

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE
PDO-04-40(P)(R) - ELLENTON VENTURE, LLC

2005 NOV 14 PM 1:01

C. E. H. K. L. MANATEE COUNTY
A ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE APPROVAL OF PRELIMINARY SITE PLAN NO. PDO-04-40(Z)(P) PERTAINING TO THE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF WELLON RANCH ROAD (80TH AVENUE EAST) AND US 301 NORTH IN ELLENTON IN THE PDO (PLANNED DEVELOPMENT OFFICE) ZONING DISTRICT; APPROVING REVISED PRELIMINARY SITE PLAN NO. PDO-04-40(P)(R) TO BE SUBSTITUTED FOR PRELIMINARY SITE PLAN PDR-04-40(Z)(P) WHICH WAS APPROVED ON FEBRUARY 22, 2005; ALLOWING FOR CONSTRUCTION OF A 2 STORY OFFICE BUILDING IN PLACE OF THE PREVIOUSLY APPROVED 1-STORY OFFICE BUILDING; AMENDING AND RESTATING ALL STIPULATIONS; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

WHEREAS, Ellenton Venture, Inc. has filed an application to revise a Preliminary Site Plan previously approved on February 22, 2005, (the "February 2005 Preliminary Site Plan") pertaining to property located at the southwest corner of Wellon Ranch Road (80th Avenue East) and US 301 North in Ellenton in the PDO (PLANNED DEVELOPMENT OFFICE) zoning district, said property being more specifically described in Exhibit "A", attached hereto; and

WHEREAS, the revised Preliminary Site Plan allows for construction of a 2 story office building in place of the previously approved 1 story; and,

WHEREAS, the Planning Staff has recommended the amendment of stipulation #7 contained in the February 2005 Preliminary Site Plan approval; and,

WHEREAS, the Board of County Commissioners of Manatee County held a public hearing on November 3, 2005, after due notice, received and considered the recommendations of the Planning Department, having considered the criteria set forth in the Manatee County Land Development Code, and approved the revised preliminary site plan subject to the stipulations set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY THAT:

Section 1. Findings: The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

Section 2. Amendment of February 2005 Preliminary Site Plan Approval:

- (a) The February 2005 Preliminary Site Plan Approval is hereby amended to substitute Preliminary Site Plan No. PDO-04-40(P)(R) for the previously approved preliminary site plan so as to allow for a 2-story office building rather than a 1-story office building upon

the property described in Exhibit "A", subject to the stipulations contained herein. Said expansion to be constructed in accordance with the revised Preliminary Site Plan date stamped as received by the Planning Department on October 25, 2005, a copy of which is on file at the Planning Department.

- (b) The February 2005 Preliminary Site Plan Approval is hereby amended to delete in their entirety Stipulations 1- 17 and to substitute the following Stipulations 1-17:

STIPULATIONS

1. Permitted uses shall be limited to a bank, business services, professional health services, medical offices, medical and dental clinics or dental labs, offices, and a 4,500 square foot pharmacy. The building shall not exceed 30,000 square feet.
2. The pharmacy shall be located to the front (or north) side of the building, fronting US 301 North. The area shall be identified on the Final Site Plan.
3. The pharmacy shall not be converted to any other retail use.
4. No drive-throughs shall be permitted on this site.
5. All uses in the building shall close by 7:00 p.m.
6. No pole signs shall be permitted. One monument sign fronting US 301 North is permitted. The Planning Department shall review and approve the location and elevation of the proposed sign prior to Final Site Plan approval.
7. The design of the building shall be in substantial conformance with the revised elevations entered into the record at the public hearing. The rear and side facades of the building shall be finished similar to the front façade. Elevations shall be reviewed and approved by the Planning Department prior to Final Site Plan approval to ensure compliance.
8. All roof mounted H.V.A.C. mechanical equipment, loading areas, outdoor storage, and dumpsters shall be screened from view with a solid parapet wall or other noise deflecting materials, consistent with the exterior finish materials of the buildings. Compliance shall be determined with the building elevations prior to Final Site Plan approval and field verified prior to issuance of C.O.
9. The design and shielding of on-site lighting for the building shall comply with Section 709.2.2 of the LDC. In addition, pole and building mounted lights shall be limited to 16 feet in height and directed to the interior of the development using horizontal cut-offs. Lighting used after close of business shall be the minimum necessary to serve as security lighting. A photometric plan, including proposed design and shielding methods, shall be submitted to the Planning Department with the Final Site Plan.
10. The fence or wall shown in the perimeter landscape buffers shall be installed prior to issuance of Certificate of Occupancy. All required landscaping shall be located on the exterior of the fence or wall within the landscape buffers.

