

FILED FOR RECORD
R. B. SHORE

2008 APR 22 PM 12:46

MANATEE COUNTY ZONING ORDINANCE

CLERK OF DISTRICT COURT
MANATEE CO. FLORIDA

PDO-06-82(Z)(P) – MM RYE ROAD, LLC/RYE ROAD OFFICE PARK (DTS #2006053)

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 A REZONE OF APPROXIMATELY 5.8 ACRES AT THE NORTHEAST CORNER OF S.R. 64 AND RYE ROAD, BRADENTON FROM NC-S (NEIGHBORHOOD COMMERCIAL-SMALL) AND PDR (PLANNED DEVELOPMENT RESIDENTIAL) TO THE PDO (PLANNED DEVELOPMENT OFFICE) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR A 5,600 SQUARE FOOT BANK WITH DRIVE-THRU AND 34,000 SQUARE FEET OF OFFICES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, MM Rye Road, LLC (the "Applicant") filed an application to rezone approximately 5.8 acres described in Exhibit "A", attached hereto, (the "property") from NC-S (Neighborhood Commercial-Small) and PDR (Planned Development Residential) to the PDO (Planned Development Office) zoning district; and

WHEREAS, the applicant also filed a Preliminary Site Plan for a 5,600 square foot bank with drive-thru and 34,000 square feet of offices (the "Project") on the property; and

WHEREAS, the applicant also filed a request for Special Approval for a non-residential use exceeding 30,000 square feet in the UF-3 Future Land use Category; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Sections 715.3.2.c.2, 703.2.8.3, and 710.1.6 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

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on February 14, 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.

2008 APR 16 AM 8:57
CLERK OF DISTRICT COURT
MANATEE CO. FLORIDA

FILED

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 NC-S (Neighborhood Commercial-Small) and PDR (Planned Development Residential) to the PDO (Planned Development Office) zoning district.

B. The Board of County Commissioners held duly a noticed public hearing on April 3, 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 No. 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 710.1.6, the Board finds that the proposed design satisfies the public purpose and intent of the LDC regulations to an equivalent degree because the large size of the parking lots will diminish fluctuations in peak parking demand.

F. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.2.c.2, the Board finds that the proposed design satisfies the public purpose and intent of the LDC regulations to an equivalent degree because vegetation and wide area in the proposed and existing conservation easements will provide superior or equivalent screening.

G. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 703.2.8.3, the Board finds that the proposed design satisfies the public purpose and intent of the LDC regulations to an equivalent degree because the wall shall be 9' as

measured from the vehicle use area, this may end up being larger than 9' from the outside of the property.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for a 5,600 square foot bank with drive-thru and 34,000 square feet of offices on the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. The NE screening buffer shall include a solid opaque wall nine feet in height as measured from the highest elevation of the adjacent vehicle use area.
2. The pass-through lane of the bank's drive-through facility shall not include remote teller services, an automatic teller machine, or any other equipment that might cause vehicles to pause and interfere with the pass-through purpose of the lane.
3. 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 main buildings, so as not to be visible from nearby roads and residences.
4. Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed standard concrete block or corrugated metal shall not be permitted. Architectural metals or standard concrete block with stucco type finish, in conjunction with other permitted building materials may be allowed, provided that at least fifty percent (50%) of the building face is constructed from other permitted materials.
5. In order to insure that the buildings do not project massive blank walls, blank walls shall be no longer than 20 feet in length. Design elements including prominently visible architectural details (e.g., bump outs, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.) shall be applied to the south and east walls of the proposed building.
6. The dumpster shall be screened with the building materials matching the principal building on site.
7. All deliveries and truck loading shall be prohibited between the hours of 10 PM to 7 AM.
8. All pole signs are prohibited.

9. Permitted uses shall be limited to offices, banks, and drive-through banks as defined by the Land Development Code.
10. The architectural theme of the project will be in accord with the architectural theme in the immediate neighborhood. Renderings demonstrating the architecture shall be submitted to the Planning Director for review at the time of the Final Site Plan.

B. TRANSPORTATION CONDITIONS:

1. The developer shall dedicate 25' of right-of-way along Rye Road prior to the issuance of the first Certificate of Occupancy.

