

2008 DEC 23 AM 10:43

MANATEE COUNTY ZONING ORDINANCE
PDR-08-13(Z)(P) – AURORA FOUNDATION / AURORA FOUNDATION ASSISTED LIVING FACILITY DTS # 20080137

CLERK OF DISTRICT COURT
MANATEE CO. 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 THE REZONING OF APPROXIMATELY 17.28 ACRES ON THE NORTH SIDE OF SR 64, AND WEST OF GREYHAWK BOULEVARD, AT 12705 SR 64, BRADENTON FROM A (GENERAL AGRICULTURE) TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT, APPROVE A PRELIMINARY SITE PLAN FOR A 143,536 SQUARE FOOT LARGE GROUP CARE HOME (WITH 160 UNITS FOR UP TO 217 RESIDENTS); SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Aurora Foundation Assisted Living Facility ("Applicant") filed an application to rezone approximately 17.28 acres described in Exhibit "A" attached hereto (the "property"), from A (General Agriculture) to the PDR (Planned Development Residential) zoning district; and

WHEREAS, the applicant filed a Preliminary Site Plan for a 143,536 square foot large group care home (with 160 units for up to 217 residents) (the "Project") on the property; and

WHEREAS, the applicant filed a request for Special Approval for a project exceeding a gross density of 1 dwelling unit per acre in the UF-3 Future Land Use Category; and

WHEREAS, the applicant filed a request for Specific Approval for alternatives to Sections 603.7.4.5, 712.2, 715.3.2.b (Figure 715 C Option E), 715.3.2.c.2, and 715.3.2.c.3 of the Land Development Code, and

WHEREAS, Planning staff recommended approval of the rezone, Preliminary Site Plan, Special Approval, and Specific, 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 November 13, 2008 to consider the rezone, Preliminary Site Plan, Special Approval, and Specific Approvals, 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 Rezone, Preliminary Site Plan, Special Approval, and Specific

Approvals 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 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 PDR (Planned Development Residential) zoning district.
- B. The Board of County Commissioners held a duly noticed public hearing on December 4, 2008 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 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 Sections 603.7.4.5 and 715.3.2.c.3, the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree because the vegetation and width will provide superior screening.
- 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 public purpose and intent of the LDC regulations are satisfied to an equivalent degree because the stipulated hedge will mitigate the appearance of the chain link fence from visibility off-site.

G. Notwithstanding the failure of this plan to comply with the requirements of LDC section 715.3.2.b (Figure 715 C Option E), the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree because the transparency of the fence, the hedge, and the existing adjacent buffer will mitigate the appearance of the fence from off-site.

H. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 712.2, the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree because the existing Aurora driveway will provide superior access.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved a 143,536 square foot large group care home (with 160 units for up to 217 residents) on the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. Design and appearance of the building(s) shall substantially conform to the architectural elevation drawings entered into the record.

B. TRANSPORTATION CONDITIONS:

1. At the time of Final Site Plan and Construction Plan approval for each phase of the project 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.
2. All traffic concurrency-related transportation improvements and required traffic safety and operational improvements shall be shown on the Final Site Plan(s) and Construction Plan(s).

C. STORMWATER CONDITIONS:

1. 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.
2. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring property surrounding the site in respect to drainage routing, grading, and runoff.

D. BUFFERS:

1. Where necessary for security and safety, the perimeter buffer may include a chain link fence if the fence has a dark green color coating and a screening hedge of adjacent evergreen shrubs. The hedge shall achieve 80% opacity from ground level to a height exceeding the fence within three years after issuance of the Certificate of Occupancy.

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 Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and approximately 1.25 acres of "preserved native plant communities" shall be dedicated to the County prior to issuance of the Certificate of Occupancy.
3. This site shall be reevaluated for the presence of threatened and endangered species prior to Final Site Plan approval.
4. Required tree replacement shall occur in accordance with Section 714 of the LDC. The applicant may utilize the Tree Fund as compensation for removed trees that cannot be located onsite due to insufficient available space. Offsite tree replacement on adjacent parcels may also be utilized. However, proposed locations are subject to Planning Department review and all installations shall occur prior to Certificate of Occupancy issuance.
5. Areas where temporary wetland buffer impacts are necessary shall be revegetated with native desirable vegetation. Restoration details shall be reviewed and approved with the Final Site Plan by the Planning Department.
6. Existing native vegetation within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.
7. Tree barricades for trees to be preserved shall be located at the drip line, unless otherwise 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. If impacts are proposed within drip lines of remaining trees, replacements shall be provided in accordance with Section 714 of the LDC.

