

REVISED PRELIMINARY SITE PLAN  
PDR-95-09(P)(R) - TERRA CEIA BAY ESTATES

RECORDED 11/17/98  
PAGE NO. 434  
MINUTE BOOK NO. 46

THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, having specifically considered the criteria set forth in Manatee County Ordinance No. 90-01, the Manatee County Land Development Code; and finding PDR-95-09(P)(R) consistent with Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan, as conditioned herein, Revised Preliminary Site Plan No. PDR-95-09(P)(R)-Terra Ceia Bay Estates is hereby approved to allow modifications to the approved Preliminary Site Plan to allow a swimming pool recreation area and a reduction of the required setback from wetland buffers from 15 feet to 5 feet, subject to the following:

AMENDED STIPULATION #2 TO READ:

2. There shall be a fifty (50) foot buffer, pursuant to Section 719.11.1 buffer zone established adjacent to post-development jurisdictional wetlands. All buffers and wetlands shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on the Preliminary and Final Development plans and subdivision plats. The location of said easement shall be physically identified on the site where property lines cross the easement. Each development subphase shall include deed restrictions that prohibit development activity and limit removal of native vegetation in the conservation easement. Any replanting within the buffer shall be with flora native to Manatee County.

ADDED NEW STIPULATIONS #8 THROUGH #13 TO READ:

8. A ten (10) foot setback shall be required between the upland edge of the buffer and adjacent structures. Yard encroachments that are otherwise allowed by this Code shall be allowed to encroach in the same manner into this setback. The Environmental Management Department may approve a reduction of this setback if the applicant can demonstrate that the proposed reduction will not impact the adjacent wetland or buffer.
9. The ten (10) foot utility easements located on the rear of the lots may be vacated, under standard vacation procedures, without requiring modifications to the Preliminary or Final Site Plans.
10. The swimming pool shall meet the requirements of Section 703.2.23 and Manatee County Public Health Unit requirements.
11. A revised Final Site Plan approval shall be required for the swimming pool area.
12. All buildings shall be elevated on piers or other approved methods. Structures shall not be elevated by using fill dirt to raise the grade.
13. Prior to Final Site approval, a Wetland Buffer Enhancement Plan for the area of the wetland buffer where dry retention is proposed, shall be submitted to the EMD for review and approval.

APPROVED AND HEREBY GRANTED, by the Board of County Commissioners of Manatee County, Florida this 17th day of November, 1998.

BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA

BY: *Patricia H. Shaw*  
Chairman

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

*[Signature]*  
CLERK OF THE CIRCUIT COURT

2914

546-1426

COPIES TO:

Planning (Gosma)

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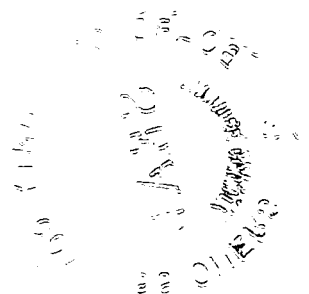
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DATE 11-24-98

BY End



# BRADENTON HERALD

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Bradenton Herald  
Published Daily  
Bradenton, Manatee, Florida

STATE OF FLORIDA

COUNTY OF MANATEE;

Before the undersigned authority personally appeared Jill Headings, who on oath says that she is a Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of  
Notice of Establishment...

\_\_\_\_\_ in the \_\_\_\_\_ Court,  
was published in said newspaper in the issues of

11/6/98

Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Jill Headings  
(Signature of Affiant)

Sworn to and subscribed before me this  
9 day of November 1998

SEAL & Notary Public



MARIA E. CHURCH  
My Comm Exp: 9/07/2001  
Bornton Pl. Service Ins  
No. 1001-112  
Personally Known 11/6/98

