

FILED FOR RECORD
R. B. SHORE

2006 MAR -9 PM 4:23

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

CLERK OF THE COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 90-01 (THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE) TO PDO (PLANNED DEVELOPMENT OFFICE); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 30,000 SQUARE FOOT BUILDING FOR A RANGE OF OFFICE USES INCLUDING A BANK, BUSINESS SERVICES, PROFESSIONAL HEALTH SERVICES, MEDICAL OFFICES, DENTAL CLINICS, DENTAL LABORATORY, AND OFFICES. THE 30,000 SQUARE FEET INCLUDES 4,500 SQUARE FEET OF RETAIL COMMERCIAL (A PHARMACY), AND GRANTING SPECIAL APPROVAL FOR A PROJECT: 1) WITHIN THE COASTAL EVACUATION AREA; 2) A MIXED USE PROJECT; AND 3) FOR A COMMERCIAL USE THAT DOES NOT MEET COMMERCIAL LOCATIONAL CRITERIA IN A RES-9 FUTURE LAND USE CATEGORY.

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

Section 1. FINDINGS OF FACT. The Board of County Commissioners of said County, 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 has 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 Section 4 of this Ordinance from A-1 (Suburban Agriculture, 1 dwelling unit per acre) to PDO (Planned Development Office).

B. The Board of County Commissioners held a public hearing on February 22, 2005 regarding said proposed Official Zoning Atlas Amendment 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 said public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.

Section 2. The Preliminary Site Plan is hereby APPROVED to allow a 30,000 square foot building for a range of office uses including a bank, business services, professional health services, medical offices, dental clinics, dental laboratory, and offices. The 30,000 square feet includes 4,500 square feet of retail commercial (a pharmacy), and GRANTING Special Approval for a project: 1) within the Coastal Evacuation Area; 2) a mixed use project; and 3) for a commercial use that does not meet commercial locational criteria in a RES-9 Future Land Use Category with the following Stipulations:

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 elevations entered into the record at the public hearings. 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. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County, Ordinance No. 90-01, the Manatee County Land Development Code, is hereby amended by changing the zoning district classification of the property identified in Section 4 herein from A-1 (Suburban Agriculture, 1 dwelling unit per acre) to PDO (Planned Development Office), 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 4. 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 THEREOF 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

Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

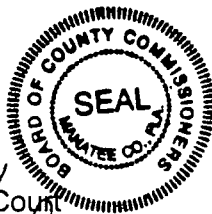
PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 22nd day of February 2005.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____

Chairman

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



By: [Signature]
[Signature]



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 28th day of

February, 2005.

R.B. SHORE
Clerk of Circuit Court

By: [Signature] [Signature]

FILED FOR RECORD
R. B. SHORE

2005 MAR -9 PM 4:03

CLERK OF CIRCUIT COURT
MANATEE CO FLORIDA



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

March 4, 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 February 28, 2005 and certified copies of Manatee County Ordinance Nos. PDO-04-40(Z)(P) and PDR-04-02(Z)(P), which were filed in this office on March 4, 2005.

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

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/mp

Enclosures