

MANATEE COUNTY ZONING ORDINANCE
PDMU-11-12(G) – HC PROPERTIES, LLC/SHOPS AT HARRISON RANCH
(DTS #20110203)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A GENERAL DEVELOPMENT PLAN FOR A TOTAL OF 170,000 SQUARE FEET OF COMMERCIAL RETAIL AND OR PROFESSIONAL OFFICE SPACE ON APPROXIMATELY 30.14± ACRES AT THE NORTHWEST AND NORTHEAST CORNERS OF U.S. 301 NORTH AND HARRISON RANCH BOULEVARD, AT 4605 AND 4606 HARRISON RANCH BOULEVARD, PARRISH; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

FILED
2012 DEC 17 PM 3
DEPARTMENT OF SPATIAL
TALLAHASSEE, FLORIDA

WHEREAS, HC Properties, LLC (the "Applicant") filed an application for a General Development Plan for approximately 30.14 acres described in Exhibit "A", attached hereto, (the "Property") for a total of 170,000 square feet of commercial retail and/or professional office space; and

WHEREAS, the applicant filed a request for Special Approval for a non-residential project exceeding 30,000 square feet in the RES-3 and UF-3 Future Land Use Categories; and

WHEREAS, Planning staff recommended approval of the General Development Plan and Special Approval applications subject to the stipulations contained in the staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held public hearings on March 8, 2012 and April 12, 2012 to consider the General Development Plan and Special 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 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, 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 General Development Plan as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners held duly noticed public hearings on April 5, 2012 May 3, 2012, May 8, 2012, June 5, 2012, September 6, 2012 and December 6, 2012 regarding the proposed General Development 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 General Development Plan regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of the Comprehensive Plan. The Board's finding of consistency with Policy 3.3.1.1, Conservation Element, is based upon the overriding public benefit provided by the proposed off-site mitigation area and is based in part upon representations made by the Applicant in the public hearing record that the off-site mitigation area will thrive at a higher functional level, after enhancement, than the existing Wetland A were it to be preserved.

E. The proposed General Development Plan is hereby found to satisfy the criteria for approval in the Land Development Code, based in part upon the finding of overriding public benefit described in section 1 C. above.

D. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the General Development Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for total of 170,000 square feet of commercial retail and or professional office space upon the Property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. At time of the first Preliminary Site Plan or Final Site Plan approval, a unified architectural theme for the commercial project shall be approved by the Building and Development Services Department and applied to all commercial buildings.
2. HVAC and mechanical equipment (including roof mounted) shall be screened from view from adjacent residential uses. Screening shall consist of similar colors and materials consistent with the construction of the exterior finish of the buildings. Compliance with the building elevations shall be determined prior to Final Site Plan approval.
3. Prior to Preliminary Site Plan or Final Site Plan approval, designated dumpster locations shall be placed away from designated residential areas or structures as much as possible.