C. STORMWATER CONDITIONS:

1. The applicant shall provide a drainage easement to Manatee County to accept stormwater for half of Rye Road widening to 6-lanes that is immediately adjacent to the project to accommodate roadway expansion. The developer shall demonstrate the stormwater capacity for half of the future 6-lane divided roadway within the project area and such demonstration shall be reflected on the SWFWMD permit documentation. The applicant authorizes utilization of the above stormwater ponds and any required modification of these ponds by Manatee County.
2. 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 Mill Creek. Modeling shall be used to determine pre- and post- development flows. Additional runoff conveyed to the site from the future widening of Rye Road shall provide a twenty-five percent (25%) percent flow reduction.
3. Routing and modeling of the existing conditions shall be provided with the Drainage Model and Construction Plan for all natural drainage systems within and surrounding this project taking into consideration all ground depressions.
4. 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.

D. ENVIRONMENTAL CONDITIONS

1. The site shall provide an upland preservation area near the northeast or southeast buffers over an area that covers ten parking spaces shown on the Preliminary Site Plan. The Final Site Plan shall show the details of the preservation instead of the pavement.
2. Prior to Final Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (e.g., historical cattle dipping vats, underground/ aboveground storage tanks, or buried drums), by a qualified environmental

consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation or mitigative measures.

3. A copy of the ERP approved by SWFWMD shall be provided to the Planning Department for review and approval prior to Final Site Plan approval.
4. Prior to Final Plat approval (if applicable) or Certificate of Occupancy issuance, a Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation shall be dedicated to the County.
5. All trees within the area proposed for construction activities that are to be preserved shall have protective barricades constructed at their drip lines prior to commencement of construction. No improvements fill, grade changes, or compaction of soil due to heavy machinery will be permitted within the dripline of trees proposed to be preserved.
6. A Water Well Construction Permit must be obtained from the EMD prior to construction of any proposed well(s).
7. Any wells discovered during land clearing shall be protected or abandoned in accordance with SWFWMD Rule Chapter 40D.
8. There shall be no open burning of trees or branches for land clearing.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a non-residential use exceeding 30,000 square feet in the UF-3 Future Land Use Category. This 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 715.3.2.c.2 and 710.1.6 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 No. 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 NC-S (Neighborhood Commercial-Small) and PDR (Planned Development Residential) to the PDO (Planned Development Office) 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 3rd day of April, 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

FROM THE NE CORNER OF SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE N 89° 13'48" W, ALONG THE NORTH LINE OF SAID SECTION 33, A DISTANCE OF 366.17 FEET TO THE INTERSECTION WITH THE EASTERLY MAINTAINED RIGHT OF WAY LINE OF RYE ROAD; THENCE S 50° 06'58" W, ALONG SAIDEASTERLY MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 1050.55 FEET TO THE POINT OF BEGINNING; ALSO BEING A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS S 47° 52'51" W, AT A DISTANCE OF 3214.79 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12° 28'48", A DISTANCE OF 700.24 FEET TO A POINT OF TANGENCY; THENCE S 29° 38'21" E, A DISTANCE OF 168.00 FEET; THENCE S 60° 21'39" W, A DISTANCE OF 300.00 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 64; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: 1. N 29° 38'21" W, A DISTANCE OF 168.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 2914.79 FEET; 2. NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12° 42'37", A DISTANCE OF 646.60 FEET TO THE INTERSECTION WITH THE AFORESAIDEASTERLY MAINTAINED RIGHT OF WAY LINE; THENCE N 50° 06'58" E, ALONG SAIDEASTERLY MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 300.25 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 5.80 ACRES, 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 14th day of April, 2008

R.B. SHORE
Clerk of Circuit Court

By: [Signature] D.C.



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R. B. SHORE

2008 APR 22 PM 12:46

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA
KURT S. BROWNING
Secretary of State

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

April 17, 2008

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

Attention: Ms. Vicki Jarratt

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 14, 2008 and certified copies of Manatee County Ordinance Nos. 08-22, 08-01, PDO-06-082(Z) (P), PDI-07-27 (Z) (P), PDC-07-20 (Z) (P) and 08-35, which were filed in this office on April 16, 2008.

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

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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