

FILED FOR RECORD
R. B. SHORE

2011 AUG 18 PM 1:52 **MANATEE COUNTY ZONING ORDINANCE**
PDO-11-11(G) / PROGRESSIVE VETERINARY PRACTICES
DTS #20110188

CLERK OF THE CIRCUIT COURT
MANATEE CO FLORIDA

FILED
2011 AUG 15 PM 2:08
TALLAHASSEE

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A GENERAL DEVELOPMENT PLAN ON APPROXIMATELY A 2.25 ACRE SITE TO BUILD AN 8,000± SQUARE FOOT VETERINARY CLINIC, LOCATED ON THE NORTH SIDE OF S.R. 70 AT 10915 S.R. 70 EAST, APPROXIMATELY 1,375 FEET WEST OF LAKEWOOD RANCH BLVD. IN THE PDO/WP-E/ST (PLANNED DEVELOPMENT OFFICE/WATERSHED PROTECTION-EVERS/SPECIAL TREATMENT OVERLAY DISTRICT) ZONING DISTRICT; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Progressive Veterinary Practices (the "Applicant") filed an application for a General Development Plan for approximately 2.25 acres described in Exhibit "A", attached hereto, (the "Property") for a 8,000 square foot veterinary clinic; and

WHEREAS, the applicant filed a request for Special Approval for a project in the Evers Watershed Overlay District; and

WHEREAS, the applicant filed a request for Specific Approval for alternatives to Sections 714.8.7 (Replacement Trees) and 715, Figure 715.B (Multi-Family/Non-Residential Roadway Buffer Option) of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the General Development Plan, Specific Approval 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 a public hearing on July 14, 2011, to consider the General Development Plan, Specific Approval 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 a duly noticed public hearing on August 4, 2011, regarding the proposed General Development Plan 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 General Development Plan regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance 89-01, the 2020 Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

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.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 714.8.7, the Board finds that the smaller replacement trees have a better chance to establish and grow.

F. Notwithstanding the failure of the site plan to comply with LDC Section 715, Fig. 715.B, the Board finds that the public purpose and intent of the LDC regulations have been satisfied to an equivalent or greater degree by the project design. The above cited Final Site Plan reflects the required canopy trees for the roadway buffer and the lesser amount of shrubs than is required, however, screening at the ground level is not an issue where shrubs have been omitted, as there are no improvements on the inner side of the roadway buffer in that location other than a stormwater pond. Proposed Stipulation C.6 requires the applicant to provide the required canopy trees and to screen with shrubs the areas of the site with structures and parking improvements.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for an 8,000 square foot veterinary clinic upon the Property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS

1. As shown on the general development plan, a 35' perimeter buffer shall be required along the northern property, generally from the pond east to the beginning of the 20' buffer area. The perimeter buffer may be reduced to approximately 20' where adjacent to parking area. The 35' buffer area shall be planted with 12 red cedar trees and shrubs necessary to provide adequate screening as determined by staff prior to

Final Site Plan approval. Shrubs shall be provided adjacent to the north edge of the parking area in the 20' buffer area. Both sides of the dumpster that face the neighboring property shall be planted with shrubs.

2. There shall be no individual outdoor kennel/boarding runs. The outdoor pet area adjacent to the clinic shall be fenced.

B. STORMWATER CONDITIONS:

1. This project shall be required to reduce the calculated pre-development flow rate by twenty-five percent (25%) for all stormwater outfall flow directly or indirectly into the Braden River/Evers Reservoir. Modeling shall be used to determine pre- and post-development flows.
2. This project shall provide 150% water quality treatment for the Braden River Water Protection Overlay (WP-E).

C. ENVIRONMENTAL CONDITIONS:

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Environmental Planning Division for review prior to Final Site Plan approval.
2. Prior to Final Site Plan approval applicant shall address tree removal and replacement in accordance with Section 714.8.7 of the LDC and as per Specific Approval granted to allow the smaller replacement tree sizes.
3. Existing native vegetation located within any required landscape buffer shall be preserved to the greatest extent possible and shall be shown on the Final Site Plan. Care shall be taken to avoid overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.
4. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Planning Department. 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. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, unless otherwise approved by the Planning Department.
5. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.
6. The applicant shall provide the required number of canopy trees for the roadway buffer along S.R. 70 in accordance with Section 715, Fig. 715.B and shrubs within

the roadway buffer only alongside structures and parking area improvements on-site (east half of the approximately 500 feet of frontage).

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project in the Evers Watershed Overlay District. 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. Specific Approval is hereby granted for alternatives to Sections 714.8.7 (Replacement Trees) and 715, Figure 715.B (Multi-Family/Non-Residential Roadway Buffer Option) of the Land Development Code. This Specific 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. 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 4th day of August, 2011.

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

BY: _____

Carol Whitmore, Chairman

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

BY: *Austin Romine*
Deputy Clerk

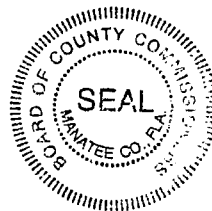


EXHIBIT "A"

LEGAL DESCRIPTION

LOT 59, BLK A, BRADEN PINES SUB, UNIT II (PB20/111). LESS THE FOLL DESC PARCEL; BEG AT THE SE COR OF LOT NO. 59, BLK A, BRADEN PINES SUB, UNIT II (PB20/111); TH N 70 DEG 34 MIN 19 SEC W, ALG THE S LN OF SD LOT NO 59, ALSO BEING THE N LN OF S.R. 70, A DIST OF 44.81 FT; TH N 19 DEG 25 MIN 05 SEC E, A DIST OF 81.50 FT TO THE PT OF CURVATURE OF A CURVE TO THE LEFT HAVNG A RAD OF 292.00 FT AND A C/A OF 18 DEG 59 MIN 18 SEC; TH NLY ALG THE ARC OF SD CURVE, AN ARC LENGTH OF 96.77 FT TO THE END OF SD CURVE, SD PT BEING ON THE E LN OF SD LOT NO. 59, BLK A, BRADEN PINES SUB, UNIT II; TH S 00 DEG 26 MIN 23 SEC W, ALG SD E LN OF LOT NO. 59, A DIST OF 186.66 FT TO THE POB (O.R. 1895/4937); TOGETHER WITH A NON-EXCLUSIVE EASMNT FOR INGRESS AND EGRESS AS REC IN OR 1894/5449, PI#5836.1441/9



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 11th day of
August 2011
By G. Ciccardo a.c.

FILE FOR RECORD
R. B. SHORE



011 AUG 18 PM 1:52

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

August 16, 2011

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

Attention: Ms. 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 August 11, 2011 and certified copy of Manatee County Ordinance No. PDO-11-11(G), which was filed in this office on August 15, 2011.

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

Sincerely,

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

Liz Cloud
Program Administrator

LC/vm

Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6282 • TDD: 850.922.4085 • <http://info.florida.gov>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

CAPITOL BRANCH
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282