

2006 FEB 13 PM 12:28

MANATEE COUNTY ZONING ORDINANCE
PDO-05-16(Z)(P) - CHASTOM PROPERTY

2006 FEB 13
TALLAHASSEE
FLORIDA

FILED

CLERK OF THE COURT
MANATEE COUNTY
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, 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 APPROXIMATELY 2.25 ACRES GENERALLY LOCATED ON THE NORTH SIDE OF S. R. 70, APPROXIMATELY 1,320' WEST OF LAKEWOOD RANCH BOULEVARD FROM RSF-1/WP-E/ST (RESIDENTIAL SINGLE-FAMILY, 1 DWELLING UNIT PER ACRE/WATERSHED PROTECTION – EVERS/SPECIAL TREATMENT OVERLAY DISTRICTS) TO PDO/WP-E/ST (PLANNED DEVELOPMENT OFFICE/WATERSHED PROTECTION – EVERS/SPECIAL TREATMENT OVERLAY DISTRICTS); AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 15,300 SQUARE FOOT PROFESSIONAL OFFICE, AND GRANTING SPECIAL APPROVAL FOR A PROJECT IN WATERSHED-OVERLAY DISTRICT; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Charles Tomeo and Wares Creek Development, LLC (the "Applicant") has filed a rezone application to rezone approximately 2.25 acres described in Exhibit "A" attached hereto, (the "Property") from the RSF-1/WP-E/ST (Residential Single-Family, 1 dwelling unit per acre/Watershed Protection – Evers/Special Treatment Overlay Districts) zoning districts to PDO/WP-E/ST (Planned Development Office/Watershed Protection – Evers/Special Treatment Overlay Districts) zoning districts; and

WHEREAS, the Applicant has also filed a Preliminary Site Plan application to allow 15,300 square feet of Professional Office (the "Project") to be located upon the Property; and

WHEREAS, the Applicant has also file for a Special Approval for a project in Watershed-Overlay District; and

WHEREAS, the Planning Staff has recommended approval of the rezone, preliminary site plan, and Special Approval applications, subject to the stipulations contained in the Planning Staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on January 12, 2006 to consider the rezone, Preliminary Site Plan and special approval applications, received the Planning Staff's recommendations 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 rezone, Preliminary Site Plan, and Special Approval 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 Planning Staff report and the granting of the special approval for the project in the Watershed-Overlay District.

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

Section 1. FINDINGS OF FACT. The recital set forth above are true and correct and are hereby adopted as finding by the Board of County Commissioners.

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 Exhibit "A" of this Ordinance from the RSF-1/WP-E/ST (Residential Single-Family, 1 dwelling unit per acre/Watershed Protection – Evers/Special Treatment Overlay Districts) zoning districts to PDO/WP-E/ST (Planned Development Office/Watershed Protection – Evers/Special Treatment Overlay Districts) zoning districts.

B. The Board of County Commissioners held a duly noticed public hearing on February 2, 2006 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 Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.

Section 2. PRELIMINARY SITE PLAN The Preliminary Site Plan is hereby APPROVED to allow a 15,300 square foot professional office. and GRANTING Special Approval for a project in Watershed-Overlay District, with the following Stipulations:

STIPULATIONS

1. Building on-site shall be limited to medical or professional office uses only. All other uses allowed in PDO zoning shall require a new Preliminary Site Plan.
2. There shall be no pole signs permitted on this site.
3. The roadway buffer along SR 70 shall be a minimum 20' wide and planted with one row of canopy trees and one row of understory trees spaced 20' on-center. The two rows will be offset from each other to give the appearance of trees located 10' on-center.
4. One bicycle rack (6 bicycles) shall be shown with the Final Site Plan.
5. A coordinated landscaping, sign, and lighting plan shall be approved for the entire project by the Planning Department with the Final Site Plan. Required landscaping shown shall be installed prior to issuance of Certificate of Occupancy.