4. Dumpsters shall be screened from view from adjacent residential uses. Screening shall consist of building materials matching the principal buildings on site.
5. Tractor trailer or semi-trucks involved in deliveries to the rear of the buildings facing residential development (to the north of the West Parcel and to the east of the East Parcel) shall be restricted to the hours between 7:00 a.m. and 10:00 p.m. During the period of time between 10:00 p.m. and 7:00 a.m., there shall be no delivery, loading or unloading of tractor trailers or semi-trucks; use of forklifts or other loading or unloading devices; and running of truck or trailer motors, or other refrigeration devices installed thereon.
6. Prior to Preliminary Site Plan or Final Site Plan approval, the proposed stormwater pond along the north perimeter of West Parcel shall be shifted southward outside of the 20-foot wide landscaped buffer and as necessary to retain existing desirable trees along the northern and western project boundary.
7. Prior to the first Certificate of Occupancy, an eight-foot high solid decorative wall on top of a three-foot berm or a 12' high solid decorative wall shall be installed within the landscaped buffer along the northern perimeter of West Parcel. Landscaping shall be planted on the exterior side of the wall and shall be designed to incorporate the existing canopy trees on the residential side.
 - a. The eight-foot high solid decorative wall shall be measured from the top of the berm and shall extend the length of the northern perimeter of West Parcel as shown on the site plan.
 - b. There shall be no utility lines, swales or stormwater facilities within the required landscape buffer with the exception of limited crossings.
8. Prior to the first Certificate of Occupancy, an eight-foot high solid decorative wall shall be installed in the 20-foot wide landscaped buffer along the eastern perimeter of East Parcel from the north property line to the Upland Preserve Area. Landscaping shall be planted on the exterior side of the wall and shall be designed to incorporate the existing canopy trees on the residential side.
 - a. The eight-foot high solid decorative wall shall be measured from the finished elevation of the rear drive aisle and shall extend the length of the eastern perimeter of East Parcel.
 - b. There shall be no utility lines, swales or stormwater facilities within the required landscape buffer with the exception of limited crossings.

B. ENVIRONMENTAL CONDITIONS:

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Environmental Planning Division.

2. A Conservation Easement for the areas defined as post-development Upland Preservation areas shall be dedicated to the County prior to or concurrent with PSP/FSP approval.
3. There is a bald eagle's nest within 241 feet of the closest improvements proposed within the boundaries of this project. The project should be designed in accordance with the Florida Fish and Wildlife Conservation Commission's "Bald Eagle Management Plan" (April 2008).
4. Existing native vegetation located within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.
5. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Environmental Planning Division. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. Tree protection methodology shall be approved with the Preliminary Site Plan or Final Site Plan.
6. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 519 of the LDC.
7. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Preliminary Site Plan and Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.
8. The applicant shall utilize an off-site mitigation area located within Manatee County within the same drainage basin as onsite wetlands to mitigate the proposed impacts to those wetlands. A Conservation Easement shall be placed over the mitigation area in accordance with applicable law and County Codes. The off-site replacement area shall have a functional loss ratio of at least 5:1, as generally depicted in the mitigation graphic shown at this hearing and attached hereto as Exhibit "B".

C. STORMWATER CONDITIONS:

1. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Slaughter Canal. Modeling shall be used to determine pre- and post- development flows.

D. FLOODPLAIN MANAGEMENT:

1. Prior to Preliminary Site Plan, Final Site Plan or Construction Drawing approval, the Base Flood Elevation for East Parcel shall be established.

Section 3. SPECIAL APPROVAL. Special Approval is hereby granted for a non-residential project exceeding 30,000 square feet in the RES-3 and UF-3 Future Land Use Categories. This Special Approval shall continue in effect and shall expire concurrent with the General Development Plan for the project approved pursuant to Section 2 hereof.

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 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. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, the ordinance if not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 6. STATE AND FEDERAL PERMITTING. The issuance of the 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 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 December, 2012.

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

BY: 

John R. Chapple, Chairman

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

BY: 

Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION

DESCRIPTION: COMMERCIAL PARCEL EAST

COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 34 SOUTH, RANGE 18 EAST, THENCE S 00°07'50" W ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 247.65 FEET; THENCE S 60°16'38" W ALONG THE NORTHERLY RIGHT OF WAY LINE OF U.S. 301 (FDOT SECTION 1302-104-202), A DISTANCE OF 443.66 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 60°16'38" W ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 814.69 FEET TO A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS S 68°29'01" W, A DISTANCE OF 1522.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38°30'01", A DISTANCE OF 1022.72 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°06'07", A DISTANCE OF 10.45 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS N 78°05'16" E, AT A DISTANCE OF 35.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 39°01'50", A DISTANCE OF 23.84 FEET TO A POINT OF TANGENCY; THENCE N 27°07'06" E, A DISTANCE OF 43.41 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 35°02'54", A DISTANCE OF 61.17 FEET TO A POINT OF TANGENCY; THENCE N 62°10'00" E, A DISTANCE OF 165.52 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 250.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29°42'00", A DISTANCE OF 129.59 FEET TO A POINT OF TANGENCY; THENCE N 32°28'00" E, A DISTANCE OF 39.04 FEET; THENCE S 57°32'00" E, A DISTANCE OF 1237.70 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 1, TOWNSHIP 34 SOUTH, RANGE 18 EAST AND SECTION 36, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

