

MANATEE COUNTY ORDINANCE NO. Z-86-42  
JOHN A. & CAROL J. PEACHEY

SECRETARY OF STATE

MAY 14 1986

FILED FOR RECORD

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R.B. MOORE  
CLERK CIRCUIT COURT  
MANATEE CO. FLORIDA

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE NO. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 (SUBURBAN AGRICULTURAL DISTRICT, 1 DU/ACRE) TO PDR (PLANNED RESIDENTIAL DEVELOPMENT DISTRICT), RETAINING THE WP/ST (WATERSHED PROTECTION/SPECIAL TREATMENT OVERLAY DISTRICTS), AND THE APPROVAL OF A CONCEPTUAL DEVELOPMENT PLAN FOR TWO HUNDRED NINETY (290) UNITS AT A DENSITY OF 3.94 DU/ACRE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT 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 of said County as well as all other matters presented to said 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 Section 4 of this Ordinance from A-1 (Suburban Agricultural District, 1 du/acre) to PDR (Planned Residential Development District), retaining the WP/ST (Watershed Protection/Special Treatment Overlay Districts), and the approval of a Conceptual Development Plan for two hundred ninety (290) units at a density of 3.94 du/acre.

B. The said Board of County Commissioners held a Public Hearing on April 24, 1986, regarding said proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND 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 Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 80-4, THE MANATEE PLAN.

Section 2. AMENDMENT OF OFFICIAL ZONING ATLAS The official Zoning Atlas of Manatee County Ordinance No. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE is hereby amended by changing the zoning district classification of the property identified in Section 4 herein from A-1 (Suburban Agricultural District, 1 du/acre) to PDR (Planned Residential Development District), retaining the WP/ST (Watershed Protection/Special Treatment Overlay Districts), and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning and Development Department are hereby instructed to cause such amendment to the said Official Zoning Atlas.

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Section 3. The Conceptual Development Plan titled Peachey Dairy, is hereby APPROVED, with the following stipulations:

1. The applicant shall comply with the Southeast Area Task Force recommendations as implemented by the Board of County Commissioners. Compliance may require redesign of the approved Conceptual Development Plan and result in decreased density. This redesign is contemplated within the approval of the Conceptual Development Plan and shall not require further action on the Conceptual Development Plan by the Board of County Commissioners.
2. The Florida Game and Freshwater Fish Commission has determined that the McClure tract north of this site contains an active bald eagle nest requiring protection in accordance with Florida Game and Freshwater Fish Commission regulations. This project shall be redesigned to comply with the Florida Game and Freshwater Fish Commission regulations not later than submission of the Preliminary Plan, should the Florida Game and Freshwater Fish Commission determine that these development restrictions exist at the time protective zones are established.
3. An interneighborhood roadway tie shall be provided in the southeast corner of the site where a cul-de-sac is presently shown and shall be stubbed to the eastern property line for future extension.
4. Recreational portions of the proposed development shall comply with the Southeast Area Task Force recommendations as implemented by the Board of County Commissioners. Compliance may require redesign of the approved Conceptual Development Plan. This redesign is contemplated within the approval of the Conceptual Development Plan and shall not require further action on the Conceptual Development Plan by the Board of County Commissioners.
5. A five (5') foot wide sidewalk shall be installed along Prospect Road for the site frontage and along both sides of Tuttle Avenue
6. All Department of Environmental Regulation jurisdictional areas shall be delineated on the Preliminary Development Plan. A conservation easement may be required to protect these areas.
7. The developer, his heirs, assigns or transferees, are hereby notified that the Impact Fee Ordinance when adopted by Manatee County may require the payment of impact fees.
8. The applicant shall comply with development constraints as recommended by the Southeast Area Task Force.

Section 4. Legal Description:

Begin at the S.E. corner of the S.E.  $\frac{1}{4}$  of the N.E.  $\frac{1}{4}$  of Section 29, Township 35 South, Range 18 East, being also the S.W. corner of the N.W.  $\frac{1}{4}$  of Section 28, Township 35 South, Range 18 East; thence N 00°12'00" E, a distance of 125.00 feet to the P.C. of a curve to the left having a radius of 740.00 feet; thence northerly along the arc of said curve through a central angle of 22°08'00", a distance of 285.86 feet to the P.T. of said curve; thence N 21°56'00" W, a distance of 32.33 feet; thence S 73°47'00" W, a distance of 84.75 feet to the P.C. of a curve to the right having a radius of 475.00 feet; thence westerly along the arc of said curve through a central angle of 61°50'00", a distance of 512.62 feet to the P.T. of said curve; thence N

