

FILED FOR RECORD
R. B. SHORE

2008 DEC -1 PM 3: 52

MANATEE COUNTY ZONING ORDINANCE

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

PDMU-06-86(Z)(P) – ALCO PROPERTIES OF MANATEE COUNTY, INC. / COPEMAN DEVELOPMENT

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 THE REZONING OF APPROXIMATELY 9.1 ACRES ON THE WESTSIDE OF U.S. 41, ±550 FEET SOUTH OF 53RD AVENUE WEST AND EXTENDING WEST TO 16TH STREET WEST AT 5410 14TH STREET WEST, BRADENTON, FROM PDC (PLANNED DEVELOPMENT COMMERCIAL), RDD-6 (RESIDENTIAL DUPLEX, 6 DWELLING UNITS PER ACRE), AND RSF-6 (RESIDENTIAL SINGLE-FAMILY, 6 DWELLING UNITS PER ACRE) TO THE PDMU (PLANNED DEVELOPMENT MIXED USE) ZONING DISTRICT; APPROVE A PRELIMINARY SITE PLAN FOR: 8 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES (WITH AT LEAST 50% OF THE UNITS DESIGNATED AS WORKFORCE HOUSING); A 16,512-SQUARE-FOOT CONVENIENCE STORE WITH GAS PUMPS; AND A 98,200-SQUARE-FOOT MINI-WAREHOUSE FACILITY IN 6 BUILDINGS; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Alco Properties of Manatee County, Inc. (the "Applicant") filed an application to rezone approximately 9.1 acres described in Exhibit "A", attached hereto, (the "property") from PDC (Planned Development Commercial), RDD-6 (Residential Duplex, 6 dwelling units per acre), and RSF-6 (Residential Single-Family, 6 dwelling units per acre) to the PDMU (Planned Development Mixed Use) zoning district; and

WHEREAS, the applicant filed a Preliminary Site Plan for: 8 lots for single-family detached residences (with at least 50% of the units designated as workforce housing); a 16,512 square foot convenience store with gas pumps; and a 98,200-square-foot mini-warehouse facility in 6 buildings (the "Project") on the property; and

WHEREAS, the applicant filed a request for Special Approval for a project: 1) exceeding 30,000 square feet gross building area in the RES-16 Future Land Use Category, and 2) a mixed-use project in the RES-16 and ROR Future Land Use Categories; and

WHEREAS, the applicant filed a request for Specific Approval for alternatives to Sections 603.7.4.1 and 603.7.4.5 of the Land Development Code, and

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

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MANATEE CO. FLORIDA

WHEREAS, the Manatee County Planning Commission, after due public notice, held public hearings on September 18, 2008, and October 9, 2008, to consider the rezone, Preliminary Site Plan, Special Approval, 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:

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 PDC (Planned Development Commercial), RDD-6 (Residential Duplex, 6 dwelling units per acre), and RSF-6 (Residential Single-Family, 6 dwelling units per acre) to the PDMU (Planned Development Mixed Use) zoning district.
- B. The Board of County Commissioners held duly noticed public hearings on October 2, 2008, October 14, 2008, and November 6, 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. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the Preliminary Site Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.
- E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 603.7.4.5, the Board finds that the proposed design satisfies the public purpose

and intent of the LDC regulations to an equivalent degree because a 20' wide landscape buffer is proposed on Parcel B along the eastern boundary of the single family lots, which exceeds the minimum buffer width requirement of 10'.

F. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 603.7.4.1, the Board finds that the proposed design satisfies the public purpose and intent of the LDC regulations to an equivalent degree because the existing neighborhood does not have roadway buffers and requiring a roadway buffer for these 8 lots would reduce proposed lot size.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for: 8 lots for single-family detached residences (with at least 50% of the units designated as workforce housing); a 16,512-square-foot convenience store with gas pumps; and a 98,200-square-foot mini-warehouse facility in 6 buildings on the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. Final Plat approval for residential portion of project shall be completed with Phase I. The applicant shall enter into a Land Use & Deed Restriction Agreement with the County with respect to the workforce housing units at the time of Final Plat approval.
2. The revised site plan dated 10/22/08 shall be utilized showing the reconfigured mini-warehouse office and parking.
3. Buildings for the convenience store and gas canopy shall be in substantial conformance with the elevations submitted into the public record.
4. The northern, southern, and western sides of the mini-warehouse buildings that are adjacent to residential shall be concrete block with stucco or similar finish.
5. The applicant shall provide a 6' high opaque fence along the northern property line from 16th Street West to the northwest corner of the westernmost building, and along the southern property line from 16th Street West to the southwest corner of the western most building prior to the Certificate of Occupancy for the mini-warehouse

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.

2. Prior to Final Site Plan approval, there shall be an approved TCEA (Transportation Concurrency Exception Area) Agreement.

C. STORMWATER CONDITIONS:

1. The post development discharge rate shall be limited to the available capacity within the existing stormwater system along 16th Avenue West.

2. 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.

3. 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. BUFFERS:

1. The proposed landscape buffer surrounding the retention pond in Parcel B shall be installed prior to the issuance of the first Certificate of Occupancy for any structures within Phase II or Parcel B.

E. ENVIRONMENTAL CONDITIONS:

1. Underground or aboveground pollutant storage tank installation or removal must conform to the requirements of Chapters 62-761, Florida Administrative Code.

2. A Water Well Construction Permit must be obtained from the County prior to construction of any proposed well(s).

3. Existing wells shall be kept in a watertight manner and be protected during all construction activities.

4. An ERP approved by SWFWMD shall be provided to the Planning Department for review prior to Final Site Plan approval.

5. There shall be no open burning of trees or branches for land clearing.

F. UTILITIES

1. The exact location of the water and sewer facilities will be determined prior to Final Site Plan approval.

2. Any necessary utility easements, associated with the proposed water or wastewater facilities across private property, whether private or public, will be the responsibility of the developer.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project: 1) exceeding 30,000 square feet gross building area in the RES-16 Future Land Use Category, and 2) a mixed-use project in the RES-16 and ROR Future Land Use Categories. The Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof. Specific Approval is hereby granted for alternatives to Sections 603.7.4.1 and 603.7.4.5 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 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 PDC (Planned Development Commercial), RDD-6 (Residential Duplex, 6 dwelling units per acre), and RSF-6 (Residential Single-Family, 6 dwelling units per acre) to the PDMU (Planned Development Mixed Use) 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 6th day of November, 2008.

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

BY: 
Jane von Hahmann, Chairman



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

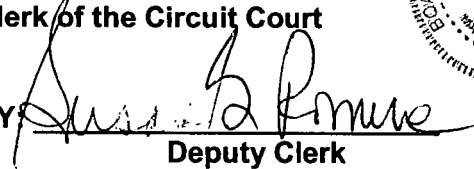
BY: 
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

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 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.



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 18th day of November, 2008
R.B. SHORE
Clerk of Circuit Court
By G. Acevedo D.C.

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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 25, 2008

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

Attention: Ms. Vicki Tessmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 18, 2008 and certified copies of Manatee County Ordinance Nos. PDR-03-32[P] [R2], Z-08-04, Z-08-05, PDMU-06-86[Z] [P], Z-07-19 and PDPI-00-03[P] [R], which were filed in this office on November 21, 2008.

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

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