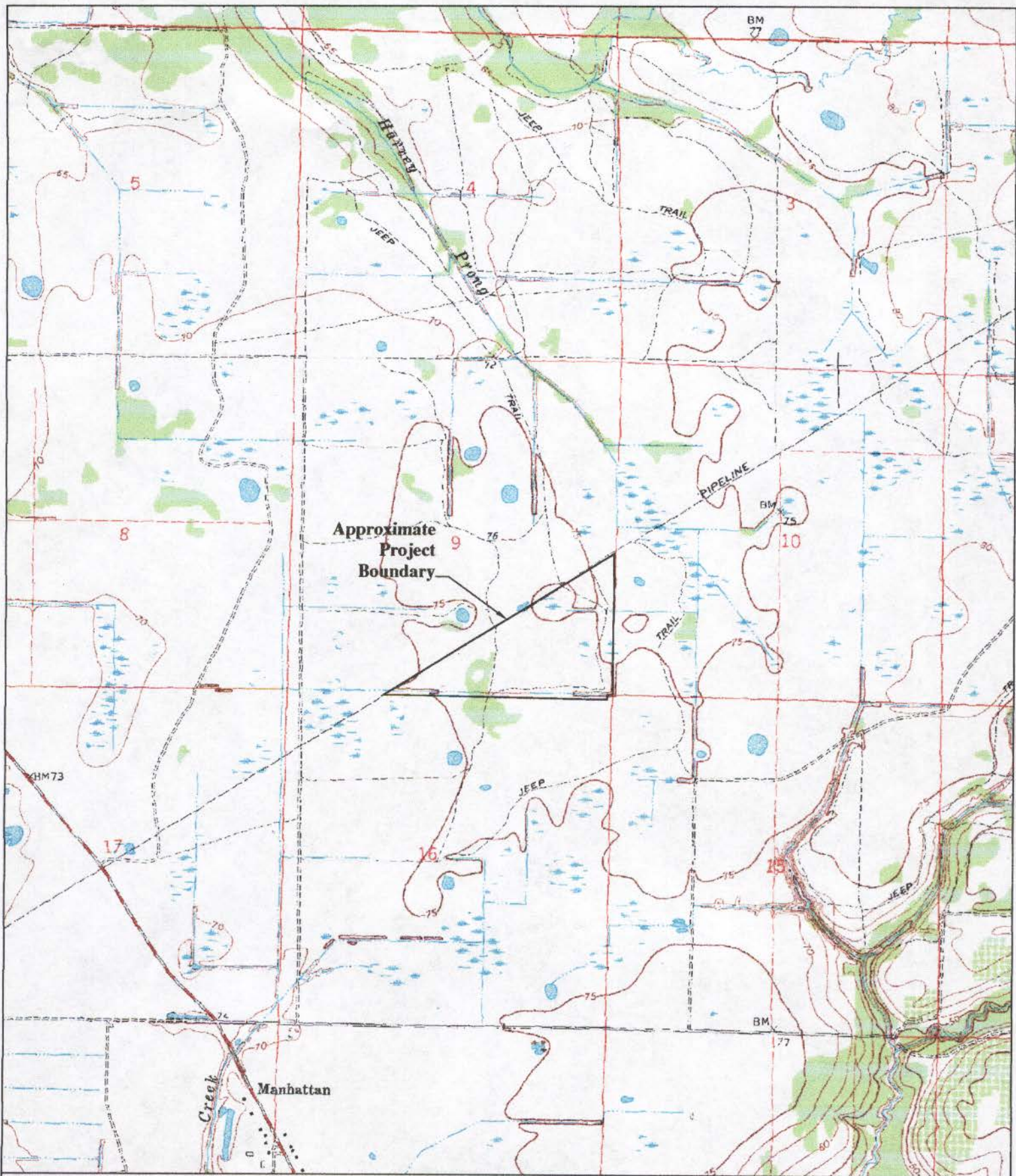
CONTAINING 14.14 ACRES.