8. This site shall utilize reclaimed water for irrigation purposes.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project exceeding gross density of 1 dwelling unit per acre in the UF-3 Future Land Use Category. The 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 603.7.4.5, 712.2, 715.3.2.b (Figure 715 C Option E), 715.3.2.c.2, and 715.3.2.c.3 of the Land Development Code. The Specific Approvals 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 A (General Agriculture) to the PDR (Planned Development Residential) 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 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 4th day of December, 2008.

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

BY: *Dr. Gwendolyn Y. Brown*
Dr. Gwendolyn Y. Brown, Chairman

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

BY: *Susan Roman*
Deputy Clerk

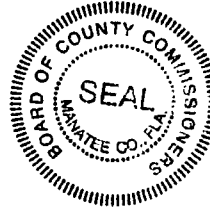


EXHIBIT "A"

LEGAL DESCRIPTION

A TRACT OF LAND LYING IN SECTION 28, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWESTERLY CORNER OF GREYHAWK LANDING, PHASE 1, AS RECORDED IN PLAT BOOK 38, PAGES 129 THROUGH 140, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N.00°13'10"W., ALONG THE WESTERLY LINE OF GREYHAWK LANDING, PHASE 1, A DISTANCE OF 328.99 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N. 00°13'10"W., ALONG SAID WESTERLY LINE, A DISTANCE OF 807.44 FEET; THENCE N.87°58'40"W., A DISTANCE OF 358.69 FEET; THENCE S.02°01'20"W., A DISTANCE OF 600.03 FEET; THENCE N.87°58'40"W., A DISTANCE OF 159.15 FEET TO A POINT OF CURVE (P.C.) OF A CURVE TO THE LEFT HAVING A RADIUS OF 204.00 FEET AND A CENTRAL ANGLE OF 43°53'43"; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 156.29 FEET; THENCE S.48°07'38"W., A DISTANCE OF 31.73 FEET; THENCE N.87°58'40"W., A DISTANCE OF 126.34 FEET; THENCE S.02°01'20"W., A DISTANCE OF 487.41 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 64, AS DESCRIBED IN OFFICIAL RECORDS BOOK 2533, AT PAGE 2635, SAID PUBLIC RECORDS; THENCE N.89°56'56"E., ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 495.04 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.87°16'22"E., A RADIAL DISTANCE OF 50.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 55°12'39", A DISTANCE OF 48.18 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF 52°42'12"; THENCE NORTHEASTERLY ALONG THE ARC, A DISTANCE OF 183.97 FEET; THENCE N.00°13'10"W., A DISTANCE OF 126.87 FEET; THENCE N.89°46'49"E., A DISTANCE OF 260.00 FEET TO THE POINT OF BEGINNING.

THE FOLLOWING THREE COORDINATES AND DISTANCES SHALL BE ADDED INTO THE LEGAL DESCRIPTION BASED ON THE REVISED BOUNDARY:

THENCE S89°59'10"E, A DISTANCE OF 358.60 FEET; THENCE N00°22'38"W, A DISTANCE OF 71.86 FEET; THENCE N89°22'41"W, A DISTANCE OF 291.65 FEET;

CONTAINING 17.1 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 10th day of December, 2008
R.B. SHORE
Clerk of Circuit Court
By: Uelia J. Shore D.C.



FILED FOR RECORD
R. B. SHORE

2008 DEC 23 AM 10:42

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

KURT S. BROWNING
Secretary of State

December 16, 2008

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

Attention: Ms. Vicki Tessmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 10, 2008 and certified copies of Manatee County Ordinance Nos. 08-27, 08-30, 08-52, 08-60, 08-81, PDR-05-67(Z) (P), PDR-06-73(Z) (P), PDR-08-13(Z) (P), Z-08-02, PDEZ-08-19(Z) (G) (R), PDEZ-08-20(Z) (G), PDEZ-08-21(Z) (G) (R), PDEZ-08-22(Z) (G) (R), PDPI-06-43(Z) (P), , which were filed in this office on December 15, 2008.

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

Sincerely,

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

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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