

MANATEE COUNTY ORDINANCE
PDMU-06-86(P)(R2) – SMT AUTO, LLC/FIRST AUTO SALES (RELATED TO ALCO
PROPERTIES OF MANATEE COUNTY, INC. / COPEMAN DEVELOPMENT DTS#20120402

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A REVISED PRELIMINARY SITE PLAN TO: ELIMINATE MINI-WAREHOUSE FACILITY, OFFICE USE AND 8-LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES; ADD A 2,460 SQUARE FOOT BUILDING FOR USE OF A MOTOR VEHICLE SALES, RENTAL, LEASING, AND MOTOR VEHICLE REPAIR ESTABLISHMENTS; AND MODIFY EXISTING STORMWATER BASIN. THE 7.23± ACRE SITE IS IN THE PDMU (PLANNED DEVELOPMENT MIXED USE) ZONING DISTRICT LOCATED ON THE WEST SIDE OF U.S. 41, APPROXIMATELY 550 FEET SOUTH OF 53RD AVENUE WEST AND EXTENDING WEST TO 16TH STREET WEST AT 5410 14TH STREET WEST, BRADENTON; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, SMT Auto, LLC (the "Applicant") filed an application for a revised Preliminary Site Plan to: eliminate mini-warehouse facility, office use and 8-lots for single-family detached residences; add a 2,460 square foot building for use of a motor vehicle sales, rental, leasing, and motor vehicle repair establishments; and modify existing stormwater basin on 7.23 ± acres described in Exhibit "A", attached hereto, (the "Property"); and

WHEREAS, the applicant also filed a request for Specific Approval for an alternative to Sections 705.50.2, 704.50.4, 714.8.7, and 715.3.2 of the Land Development Code; and

WHEREAS, Building and Development Services Department staff recommended approval of the revised Preliminary Site Plan and Specific 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 June 13, 2013 to consider the amended Preliminary Site Plan and Specific Approval applications, 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 amended Preliminary Site Plan and Specific Approval applications consistent with the Manatee County Comprehensive Plan, and 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.

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

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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 an amended Preliminary Site Plan and Specific Approval 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 August 8, 2013 regarding the proposed amended Ordinance 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 revised Ordinance 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 this plan to comply with the requirements of LDC Section 705.50.2, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because adequate screening is provided.
- E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 704.50.4 and 715.3.2, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because there is adequate screening adjacent to the residential use.
- F. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 714.8.7, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the required number of trees and canopy will be provided.

Section 2. REVISED PRELIMINARY SITE PLAN. The amended Preliminary Site Plan is hereby approved subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

- 1. Building elevations shall be submitted and approved with the Final Site Plan to ensure the following are met:
 - a) All roof mounted HVAC equipment are screened from view from adjacent roadways and residential uses. Screening shall consist of similar colors and materials consistent with the construction of the exterior finish of the buildings. Details of screening shall be submitted with the Final Site Plan.
 - b) All dumpsters are screened from view from adjacent roadways and residential uses. Screening shall consist of building materials matching the principal building on site. Details of which shall be submitted with the Final Site Plan.

2. The proposed uses shall be subject to all applicable requirements listed in LDC Sections 704.50 (Motor Vehicle Repair) and 704.51 (Motor Vehicle Sales, Rental Leasing) unless specific approval is granted.
3. The original expiration date of the Preliminary Site Plan shall not be changed with this approval.
4. If the subject property is sold separately from the parcel to the north, a cross access easement and parking agreement shall be established for shared access and parking.
5. The applicant shall provide a 6' high opaque fence along the southern property line adjacent to residential uses for any future commercial building constructed on the remaining western part of the site.
6. Access to future commercial buildings constructed on the remaining western part of the site shall be limited to U.S. 41 only and prohibited from the local residential roadway to the west.

B. TRANSPORTATION CONDITIONS:

1. Prior to Final Site Plan approval, the applicant shall submit to Manatee County a title search, legal description, and sketch of the 10' Right-of-Way easement along U.S. 41. Prior to the issuance of the first Certificate of Occupancy, the applicant shall submit to Manatee County the original executed documents required for the conveyance of the 10' Right-of-Way Easement along U.S.41.