DESCRIPTION: COMMERCIAL PARCEL WEST

COMMENCING AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 34 SOUTH, RANGE 18 EAST; THENCE RUN S 00°07'50" W ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 247.65 FEET; THENCE S 60°16'38" W ALONG THE NORTHERLY RIGHT OF WAY LINE OF US 301 (FDOT SECTION 1302-104-202), A DISTANCE OF 1379.70 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 60°16'38" W ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 829.49 FEET; THENCE N 89°27'14" W, A DISTANCE OF 464.77 FEET; THENCE N 27°07'06" E, A DISTANCE OF 1261.87 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT LIES S 29°59'00" W, A DISTANCE OF 1402.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 959.41 FEET THROUGH A CENTRAL ANGLE OF 39°12'30" TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 1, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 16.00 ACRES.



Client: Falkner Farms
 Project: Farm Wetland Compensation
 Title: USGS Topographic Map (Rye Quad)
 Date: September 16, 2010

File: E:\Palmetto\FalknerWetland 2010\Mitigation\Sub final\2 of 26.dwg



1523 8th Avenue West, Suite B, Palmetto, FL 34221
 Telephone 941.722.0901, Fax 941.722.4931
 P.O. Box 53106, Sarasota, FL 34234
 Telephone 941.388.0505, Fax 941.870.3245
 233 East Park Avenue, Suite 101, Lake Wales, FL 33853

