

FILED FOR RECORD  
R. B. SHORE

2009 MAR 24 AM 7:55

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

**MANATEE COUNTY ZONING ORDINANCE  
PDPI-07-28(Z)(P) – STATE OF FLORIDA FDOT MANATEE COUNTY OPERATIONS  
CENTER**

FILED  
2009 MAR 16 AM 11:53  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 18.44 ACRES AT 13900 SR 64 EAST, BRADENTON FROM A (GENERAL AGRICULTURE) TO THE PDPI (PLANNED DEVELOPMENT PUBLIC INTEREST) ZONING DISTRICT; APPROVE A PRELIMINARY SITE PLAN FOR A 59,311 SQUARE FOOT FDOT OFFICE, MAINTENANCE FACILITY, STORAGE, FUELING, AND MOTOR POOL; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, State of Florida (the "Applicant") filed an application to rezone approximately 18.44 acres described in Exhibit "A", attached hereto, (the "property") from A (General Agriculture) to the PDPI (Planned Development Public Interest) zoning district; and

**WHEREAS**, the applicant also filed a Preliminary Site Plan application for a 59,311 square foot FDOT office, maintenance facility, storage, fueling, and motor pool (the "project") on the property; and

**WHEREAS**, Planning staff recommended approval of the rezone and Preliminary Site Plan subject to the stipulations contained in the staff report; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held public hearings on January 22, 2009 and February 12, 2009 to consider the rezone and Preliminary Site Plan, 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, 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 A (General Agriculture) to the PDPI (Planned Development Public Interest) zoning district.

B. The Board of County Commissioners held duly noticed public hearings on February 3, 2009 and March 5, 2009 on regarding the 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 for a 59,311 square foot FDOT office, maintenance facility, storage, fueling, and motor pool upon the property subject to the following Stipulations:

### **STIPULATIONS**

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

1. All landscape areas abutting internal drive aisles shall be curbed with a 6" standing curb. This detail shall be shown on the Final Site Plan.

#### **B. TRANSPORTATION CONDITIONS:**

1. All traffic concurrency-related transportation improvements and required traffic safety and operational improvements shall be shown on the Final Site Plan and Construction Plan.

#### **C. STORMWATER CONDITIONS:**

1. The existing 25-year flood elevation along the Tributary of Mill Creek shall be utilized as tailwater condition.
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.
3. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat for the ditch along the east property line within the project boundaries. In addition, a twenty foot (20') Drainage-Maintenance Access Easement shall be provided for the ditch along the east property line. Drainage-Maintenance

Access Easements shall be on clear and level ground, free of obstructions including landscaping. Manatee County is only responsible for maintaining the free flow of drainage through these systems.

4. 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 wetland storage and ground depressions.
5. 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. BUFFERS:**

1. A twenty (20) foot wide roadway buffer shall be installed along the length of the SR 64 road frontage prior to use of any of the facilities on site. The buffer shall contain three (3) canopy trees and two (2) understory trees per 100 l.f. and shall be shown on the Final Site Plan.
2. A 15 foot wide screening buffer shall be provided along the east property line. This buffer shall contain a solid six (6) foot fence and three (3) canopy trees per 100 l.f. with the trees on the exterior of the fence. The screening buffer fence and landscape materials shall be shown on the Final Site Plan and installed prior to any occupation of the site.

**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. The project shall be designed so that no temporary wetland buffer impacts, other than those allowed by Section 719.11.1.2 of the LDC, are required in areas that contain native desirable vegetation. This shall be reviewed and approved by the Planning Department with the Final Site Plan.
3. Existing native vegetation located within any required landscape buffer shall be preserved to the greatest extent possible. Overhead or underground power lines, swales, or storm water facilities should be avoided within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.
4. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 508.3.34.7(j) of the LDC.
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.

**F. INFRASTRUCTURE CONDITIONS:**

1. The applicant shall connect to available water and sewer lines along SR 64. Details shall be shown on the Final Site Plan.

**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 classification of the property identified in Exhibit "A" herein from A (General Agriculture) 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 Official Zoning Atlas.

**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, 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 5. 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 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 5<sup>th</sup> day of March, 2009.

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

BY: 

**Carol Whitmore, 1st Vice-Chairman**

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

BY:   
**Deputy Clerk**



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

(Per O.R. Book 1043, Page 2783)

The Northeast 1/4 of the northeast 1/4 Section 4, Township 35 South, Range 19 East, as per Public records of Manatee County, Florida.

Less Existing rights of way. Containing 40.876 acres, more or less.

ALSO:

That part of:

The Southwest 1/4 of the Southwest 1/4 of Section 34, Township 34 South, Range 19 East, as per PUBLIC Records of Manatee County, Florida.

Being described as follows:

Begin at the Northeast corner of Section 4, Township 35 South, Range 19 East; run thence North 89°22'07" West 434.17 feet; thence North 0°14'43" East 270.59 feet to the beginning of a curve concave to the Northeasterly having a radius of 2198.59 feet; thence from a tangent bearing of South 58°07'54" East run Southeasterly along said curve 480.36 feet thru an angle of 12°31'06" to the end of said curve; thence South 0°34'20" East 121.31 feet to the point of beginning.

Less existing rights of way. Containing 1.588 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 13<sup>th</sup> day of

March 2009  
R.B. SHORE  
Clerk of Circuit Court

By Debi J. Sasser D.C.



FILED FOR RECORD  
R. B. SHORE

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CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

March 17, 2009

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

Attention: Ms. Vicki Jarratt, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 11, 2009 and certified copies of Manatee County Ordinance Nos. 09-01, 09-10, 09-14, PDI-01-01(P), PDPI-05-120(P)(R), PDR-08-05(Z)(P), Z-07-21, PDPI-07-28(Z)(P), PDMU-05-70(Z)(P) and PDPI-09-01(Z)(G), which were filed in this office on March 16, 2009.

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

Sincerely,

Liz Cloud  
Program Administrator

LC/srd  
Enclosure

#### DIRECTOR'S OFFICE

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