

FILED FOR RECORD  
R. B. SHORE

2007 DEC -7 AM 7:54  
PDPI-07-26(Z)(P) – SCHOOL BOARD OF MANATEE COUNTY / SAMOSET ELEMENTARY  
SCHOOL

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

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 8.56 ACRES AT 1715 33<sup>RD</sup> AVENUE EAST, BRADENTON FROM RSF-6 (RESIDENTIAL SINGLE-FAMILY, 6 DWELLING UNITS PER ACRE) ZONING DISTRICT TO THE PDPI (PLANNED DEVELOPMENT PUBLIC INTEREST) ZONING DISTRICT, APPROVING A PRELIMINARY SITE PLAN TO ADD ± 1.08 ACRES TO THE SAMOSET ELEMENTARY SCHOOL SITE, ADD A 23,943 SQUARE FOOT ADDITION TO THE EXISTING 56,688 SQUARE FOOT ELEMENTARY SCHOOL, AND A BASKETBALL COURT; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the School Board of Manatee County (the "Applicant") has filed a rezone application to rezone approximately 8.56 acres described in Exhibit "A", attached hereto, (the "Property") from RSF-6 (Residential Single-Family 6 dwelling units per acre) zoning district to the PDPI (Planned Development Public Interest) zoning district; and

**WHEREAS**, the Applicant has also filed a Preliminary Site Plan application to add ± 1.08 acres to the Samoset Elementary School site, add a 23,943 square foot addition to the existing 56,688 square foot elementary school, and a basketball court (the "Project") to be located upon the Property; and

**WHEREAS**, the Applicant has also filed a request for Special Approval for a nonresidential project exceeding 30,000 square feet in the RES-6 FLUC; and

**WHEREAS**, the Applicant has also filed a request for Specific Approval for alternatives to Sections 715.3.1.d, 715.C, 714.8.7 and 722.1.4.2 of the Land Development Code; and

**WHEREAS**, Planning staff recommended approval of the rezone, Preliminary Site Plan, Special Approval, and Specific 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 November 8, 2007 to consider the rezone, Preliminary Site Plan, Special Approval, and Specific 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 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.

**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 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 RSF-6 (Residential Single-Family 6 dwelling units per acre) zoning district to the PDPI (Planned Development Public Interest) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on November 27, 2007, 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.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.1.d, the Board finds that the purpose and intent of the LDC regulations will be satisfied to an equivalent degree because a large tree will be preserved.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.C, the Board finds that the public purpose and intent of the LDC regulations will be satisfied to an equivalent degree because the stormwater pond and landscaping along the roadway will provide separation and buffering for the homes to the north.

F. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 714.8.7, the Board finds that the public purpose and intent of the LDC regulations will be satisfied to an equivalent degree because the probability of survival of the trees is better.

G. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 722.1.4.2, the Board finds that the public purpose and intent of the LDC regulations will be satisfied to an equivalent degree due to safety concerns.

H. For the purposes of granting Special Approval for a non-residential project exceeding 30,000 square feet in the RES-6 Future Land Use Category, 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.

**Section 2. PRELIMINARY SITE PLAN** The Preliminary Site Plan is hereby approved to add ± 1.08 acres to the Samoset Elementary School site, add a 23,943 square foot addition to the existing 56,688 square foot elementary school, and add a basketball court upon the Property subject to the following Stipulations:

**STIPULATIONS**

**A. DESIGN AND LAND USE CONDITIONS:**

1. The School Board shall give Manatee County impact fee credits for any affordable housing that was torn down to use for affordable housing.
2. Any new lighting shall comply with LDC Section 709 and shall be shown on the Final Site Plan.
3. Handicap parking is to be provided for the proposed parking lot and shall be shown on the Final Site Plan.