Sec: 9 Twp: 34S Rng: 20E

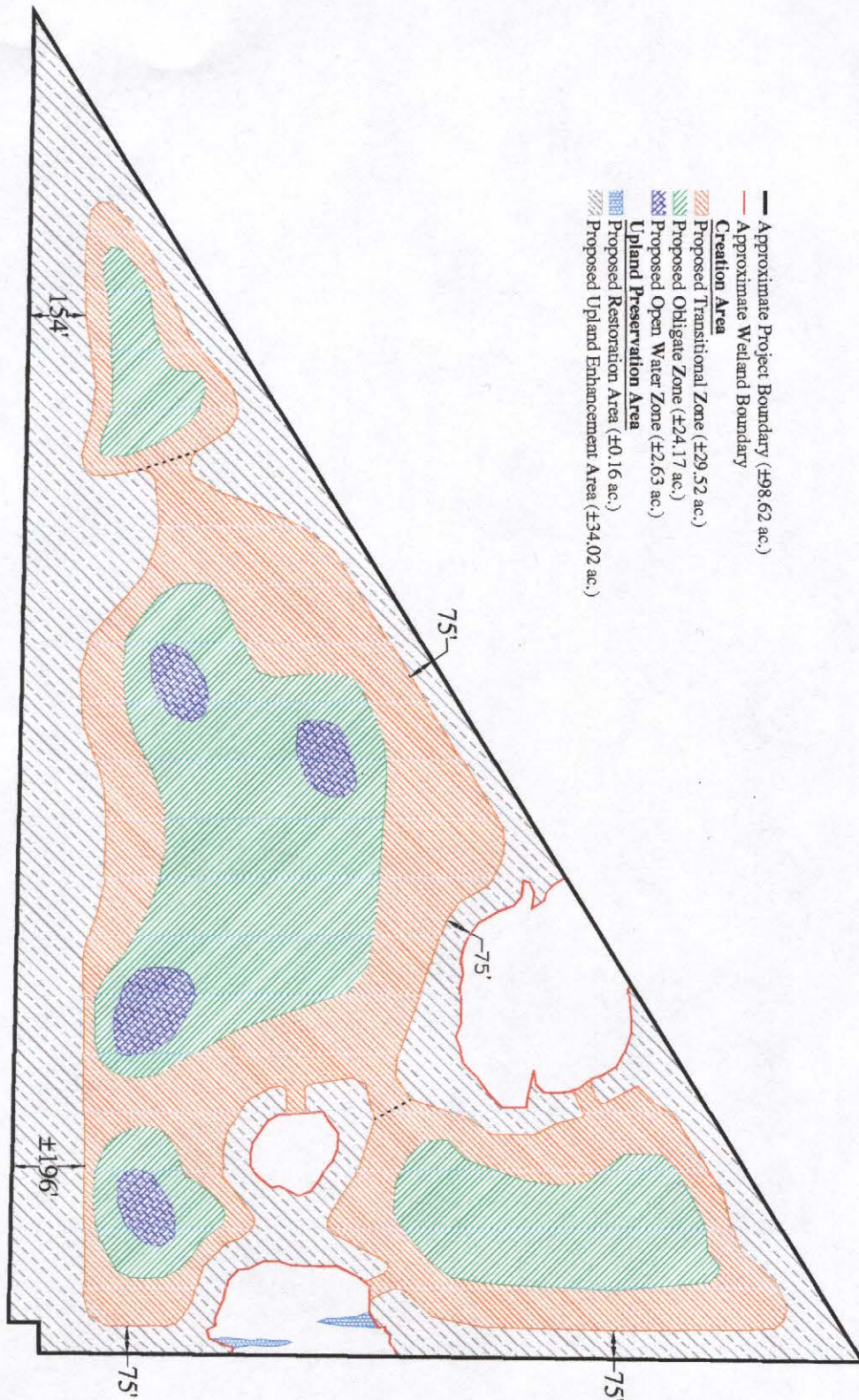
Scale: 1" = 2000'

Date Drawn: 09/16/10

Drawn by: CW



Sheet:
2 of 26



- Approximate Project Boundary (±98.62 ac.)
- Approximate Wetland Boundary
- Creation Area**
- Proposed Transitional Zone (±29.52 ac.)
- Proposed Obligate Zone (±24.17 ac.)
- Proposed Open Water Zone (±2.63 ac.)
- Upland Preservation Area**
- Proposed Restoration Area (±0.16 ac.)
- Proposed Upland Enhancement Area (±34.02 ac.)

Client: Falkner Farms
 Project: Farm Wetland Compensation
 Title: Plan View
 Date: November 13, 2011



1523 8th Avenue West, Suite B, Palmetto, FL 34221 - Telephone 941.722.0901, Fax 941.722.4931
 P.O. Box 50008, Sarasota, FL 34232 - Telephone 941.388.0505, Fax 941.870.3245
 233 East Park Avenue, Suite 101, Lake Wales, FL 33853 - Telephone 863.676.8996, Fax 863.676.9807

Sec: 9 Twp: 34S Rng: 20E

Scale: 1"= 300'

Date Drawn: 01/13/11

Drawn by: CW



Sheet:
1 of 1



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 December, 2012

R.B. SHORE
Clerk of Circuit Court

By [Signature] D.C.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 17, 2012

RECEIVED

JAN 02 2012

BOARD RECORDS

Honorable R. B. "Chips" Shore
Clerk of the 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 December 14, 2012 and certified copies of Manatee County Ordinance Nos. PDMU-06-30(G)(R), PDMU-11-08(Z)(G), PDMU-11-12(G), AND 12-28, which were filed in this office on December 17, 2012.

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

Sincerely,

A handwritten signature in cursive script, reading "Liz Cloud", is written over the typed name.

Liz Cloud
Program Administrator

LC/elr

Enclosure