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44°23'00" W, a distance of 85.00 feet to the P.C. of a curve to the left having a radius of 375.00 feet; thence northwesterly along the arc of said curve through a central angle of 45°44'00", a distance of 299.32 feet to the P.T. of said curve; thence S 89°53'00" W, a distance of 155.00 feet; thence S 00°07'00" E, a distance of 17.00 feet; thence S 89°53'00" W, a distance of 235.00 feet to the east maintained right-of-way line of Prospect Road as recorded in Road Plat Book 3, Pages 195 through 222 inclusive of the Public Records of Manatee County, Florida; thence N 00°07'09" W, along said east right-of-way line, a distance of 642.00 feet to the north line of the aforesaid S.E.  $\frac{1}{4}$  of the N.E.  $\frac{1}{4}$ ; thence S 89°45'58" E, along said north line, a distance of 1344.92 feet to the N.E. corner of the said S.E.  $\frac{1}{4}$  of the N.E.  $\frac{1}{4}$ , also being the N.W. corner of the south  $\frac{1}{2}$  of the N.W.  $\frac{1}{4}$  of aforesaid Section 28; thence S 89°49'14" E, along the north line of the said south  $\frac{1}{2}$  of the N.W.  $\frac{1}{4}$ , a distance of 1638.07 feet; thence S 00°31'12" W, parallel with and 990 feet west of the east line of the said N.W.  $\frac{1}{4}$ , a distance of 1327.00 feet to the south line of the said N.W.  $\frac{1}{4}$ ; thence N 89°47'55" W, along said south line of the said N.W.  $\frac{1}{4}$ , a distance of 1632.71 feet to the point of beginning. Lying and being in Sections 28 and 29, Township 35 South, Range 18 East, Manatee County, Florida.

Subject to pertinent easements, rights-of-way, and restrictions of record.

Containing 73.65 acres, more or less.

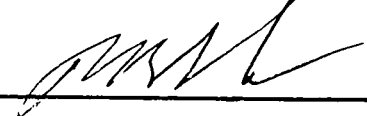
Section 5. EFFECTIVE DATE This ordinance shall take effect immediately upon the receipt of the official acknowledgment from the Office of the Secretary of State, State of Florida, that same has been filed with that office.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida this the 24th of April, 1985.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: Thyl C. Hagaman  
Chairman

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





## The Bradenton Herald

102 MANATEE AVE. WEST, P.O. BOX 921  
BRADENTON, FLORIDA 33506  
TELEPHONE (813) 748-0411

PUBLISHED DAILY  
BRADENTON, MANATEE COUNTY, FLORIDA

### STATE OF FLORIDA COUNTY OF MANATEE:

Before the undersigned authority personally appeared Sandy Riley, who on oath says that she is the Legal Advertising Clerk and the official representative of the Publisher of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida, with the express, limited authority to execute this affidavit for the purpose of establishing proof of publication of the public or legal notice and advertisement in the form attached hereto; that the attached copy of advertisement, being a legal advertisement in the matter of

Notice of Public Hearing- Z 82-49(R)

\_\_\_\_\_ in the \_\_\_\_\_ Court,  
was published in said newspaper in the issues of \_\_\_\_\_  
4/7/86

Affiant further says that the said The Bradenton Herald is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Bradenton, 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 one year next preceding the first publication of the attached copy of advertisement; and the 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.

*Sandy Riley*

Sworn to and subscribed before me this

8th day of April

A.D. 1986

(SEAL) Notary Public Notary Public, State of Florida at Large  
My Commission Expires May 30, 1987

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Board of County Commissioners of Manatee County will conduct a Public Hearing on Thursday, April 24, 1986, at 9:00 A.M. in the Chambers of the Board of County Commissioners in the Manatee County Courthouse at Bradenton, Florida, to consider and act upon the following Matters:

**Z-82-49(R)**—Wilbur H. Boyd and Wilbur H. Boyd II Request to change the present zoning from R-1C (One Family Residential, 2.5 du/acre) to PDR (Planned Residential Development) for 0.20 acre, and PDR to R-1C for 0.42 acre, and the approval of a Revised Conceptual Development Plan for 66 units at density of 5.04 du/acre in an existing PDR, retaining the ST (Special Treatment) Overlay District, Located on the north side of 21st Avenue NW, approximately 500 feet west of 88th St. Ct. NW (13.1 +/- Acres Total).