2915

**NOTICE OF ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND IN UNINCORPORATED MANATEE COUNTY**

NOTICE IS HEREBY GIVEN, that the Board of County Commissioners of Manatee County, will conduct a Public Hearing on Tuesday, November 17, 1998 at 9:00 A.M. in the Chambers of the Board of County Commissioners, located at the Manatee County Administrative Center, 1112 Manatee Avenue West, 1st Floor, to consider and act upon the following matters:

**Z-98-11 Paul D. Maus**

Approval of a Zoning Ordinance of the County of Manatee, Florida, amending the Official Zoning Atlas of Manatee County Ordinance 90-01, the Manatee County Land Development Code, relating to zoning within the unincorporated area of Manatee County; providing for the rezoning of certain land from RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre) to PR-S (Professional-Small); and providing an effective date. Located at the southwest corner of U.S. 301 and 30<sup>th</sup> Avenue East at 1704 30<sup>th</sup> Avenue East (0.7± acres).

IF APPROVED, the PR-S zoning would allow uses such as a Professional Office, Bank, Business Service, or Clinic. The current zoning allows for a single-family residence.

**PDR-98-18(Z)(P) Ernest S. Marshall/River's Edge**

(1) Approval of a Zoning Ordinance of the County of Manatee, Florida, amending the Official Zoning Atlas of Manatee County Ordinance 90-01, the Manatee County Land Development Code, relating to zoning within the unincorporated area of Manatee County; providing for the rezoning of certain land from RDD-4.5 (Residential Duplex Dwelling, 4.5 dwelling units per acre) to PDR (Planned Development Residential), retaining the WP-E/ST (Evers Reservoir Watershed Protection/Special Treatment) overlay districts; providing an effective date; and (2) Approval of a Preliminary Site Plan to allow a 124 lot single-family residential subdivision at a gross density of 3.1 dwelling units per acre. Located at the southwest corner of Linger Lodge Road and 66<sup>th</sup> Avenue East (Bradley Road) (± 38.97 acres).

IF APPROVED, construction of a 124-lot single-family residential subdivision would be permitted. The current zoning, without subdivision approval, would allow for the construction of two duplexes.

**PDR-98-13(P) Pundley, Inc./Mill Creek Phase VI**

Approval of a Preliminary Site Plan to allow 38 lots at a gross residential density of 0.63 dwelling units per acre. Present zoning: PDR (Planned Development Residential). Located at the northwest and northeast intersection of State Road 64 and Rye Road (± 48.6 acres).

**PDR-98-15(P) Centex Homes, Inc./River Pointe III**

Approval of a Preliminary Site Plan to allow 8 lots at a gross residential density of 2.80 dwelling units per acre. Located north of State Road 64, between 36<sup>th</sup> Street East and 41<sup>st</sup> Street East. Current zoning: PDR (Planned Development Residential) (± 3.21 acres).

**PDC-97-01(PYR-2) Heartland Sarasota-Bradenton Ltd. Partnership (TO BE HEARD AT 5:00 P.M.)**

Approval to amend stipulations of approved Preliminary Site Plan No. PDC-97-01(PYR) for the Braden Woods Plaza to include:

- Stipulations #1 and 3, which address the buffer along the southern property line;
- Stipulations #25 and 26, which address allowable uses and intensity for Out Parcels 1 and 2;
- Stipulation #27, which addresses the location of any future grocery store on the site; and
- The addition of Stipulation #28, which incorporates the approved Design Guidelines and all other conditions of the May 5, 1998 Settlement Agreement.

Located on the south side of State Road 70, approximately ½ mile east of I-75. Present Zoning: PDC/WP-E/ST (Planned Development Commercial/Watershed Protection and Special Treatment Overlay Districts) (± 28.34 acres).

IF APPROVED, Stipulations 1 and 3, which address the buffer along the southern property line, are being amended to address issues in the May 5, 1998 Settlement Agreement. Stipulations 25 and 26, which address use and intensity for Out Parcels 1 and 2, are being amended to allow an increase in building floor area which may be transferred to Out Parcel 2. Stipulation 27, which addresses the location of any future grocery store, is being amended to reflect the May 5, 1998 Settlement Agreement. Stipulation 28 is being added to incorporate design standards for the shopping center and conditions of the May 5, 1998 Settlement Agreement.

