

MANATEE COUNTY ZONING ORDINANCE
PDMU-06-61(P) – NORTH PROPERTY PARTNERSHIP, LTD./ROYAL PALM TERRACE
RETAIL CENTRE

2007 NOV 15 PM 3: 29

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR 14,600 SQUARE FEET OF RETAIL COMMERCIAL SPACE AND A 3,500 SQUARE FOOT BANK WITH DRIVE THRU LANES ON APPROXIMATELY 2.9 ACRES ON THE NORTHWEST CORNER OF US 301 AND 51ST AVENUE EAST, ONECO; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

FILED

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WHEREAS, North Property Partnership, LTD (the "Applicant") has filed an application for a Preliminary Site Plan for approximately 2.9 acres described in Exhibit "A", attached hereto, (the "Property") for 14,600 square feet of retail commercial space and a 3,500 square foot bank with drive thru lanes; and

WHEREAS, Planning Department staff recommended approval of the Preliminary Site Plan application, 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 October 11, 2007 to consider the Preliminary Site Plan application, received the staff's 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 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, recommended approval of the application, subject to the stipulations contained in the staff report; and

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 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 November 1, 2007 regarding the proposed Preliminary Site 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 Preliminary Site 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. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved to allow 14,600 square feet of retail commercial space and a 3,500 square foot bank with drive thru lanes, subject to the following Stipulations:

STIPULATIONS

1. Permitted uses shall be limited to offices, clinics, retail sales, eating establishments, banks (with drive thru), dry cleaners, personal services, business services, and repair services.
2. All building facades facing a public street shall maintain substantial conformance with renderings submitted with this application (Exhibit B).
3. All other facades shall exhibit an aesthetically attractive appearance and shall be subject to the following criteria and reviewed for compliance by the Planning Department with future Final Site Plan and Building Permit submittals.
 - a) The buildings shall have minimal blank walls no longer than 30 feet in length or 20' in height. In order to ensure that the buildings do not project a massive blank wall, design elements with distinctive color variation shall include prominently visible architectural details [e.g., bumpouts, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.] or other methods, as approved by the Planning Director. Facades greater than 75 feet in length shall have varying roof lines through varying the height of the cornice, or the use of two or more roof types (parapet, dormers, and sloped, etc.).
 - b) Building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, 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 seventy-five percent (75%) of the building face is constructed from other permitted materials.
4. All drive-thru windows shall incorporate coverings for service windows that are structurally and architecturally integrated into the design of the buildings.
5. All roof mounted H.V.A.C. mechanical equipment shall be screened with a solid parapet wall or other noise deflecting materials, which shall be consistent with the construction

materials of the main buildings, so as not to be visible from adjacent roads or residential units. Roof mounted equipment shall be placed in the front half of the building, away from the residential development. This shall be approved with the Final Site Plan.

6. All dumpster(s) shall be screened with building materials matching the principal building on site.
7. The drive aisle and parking area east of the loading zone shall be redesigned to allow trucks to maneuver and exit Buildings "A" and "B" in a forward manner. This may result in a loss of parking spaces west of Building "B."
8. All drive aisles shall maintain a minimum width of 24'.
9. A five foot sidewalk shall be provided along the west side of Building A to allow units to access the loading zone.
10. The landscape buffer along the western property boundary shall maintain a minimum width of 15'.
11. A 6 foot wall shall be provided along the western 350 feet of the northern property line and along the western property line north of the drive entrance. The wall along the northern property line shall be increased to 8 feet west of Building "B." The wall shall be a finished concrete block or pre-cast concrete construction. The height shall be measured from the finished floor of the adjacent buildings.
12. Exhaust and other filtering systems in Food Service Establishments or uses shall adhere to the Best Available Control Technology to eliminate or reduce the emission of smoke, grease, and odor from cooking facilities. This system shall be approved by the Environmental Management Department Air Quality Section with each Final Site Plan containing a Food Service Establishment or use.
13. Prior to Final Site Plan approval, the property owner shall obtain a cross access easement with property to the west to gain access to 51st Avenue East and for all other utilities, including stormwater conveyance.
14. Removal of buried non-hazardous material shall occur prior to commencement of construction within the vicinity of the northwest property corner. Removal methods shall be reviewed at the time of Final Site Plan submittal.
15. A Water Well Construction Permit must be obtained from the EMD prior to construction of the proposed well(s).
16. Any wells discovered during land clearing shall be protected or abandoned in accordance with SWFWMD Rule Chapter 40D, FAC.
17. Irrigation for landscaping shall use the lowest water quality source available. Use of Manatee County public potable water supply shall be prohibited.

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, 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 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. 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 1st day of November, 2007.