11. The 28" and 24" oak trees at the north side of the building and the 24" oak closest to the east side of the building shall be preserved and identified as such on the Final Site Plan.
12. Tree barricades for trees to be preserved shall be located at the drip line unless otherwise approved by the Planning Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the tree barricades shall remain undisturbed. The following activities are prohibited within the barricades of preserved trees: machinery and vehicle travel or parking; underground utilities; and filling or excavation and storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height or other material as approved by the Natural Resources Division of the Planning Department.
13. The stormwater pond shall be reconfigured to reflect the design of a natural pond. This shall be shown on the Final Site Plan.
14. The Construction Plans shall include a drainage model and demonstrate that no adverse impacts will be created to neighboring properties surrounding the site in respect to drainage routing, grading, and runoff.
15. The stormwater management system shall be designed to provide a reduction of up to 50% of the allowable pre-development flow from the 25 year – 24 hour storm event discharge.
16. The radius at the intersection of U.S. 301 and Wellon Ranch Road shall be increased as approved by the Planning and Transportation Departments at the time of Final Site Plan approval, subject to FDOT approval to do so.
17. Left-out egress shall be prohibited from the Wellon Ranch Road exit unless there is a signal at Wellon Ranch Road and US 301, or it is demonstrated that the prohibition on left exits is not required to meet concurrency. The exit shall be converted to a full movement intersection upon the installation of a traffic signal at U.S. 301 and Wellon Ranch Road.

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 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. EFFECTIVE DATE. This Ordinance shall become effective immediately upon filing in the Office of the Secretary of State in Tallahassee, Florida.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 3rd day of November, 2005.

MANATEE COUNTY, FLORIDA
BY: BOARD OF COUNTY COMMISSIONERS

BY: 
Chairman



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

By: 
DEPUTY CLERK

ATTACHMENT "A"
LEGAL DESCRIPTION.

PARCEL 1 – BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 35, OF WELLONS RANCH ESTATES, UNIT ONE, AS RECORDED IN PLAT BOOK 11, PAGES 40 AND 41 OF THE PUBIC RECORDS OF MANATEE COUNTY, FLORIDA, THENCE NORTH ALONG THE EXTENSION OF THE WEST LINE OF SAID LOT 35, A DISTANCE OF 250.65 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301, THENCE S 59 DEGREES 51' 35" W, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 158.33 FEET; THENCE S 19 DEGREES 39' 34" E, 144.00 FEET THENCE S 68 DEGREES 06' 49" E, 95.35 FEET TO THE POINT OF BEGINNING. PARCEL IDENTIFICATION NUMBER: 8263.1000/5
AND

PARCEL 2 – BEGIN AT A POINT LOCATED BY EXTENDING THE WEST LINE OF LOT 35, WELLONS RANCH ESTATES, UNIT ONE, AS RECORDED IN PLAT BOOK 11, PAGES 40 AND 41 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, NORTHERLY TO A POINT ON THE SOUTHERLY LINE OF U.S. HIGHWAY 301; THENCE SOUTHWESTERLY ALONG SAID LINE OF U.S. HIGHWAY 301 FOR A DISTANCE OF 250 FEET; THENCE SOUTHERLY PARALLEL TO THE WEST LINE OF LOT 35, WELLONS RANCH ESTATES, UNIT ONE, FOR A DISTANCE OF 541.84 FEET; THENCE EAST 216.11 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 35; THENCE NORTHERLY ALONG THE EXTENSION OF THE WEST LINE OF SAID LOT 35, A DISTANCE OF 667.53 FEET TO THE POINT OF BEGINNING. LESS LAND DESCRIBED IN O.R. BOOK 815, PAGE 169, AND O.R. BOOK 1185, PAGE 1822 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (PARCEL 1, ABOVE) PARCEL IDENTIFICATION NUMBER: 8263.0000/6
AND

PARCEL 3 – LOT 35, WELLONS RANCH ESTATES, UNIT ONE, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 11, PAGES 40 AND 41 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. PARCEL IDENTIFICATION NUMBER: 8482.0000/2
AND

PARCEL 4 – LOT 36, WELLONS RANCH ESTATES, UNIT ONE, AS PER PLAT THEROF RECORDED IN PLAT BOOK 11, PAGES 40 AND 41 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LESS THAT PART THEREOF PREVIOUSLY CONVEYED IN THAT CERTAIN DEED RECORDED IN O.R. BOOK 252, PAGE 583 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (PARCEL 2, ABOVE) PARCEL IDENTIFICATION NUMBER: 8483.0000/0



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 4th day of

November, 2005.

R.B. SHORE
Clerk of Circuit Court

By: Diana E. Vollmer, C.



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

FILED IN RECORD
R. B. SHORE

2005 NOV 14 PH 1:01

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

November 8, 2005

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

Attention: Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 4, 2005 and certified copies of Manatee County Ordinance Nos. PDO-04-40(P)(R) and Z-05-05, which were filed in this office on November 7, 2005.

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

Sincerely,

Liz Cloud
Program Administrator

LC/mp

Enclosures