory trees (Canopy trees-10ft. tall, 4 ft. spread, and placed 30 ft. on center), and a hedge shall be installed along the west property line between the commercial and residential sites. This buffer shall be 60% opaque to a height of 6 feet at the time of planting.
24. A six foot high decorative solid wall with a stucco and painted finish (or a wall of material with equivalent appearance and noise reduction properties) shall be provided along the west boundary at the commercial parcel, extending north from S.R. 64 the full length of the west commercial boundary. All required landscaping shall be placed on the exterior side of the wall.

Section 3. 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 described in Exhibit "A" incorporated herein by reference, from the A-1 and A-1/CH (Suburban Agriculture, one dwelling unit per acre, Coastal High Hazard Overlay District) zoning districts to the PDMU and PDMU/CH (Planned Development Mixed Use, retaining the Overlay District) zoning districts 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 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 sentence, section, 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. 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 5th day of October, 2006.

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

BY: 
VICE - Chairman

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

BY:  D.C.
Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION

COMMENCE AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST, THENCE RUN N 89°32'32" W ALONG THE NORTH LINE OF SAID SECTION 27, A DISTANCE OF 3921.96 FEET TO THE CENTERLINE OF A CREEK ALSO BEING THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG SAID CENTERLINE THE FOLLOWING 40 COURSES: S 55°18'39" W, A DISTANCE OF 104.62 FEET; THENCE S 37°50'20" E, A DISTANCE OF 81.81 FEET; THENCE N 71°47'49" E, A DISTANCE OF 113.46 FEET; THENCE N 73°42'53" E, A DISTANCE OF 92.25 FEET; THENCE S 09°50'24" E, A DISTANCE OF 296.23 FEET; THENCE S 64°17'16" E, A DISTANCE OF 143.03 FEET; THENCE S 72°55'04" E, A DISTANCE OF 219.07 FEET; THENCE S 56°58'54" E, A DISTANCE OF 166.91 FEET; THENCE S 12°23'45" E, A DISTANCE OF 111.18 FEET; THENCE S 20°00'23" W, A DISTANCE OF 108.51 FEET; THENCE S 19°23'04" W, A DISTANCE OF 110.52 FEET; THENCE S 82°45'43" W, A DISTANCE OF 54.70 FEET; THENCE N 51°04'06" W, A DISTANCE OF 100.56 FEET; THENCE N 76°50'10" W, A DISTANCE OF 41.10 FEET; THENCE S 64°54'43" W, A DISTANCE OF 143.17 FEET; THENCE S 13°09'33" W, A DISTANCE OF 63.84 FEET; THENCE S 12°57'10" E, A DISTANCE OF 141.20 FEET; THENCE S 64°28'06" E, A DISTANCE OF 33.97 FEET; THENCE N 55°31'31" E, A DISTANCE OF 116.40 FEET; THENCE S 66°06'20" E, A DISTANCE OF 264.61 FEET; THENCE S 55°58'08" E, A DISTANCE OF 113.99 FEET; THENCE S 17°47'14" W, A DISTANCE OF 87.80 FEET; THENCE N 74°51'55" W, A DISTANCE OF 80.83 FEET; THENCE N 04°01'32" W, A DISTANCE OF 90.51 FEET; THENCE S 57°08'54" W, A DISTANCE OF 177.79 ; THENCE S 29°39'20" E, A DISTANCE OF 210.09 FEET; THENCE S 12°14'10" E, A DISTANCE OF 93.20 FEET; THENCE S 10°29'59" W, A DISTANCE OF 98.04 FEET; THENCE S 69°55'17" E, A DISTANCE OF 101.27 FEET; THENCE S 26°04'56" E, A DISTANCE OF 64.43 FEET; THENCE S 45°52'50" E, A DISTANCE OF 283.57 FEET; THENCE S 01°16'23" W, A DISTANCE OF 205.18 FEET; THENCE S 10°27'01" E, A DISTANCE OF 182.98 FEET; THENCE S 17°19'16" E, A DISTANCE OF 151.29 FEET; S 14°22'55" E, A DISTANCE OF 200.43 FEET; THENCE S 60°40'24" E, A DISTANCE OF 130.52 FEET; THENCE S 39°50'28" W, A DISTANCE OF 148.02 FEET; THENCE S 00°00'00" E, A DISTANCE OF 52.09 FEET; THENCE S 39°44'42" W, A DISTANCE OF 153.49 FEET TO THE END OF SAID CENTERLINE; THENCE N 89°42'41" W, A DISTANCE OF 1295.32 FEET; THENCE S 00°17'19" W, A DISTANCE OF 286.00 FEET; THENCE S 89° 42' 41" E, A DISTANCE OF 671.73 FEET TO A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT LIES OF S 56°16'54" E, A DISTANCE OF 1210.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT A DISTANCE OF 514.22 FEET THROUGH A CENTRAL ANGLE OF 24°20'58" TO THE END OF SAID CURVE; THENCE S 09°20'56" W, A DISTANCE OF 444.09 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 64, SECTION 13050-2521 ALSO BEING A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT LIES S 08°28'47" W, A DISTANCE OF 3982.72 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT A DISTANCE OF 198.75 FEET THROUGH A CENTRAL ANGLE OF 02°51'33" TO THE END OF SAID CURVE; THENCE N 84°22'46" W, A DISTANCE OF 723.20 FEET; THENCE N 00°26'14" E, A DISTANCE OF 499.06 FEET; THENCE N 89°42'15"W, A DISTANCE OF 359.99 FEET;

THENCE S 00°26'14" W, A DISTANCE OF 299.99 FEET; THENCE N 89°42'15" W, A DISTANCE OF 299.99 FEET; THENCE N 00°26'14" E, A DISTANCE OF 249.99 FEET; THENCE N 89°42'15" W, A DISTANCE OF 659.98 FEET; THENCE N 00°26'14" E, A DISTANCE OF 1099.71 FEET; THENCE N 89°29'41" W, A DISTANCE OF 627.44 FEET; THENCE N 00°31'01" E ALONG THE WEST LINE OF THE EAST ½ OF THE NORTHWEST ¼ OF SAID SECTION 27, A DISTANCE OF 2645.31 FEET; THENCE S 89°32'32" E ALONG THE NORTH LINE OF SAID SECTION 27, A DISTANCE OF 104.46 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LESS AND EXCEPT
THE PLATTED RIGHTS OF WAY NOTED ON FLORIANA COURT SUBDIVISION RECORDED IN PLAT BOOK 2, PAGE 64 WHICH FALL WITHIN THE ABOVE DESCRIBED PARCEL.



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 19th day of October, 2006
R.B. SHORE
Clerk of Circuit Court
By: [Signature] D.C.



STATE OF FLORIDA
DEPARTMENT OF STATE
STATE LIBRARY AND ARCHIVES OF FLORIDA

JEB BUSH
Governor

FILED FOR RECORD
R. B. SHORE

2006 OCT 26 AM 9:34

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA
SUE M. COBB
Secretary of State

October 23, 2006

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

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 19, 2006 and certified copies of Manatee County Ordinance Nos. PDR-04-44(Z)(P), PDMU-05-46(Z)(P), PDO-05-08(Z)(P), PDMU-99-02(P), Z-06-03 and Z-89-46(G)(R-10), which were filed in this office on October 23, 2006.

As requested, the date stamped copies are being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/bpn
Enclosures

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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