BY: BOARD OF COUNTY
COMMISSIONERS
MANATEE COUNTY, FLORIDA

BY: *Guy Stein*

Chairman

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



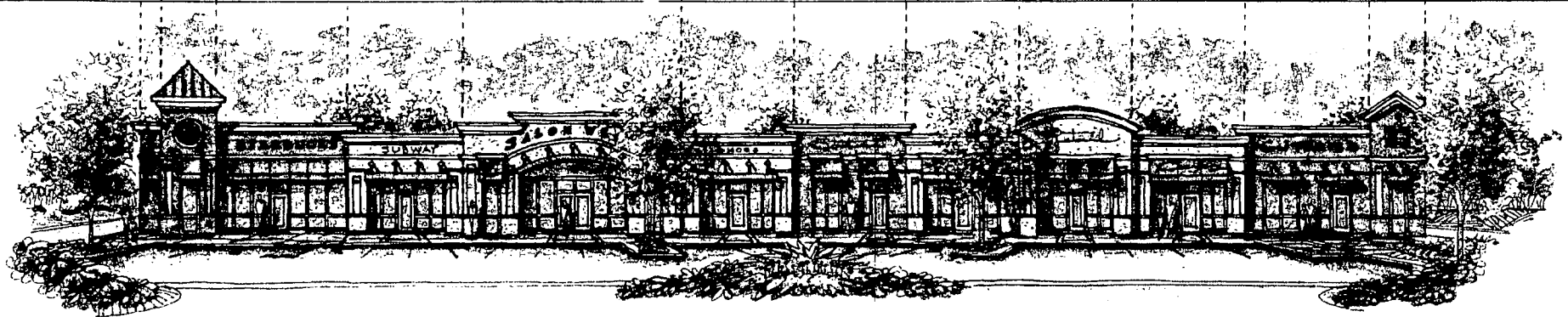
BY: *Juanita Romine*
Deputy Clerk

EXHIBIT "A"
LEGAL DESCRIPTION OF THE PROPERTY

A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NE CORNER OF THE NE 1/4 OF THE SE 1/4 OF SAID SECTION 7- THENCE N89°00'45"W ALONG THE NORTH LINE OF SAID NE 1/4 OF THE SE 1/4 OF SECTION 7 FOR A DISTANCE OF 237.70 FEET TO TO THE INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF U.S. 301 (A 260 FOOT WIDE PUBLIC RIGHT OF ALSO KNOWN AS STATE ROAD 683) AS PER FLORIDA DEPARTMENT OF TRANSPORTATION PROJECT NO.13120-2506;(THE FOLLOWING THREE CALLS ARE ALONG THE LINES OF SAID U.S. 301) THENCE S00°25'10"W., SAID LINE BEING 130 FEET WEST OF AND PARALLEL TO THE CENTERLINE OF SAID PROJCT FOR U.S. 301 FOR A DISTANCE OF 759.00 FEET; THENCE S03°28'21"W FOR A DISTANCE OF 247.80 FEET FOR A POINT OF BEGINNING; THENCE S03°28'21"W ALONG THE SAID WESTERLY RIGHT OF WAY FOR A DISTANCE OF 318.49 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF 51ST AVENUE EAST AS DESCRIBED IN OFFICIAL RECORDS BOOK 1165, PAGE 1617 OF THE OFFICIAL RECORDS OF MANATEE COUNTY, FLORIDA, THENCE N88°36'10"W. ALONG THE AFOREMENTIONED NORTHERLY RIGHT OF WAY LINE OF 51ST AVENUE EAST. A DISTANCE OF 60.86 FEET; THENCE S01°23'50"W FOR A DISTANCE OF 5.00 FEET TO THE INTERSECTION WITH NORTHERLY MAINTAINED RIGHT OF WAY UK OF 51ST AVENUE EAST (A 67 FOOT WIDE PUBLIC RIGHT OF WAY. ALSO KNOWN AS MAGNOLIA AVENUE); THENCE N88°36'10"W., ALONG SAID MAINTAINED RIGHT OF WAY FOR A DISTANCE OF 324.04 FEET TO THE INTERSECTION WITH THE WESTERLY LINE OF A PARCEL LAND RECORDED IN DEED BOOK 204, PAGE 423 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N00°25'58"E., ALONG THE WESTERLY LINE OF SAID PARCEL. SAID LINE BEING 652.50 FEET WEST OF AND PARALLEL TO THE EAST BOUNDARY OF THE SOUTHEAST 1/4 OF THE AFOREMENTIONED SECTION 7, A DISTANCE OF 320.00 FEET; THENCE S.89°04'36"E., A DISTANCE OF 401.83 FEET TO THE POINT OF BEGINNING.
CONTAINING 2.90 ACRES MORE OR LESS.

SUBJECT TO PERTINENT EASEMENTS, RIGHT OF WAYS. AND RESTRICTIONS OF RECORD.



CONCEPTUAL ELEVATION SCHEME "A"
SCALE: 3/8" = 1'-0"

Exhibit "B"



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 2nd day of
November, 2007
R.B. SHORE
Clerk of Circuit Court
By: E. J. Cordero D.C.



FILED FOR RECORD
R. B. SHORE

2007 NOV 15 PM 3:29

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

November 8, 2007

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

Attention: Quantana Acevedo, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 2, 2007 and certified copies of Manatee County Ordinance No. 07-09, PDI-06-41(Z)(P), PDMU-06-61(P) and PDR-05-51(Z)(P), which were filed in this office on November 7, 2007.

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

Sincerely,

Liz Cloud
Program Administrator

LC/lbh
Enclosures

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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COMMUNITY DEVELOPMENT
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STATE LIBRARY OF FLORIDA
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STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE
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RECORDS MANAGEMENT SERVICES
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ADMINISTRATIVE CODE AND WEEKLY
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