Rules of Procedure for this public hearing are in effect pursuant to Resolution 94-90. Copies of this Resolution are available for review or purchase at cost from the Manatee County Planning Department, 1112 Manatee Avenue West, 4th floor, Bradenton, Florida.

All interested parties are invited to appear at this Hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Planning Department will be heard and considered by the Board of County Commission, and entered into the record. Interested parties may examine the proposed Ordinances, Official Zoning Atlas, the application and related documents and may obtain assistance regarding this matter from the Manatee County Planning Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida, telephone number (941) 749-3070.

According to Florida Statutes, Section 285.0105, any person desiring to appeal any decision made by the Board of County Commissioners with respect to any matter considered at said Public Hearing will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Americans With Disabilities: The Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the

**PDC-98-08(Z)(P) Guinta Group/Crowder Brothers Hardware**

(1) Approval of a Zoning Ordinance of the County of Manatee, Florida, amending the Official Zoning Atlas of Manatee County Ordinance 90-01, the Manatee County Land Development Code, relating to zoning within the unincorporated area of Manatee County; providing for the rezoning of certain land from GC (General Commercial) to PDC (Planned Development Commercial); providing an effective date; and (2) Approval of a Preliminary Site Plan for a 27,925 square foot retail hardware store. Located at the southeast corner of Manatee Avenue West and 55<sup>th</sup> Street West (5408 Manatee Avenue West) (± 2.25 acres).

IF APPROVED, this request will allow construction of a 27,925 sq. ft. hardware store on this site.

**PDMU-98-03(Z)(P) Sarasota Hotel Owners, LP/Holiday Inn Airport - Shooters**

(1) Approval of a Zoning Ordinance of the County of Manatee, Florida, amending the Official Zoning Atlas of Manatee County Ordinance 90-01, the Manatee County Land Development Code, relating to zoning within the unincorporated area of Manatee County; providing for the rezoning of certain land from GC (General Commercial), PR-S (Professional-Small), and PDR (Planned Development Residential) to PDMU (Planned Development Mixed Use), retaining the WR (Whitefield Residential) and AI (Airport Impact) overlay districts; and (2) Approval of a Preliminary Site Plan for a new bar area and additional restaurant seating (already constructed), in addition to the existing hotel and marina facility. Located on the west side of U.S. 41, south of Bowles Creek at 7150 North Tamiami Trail (± 6.2 acres).

IF APPROVED, the rezone and site plan will grant "after the fact" approval to the Tiki Bar and outdoor restaurant seating. New conditions of approval for activities at Shooters may be established.

**PDC-98-01(P) David K. DeRitch, as Trustee, et al/Market Place West**

Approval of a Preliminary Site Plan to allow a 107,894 square foot commercial/retail shopping center. Located at the southwest corner of 53<sup>rd</sup> Avenue West and 34<sup>th</sup> Street West. The site is currently zoned PDC (Planned Development Commercial) (± 18.28 acres).

**PDR-98-08(P) Smuggler's Landing**

Approval of a Preliminary Site Plan to add two multi-family buildings (10 units) to the existing Smuggler's Landing Condominiums. Located on 128<sup>th</sup> and 129<sup>th</sup> Streets West, Cortez. Present zoning is PDR (Planned Development Residential) (± 7.9 acres).

**PDR-98-09(PYR) Terra Cala Bay Estates**

Approval of a revised Preliminary Site Plan to allow a swimming pool recreation area and a reduction of the required setback from wetland buffers from 15 feet to 5 feet. The site is located approximately 100 feet west of U.S. Highway 19 and takes access from 65<sup>th</sup> Street West to the south. Current zoning is PDR (Planned Development Residential) (± 5.1 acres).

Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Rita Drulis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS  
Manatee County Planning Department  
Manatee County, Florida

**AFFIDAVIT OF POSTING OF PUBLIC NOTICE SIGN, AND  
NOTIFICATION BY U.S. MAIL TO CONTIGUOUS PROPERTY OWNERS**

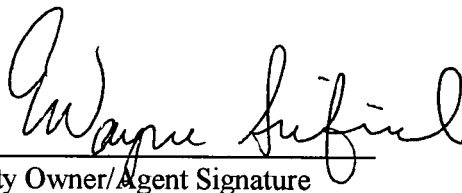
STATE OF Florida

COUNTY OF Pinellas

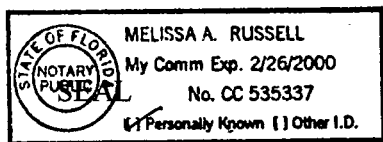
BEFORE ME, the undersigned authority, personally appeared E. Wayne Seifried, who, after having first been duly sworn and put upon oath, says as follows:

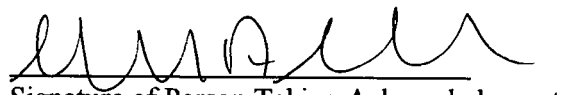
1. That he/she is the OWNER (owner, agent for owner, attorney in fact for owner, etc.) of the property identified in the application for **Revised Preliminary Site Plan No. PDR-95-09(P(R) - Terra Ceia Bay Estates**, to be heard before the **Manatee County Board of County Commissioners** at a public hearing to be held on **November 17, 1998** and as such, is authorized to execute and make this Affidavit and is familiar with the matters set forth herein, and they are true to the best of his/her knowledge, information and belief.
2. That the Affiant has caused the required public notice sign to be posted pursuant to Manatee County Ordinance No. 90-01, on the property identified in said application, and said sign was conspicuously posted 15 feet from the front property line on the 2nd day of November, 1998.
3. That the Affiant has caused the mailing of the required letter of notification to contiguous property owners pursuant to Manatee County Ordinance No. 90-01, by U.S. Mail, on the 5th day of November, 1998, and attaches hereto, as a part of and incorporated herein, a complete list of the names and addresses of the persons entitled to notice.
4. That Affiant is aware of and understands that failure to adhere to the provisions of Manatee County Ordinance No. 90-01, as it relates to the required public notice, may cause the above identified hearing to be postponed and rescheduled only upon compliance with the public notice requirements.

FURTHER YOUR AFFIANT SAITH NOT.

  
\_\_\_\_\_  
Property Owner/Agent Signature

SIGNED AND SWORN TO before me on 11/5/98 (date) by E. Wayne Seifried (name of affiant). He/she is personally known to me or has produced N/A (type of identification) as identification and who did take an oath.



  
\_\_\_\_\_  
Signature of Person Taking Acknowledgment  
Melissa A. Russell  
Type Name

My Commission Expires:

\_\_\_\_\_  
Title or Rank

\_\_\_\_\_  
Serial Number, if any

Commission No.:

22322.0000/2 CLINE, L A  
 22062.0000/4 CORMIER, PAUL \*  
 22112.8000/7 KEELS, DOMIN W  
 22331.1000/2 KERPER, BELA \*  
 22113.0000/5 MAURER, NILTON A TR \*  
 22111.0000/9 RAPSON, DIANE M TC  
 22033.0000/5 TCBE INC

Address List Verification Report

P O BOX 450 ELLENTON, FL 34222  
 5411 PALMETTO POINT DR PALMETTO, FL 34221  
 5411 BAY STATE RD PALMETTO, FL 34221  
 3312 PALMA SOLA BLVD BRADENTON, FL 34209  
 5407 BAY STATE ROAD PALMETTO, FL 34221  
 5412 BAY STATE RD PALMETTO, FL 34221  
 6985 1ST AVE W ST PETERSBURG, FL 33710

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Fax #		Fax #	
Date: 11/10		# of pages: 1	