C. STORMWATER CONDITIONS:

1. The post development discharge rate shall be limited to the available capacity within the existing stormwater system along 16th Street West.
2. This project shall be required to reduce the calculated pre-development flow rate by up to fifty percent (50%) for stormwater outfall flow towards U.S. 41. Modeling shall be used to determine pre-and post-development flows.

D. ENVIRONMENTAL CONDITIONS:

1. Underground or above ground pollutant storage tank installation or removal must conform to the requirements of Chapters 62-761, Florida Administrative Code.
2. There shall be no open burning of trees or branches for land clearing.
3. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the Environmental Planning Division for review and approval prior to Final Site Plan approval. 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.
4. 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. 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 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 this 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 8th day of August, 2013.

BY: BOARD OF COUNTY
COMMISSIONERS
MANATEE COUNTY, FLORIDA

BY: 
Larry Bustle, Chairman

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

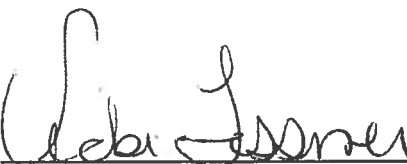
BY: 
Deputy Clerk



Exhibit "A"

LEGAL DESCRIPTION

PARCEL 1: LOT 4, OF AIRPORT SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 45, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; LESS STATE ROAD RIGHT OF WAY.

PARCEL 2: THE NORTH TEN (10) FEET OF THE WESTERLY 174.8 FEET OF LOT 5, OF AIRPORT SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 45, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

PARCEL 3: LOT 5, OF AIRPORT SUBDIVISION, LESS THE NORTH TEN (10) FEET OF THE WESTERLY 174.8 FEET, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 45, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; LESS STATE ROAD RIGHT OF WAY.

PARCEL 4: LOTS 6, 7, 8, 9, AND 80, OF REVISED AIRPORT SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 66, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; LESS THE ROAD RIGHT OF WAY AS DESCRIBED IN ORDER OF TAKING RECORDED IN CIRCUIT COURT MINUTE BOOK 25, PAGE 119, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; AND ALSO LESS AND EXCEPT THAT PORTION THEREOF CONVEYED TO RACETRAC PETROLEUM IN DEED RECORDED IN OFFICIAL RECORDS BOOK 2327, PAGE 1347, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING LOTS 7, 8, 9, AND THE EAST 9 FEET OF LOT 80, LESS THE NORTH 20 FEET OF LOT 7, REVISED PLAT OF AIRPORT SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 66, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, ALSO LESS ROAD RIGHT OF WAY AS DESCRIBED IN ORDER OF TAKING RECORDED IN CIRCUIT COURT MINUTE BOOK 25, PAGE 199, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA: BEGINNING AT THE SOUTHEAST CORNER OF LOT 9 OF SAID REVISED PLAT OF AIRPORT SUBDIVISION, SAID POINT BEING ON THE WEST RIGHT OF WAY LINE OF TAMIAMI TRAIL (U.S. HIGHWAY 41) (14TH STREET WEST) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 13010 (117)(201)(119)-2502); THENCE LEAVING SAID WEST RIGHT OF WAY LINE N 89 DEGREES 45'02"W, A DISTANCE OF 300.00 FEET TO A POINT; THENCE N 00 DEGREES 25'48"E, A DISTANCE OF 280.00 FEET TO A POINT; THENCE S 89 DEGREES 45'02"E, A DISTANCE OF 300.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF TAMIAMI TRAIL (U.S. HIGHWAY 41) (14TH STREET WEST); THENCE ALONG SAID WEST RIGHT OF WAY LINE S 00 DEGREES 25'48"W, A DISTANCE OF 280.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2327, PAGE 1389, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

August 21, 2013

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

Attention: Juanita Reinhold, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 20, 2013 and certified copies of Manatee County Ordinance Nos. 13-06, PDPI 03-21 (G)(R2), PDMU 13-03 (P), PDR 13-02(Z)(P), PDMU 06-16(P)(R5), PDMU 06-86(P)(R2), and PDMU 12-18(Z)(P), which were filed in this office on August 21, 2013.

As requested, a date stamped copy of the ordinance is being returned for your records.

Sincerely,

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

Liz Cloud
Program Administrator

LC/elr

Enclosure