**B. TRANSPORTATION CONDITIONS:**

1. Driveway entrances must be constructed in compliance with Manatee County Transportation Standard Details.
2. At the time of Final Site Plan and Construction Plan approval the developer shall be responsible for any additional on-site or off-site transportation operational and safety improvements attributable to this project, as determined by the Public Works Department, and in accordance with LDC Section 722.1.3.4., as well as any capacity improvements associated with the issuance of a Certificate of Level of Service.

**C. INFRASTRUCTURE CONDITIONS:**

1. Water meter calculations shall be prepared by a Florida Registered Engineer/Architect and submitted to the Public Work's Department for compliance to existing water meter.

**D. STORMWATER CONDITIONS:**

1. This project shall be required to reduce the calculated pre-development flow rate by up to fifty percent (50%) for all stormwater outfall flow directly or indirectly into Sugarhouse Creek. The reduction requirement shall only apply to additional impervious areas not previously permitted. Modeling shall be used to determine pre- and post- development flows.

2. 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.
3. The Engineer of Record shall coordinate with Stormwater Management Division of the Public Works Department and SWFWMD on determination of Seasonal High Water Level (SHWL) for proposed and existing retention ponds.

**E. ENVIRONMENTAL CONDITIONS:**

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Planning Department for review prior to Final Site Plan approval.
2. A Well Management Plan shall be submitted to the Natural Resources Division of the Planning Department and the Environmental Management Department for review and approval prior to Final Site Plan approval. The Well Management Plan shall include identification of which wells are to be retained and abandoned; the timing of abandonment; wellhead protection details for those wells to remain and a copy of all Water Use Permits, if applicable.
3. To provide root zone protection, no hedge or swale shall be installed within the driplines of the 33", 16", and 27" oak trees depicted along the property line, north of the proposed parking lot.
4. A certified arborist shall supervise all pruning work on the 55" oak tree. Pruning of several large limbs is not recommended in order to avoid an irreversible decline in tree health. All roots shall not be torn or frayed, rather cleanly cut to encourage regeneration of new roots.
5. Water shall be applied to the 55" oak tree in the quantity of 1 ½ inches to saturate the soil to an average depth of 12 inches to 18 inches for each week of inadequate rainfall for the duration of one growing season. Soil probes shall be used to verify that the water will reach the stated adequate depth. In periods of intense heat or inadequate rainfall, the amount of water applied to the root zone will need to be increased because of additional transpirational water losses.
6. A tree barricade for the 55" oak tree to be preserved shall be located as close to the dripline as possible which is estimated at a 48' radius. A minimum of 35' of radius from the tree shall be protected in the site construction area with the tree barricade.
7. Tree barricades for trees to be preserved shall be located as shown on the approved plans, unless approved by the Planning Department. 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.

**Section 3. SPECIAL AND SPECIFIC APPROVALS.** Special Approval is hereby granted for a nonresidential project exceeding 30,000 square feet in the RES-6 FLUC. 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 715.3.1.d, 715.C, 714.8.7, and 722.1.4.2 of the Land Development Code.

**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 RSF-6 (Residential Single-Family, 6 dwelling units per acre) zoning district to the PDPI (Planned Development Public Interest) 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 27<sup>th</sup> day of November, 2007.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY:   
Chairman

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

BY:   
Deputy Clerk



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

LOTS 283 THROUGH 293, LOTS 342 THROUGH 351, LOTS 408 THROUGH 414 AND LOTS 415 THROUGH 432, OF PINECREST, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4 PAGE 55, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA



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 27<sup>th</sup> day of November, 2007

R.B. SHORE  
Clerk of Circuit Court

By: Libbi Jones D.C.

FILED FOR RECORD  
R. B. SHORE

2007 DEC -7 AM 7:53

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

**CHARLIE CRIST**  
Governor



## FLORIDA DEPARTMENT of STATE

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

November 30, 2007

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

Attention: Vicki Tessmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 28, 2007 and certified copy of Manatee County Ordinance No. PDPI-07-26(Z)(P), which was filed in this office on November 30, 2007.

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/jru  
Enclosure

#### DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dliis.dos.state.fl.us>

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