6. All roof mounted H.V.A.C. mechanical equipment shall be screened with a solid parapet wall or other noise deflecting materials, which shall be consistent with the construction materials of the building, so as not to be visible from surrounding property or roadways.
7. The lowest quality water possible shall be used for irrigation. In ground irrigation using Manatee County public potable water supply shall be prohibited.
8. Any parking spaces more than the minimum required, pursuant to LDC Sec. 710 shall be constructed of paver blocks. This shall be approved by the Planning Department with the Final Site Plan.
9. An Exotic Plant Species Management Plan shall be submitted for review and approval prior to Final Site Plan approval. The management plan shall provide for the continued, phased, removal of nuisance exotic plant species that become reestablished for the life of the project. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to issuance of Certificate of Occupancy, in accordance with Section 715.4 of the LDC.
10. A Water Well Construction Permit must be obtained from the EMD prior to construction of the proposed well(s).
11. If burning of trees or branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans and Construction Plans are approved.
12. Any wells discovered during land clearing shall be protected or abandoned in accordance with SWFWMD Rule Chapter 40D, Florida Administrative Code.
13. This project shall be required to reduce the calculated pre-development flow rate by up to 50% for all stormwater outfall flow directly or indirectly into the Braden River. Modeling shall be used to determine pre- and post- development flows.
14. This project shall provide 150% water quality treatment for the Evers Reservoir Water Protection Overlay (WP-E).
15. A left turn lane northbound to westbound will be provided for the project driveway. The turn lane will be a minimum of 75 feet in length.

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 RSF-1/WP-E/ST (Residential Single-Family, 1 Dwelling Unit Per Acre/Watershed Protection – Evers/Special Treatment Overlay Districts) to PDO/WP-E/ST (Planned Development Office/Watershed Protection – Evers/Special Treatment Overlay Districts), 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. SEVERABILITY. If any section, sentence, clause, or other provision of the Ordinance shall be held to be invalid or unconstitutional by a court or 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.

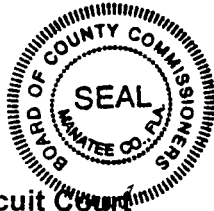
Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 2nd day of February, 2006.

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

BY:

Joe McClash
Chairman



ATTEST:

R. B. SHORE
Clerk of the Circuit Court

BY:

Russell Shore
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

LOT NO. 59, BLOCK "A", BRADEN PINES SUBDIVISION, UNIT II, AS RECORDED IN PLAT BOOK 20, PAGES 111 THRU 115 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS THE FOLLOWING DESCRIBED PARCEL:

BEGIN AT THE SOUTHEAST CORNER OF LOT NO. 59, BLOCK "A", BRADEN PINES SUBDIVISION, UNIT II, AS RECORDED IN PLAT BOOK 20, PAGES 111 THRU 115 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N 70°34'19" W, ALONG THE SOUTH LINE OF SAID LOT NO. 59, ALSO BEING THE NORTH LINE OF STATE ROAD 70, A DISTANCE OF 44.81 FEET; THENCE N 19°25'05" E, A DISTANCE OF 81.50 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 292.00 FEET AND A CENTRAL ANGLE OF 18°59'18"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 96.77 FEET TO THE END OF SAID CURVE, SAID POINT BEING ON THE EAST LINE OF SAID LOT NO. 59, BLOCK "A", BRADEN PINES SUBDIVISION, UNIT II; THENCE S 00°26'23" W, ALONG SAID EAST LINE OF LOT NO. 59 A DISTANCE OF 186.66 FEET TO THE POINT OF BEGINNING, CONTAINING 3,050 SQUARE FEET, MORE OR LESS



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 3rd day of

February, 2006
R.B. SHORE
Clerk of Circuit Court

By: Diane E. Vollmer, P.C.

FILED FOR RECORD
R. B. SHORE

2006 FEB 13 PM 12:29

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA



FLORIDA DEPARTMENT OF STATE

Sue M. Cobb

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

February 8, 2006

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:

RECEIVED

FEB 13 2006

BOARD RECORDS

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated February 3, 2006 and certified copies of Manatee County Ordinance Nos. PDR-04-53(Z)(P), Z-04-13, PDC-04-10(P) and PDO-05-16(Z)(P), which were filed in this office on February 6, 2006.

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

Sincerely,

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

Liz Cloud
Program Administrator

LC/mp

Enclosures

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