**Z-85-67**—John C. Ibasfalean and Edwin T. Mulock (Reconsideration) - Request for a rezone from R-1A (One Family Residential) to PR (Professional Office) on the S.E. corner of Manatee Avenue W. and 49th St. W. and the S.W. corner of Manatee Avenue W. and 47th St. W. (Lots 1, 19 and 17 of Golf Club Estates). (0.9 Acre).

**Z-85-139(R)**—M. Dean Cully, R.T. Lawrence, and Gene Keene. Request to change the present zoning from A-1 (Suburban Agriculture, 1 du/acre) to PDR (Planned Residential Development) and approval of a Conceptual Development Plan to allow twenty-eight (28) single family units at a density of 3.38 du/acre. Located on the north side of 77th St. E. (Terra Ceia Rd.), approximately 70 feet west of Bayshore Rd. (8.5 +/- Acres).

**Z-86-34**—Joseph Russo (Reconsideration) Request for a rezone from PR (Professional Office) to C-1 (General Commercial) retaining the WR (Whitfield Residential Overlay) district on the N.E. corner of U.S. 41 and McArthur Avenue. (.77 +/- Ac.)

**Z-86-42**—John A. and Carol J. Peachey Request to change the present zoning from A-1 (Suburban Agriculture, 1 du/acre) to PDR (Planned Residential Development), retaining the WP and WP/ST (Watershed Protection/Special Treatment) Overlay Districts, and the approval of a Conceptual Development Plan for 290 units at a density of 3.9 du/acre. Located approximately 1500 +/- feet south of Whitfield Ave. E. on the east side of Prospect Rd. (73.65 Acres).

**Z-86-46**—Florida Power and Light Co. Request to change the present zoning from A-1 (Suburban Agriculture, 1 du/acre) and R-1A (Single Family Residential, 4.4 du/acre) to M-1 (Light Industrial District). Located at the southwest corner of U.S. 41 and Buckeye Rd. (18 Acres).

**Z-86-48**—Southern States Sales, Inc. Request to change the present zoning from R-1B (One Family Residential, 3.7 du/acre) to R-3A (Multi-Family Residential) and the approval of a Conceptual Site Plan for 12 units at a density of 10.8 du/acre. Located at the northeast corner of 57th Ave. W. and 2nd St. W. (1.11 Acres).

**SP-86-44**—Mary Morgan. Request for a special permit to allow a mobile home in addition to a residence. Located on the east side of Red Rooster Rd., approximately 1000 feet south of U.S. 301, Parrish. Current zoning: A (General Agriculture). (10 +/- Acres).

All interested parties are invited to appear at this Hearing and be heard. Additionally, any written comments filed with the Planning Commission or the Planning and Development Department will be heard and considered by the Board of County Commissioners.

Interested parties may examine the Official Zoning Atlas, the application and related documents and may obtain assistance regarding this matter from the Manatee County Planning and Development Department, 212 - 6th Avenue East, Bradenton, Florida.

According to Florida Statutes, Section 286.0105, 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

According to Florida Statutes, Section 286.0105, 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 made, which includes the testimony and evidence upon which the appeal is to be based.

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

Manatee County Board  
of County Commissioners  
Manatee County Planning & Development Dept.  
Manatee County, Florida

*Reaching*  
*Sunny*

MANATEE COUNTY  
PLANNING & DEVELOPMENT DEPT.

AFFIDAVIT OF POSTING OF PUBLIC NOTICE SIGN, AND  
NOTIFICATION BY MAIL TO CONTIGUOUS PROPERTY OWNERS

STATE OF Florida  
COUNTY OF Manatee

RECEIVED

BEFORE ME, the undersigned authority, personally appeared \_\_\_\_\_  
Robert C. Gause \_\_\_\_\_, who, after having been first duly

sworn and put upon oath, says as follows:

1. That he is the agent for owner (owner, agent for owner,  
attorney in fact for owner, etc.) of the property identified in the application for  
Official Zoning Atlas Amendment No. Z-86-42, to be heard on  
April 24, 1986

\_\_\_\_\_, and as such, is author-  
ized to execute and make this Affidavit and is familiar with the matters set forth  
herein and they are true to the best of his knowledge, information and belief.

2. That the Affiant has caused the required public notice sign be posted  
pursuant to Manatee County Ordinance No. 81-4, on the property identified in  
said application and said sign was conspicuously posted 0 feet from the front  
property line on the 7 day of April, 1986.

3. That the Affiant has caused the mailing of the required letter of notifi-  
cation to contiguous property owners pursuant to Manatee County Ordinance 81-4,  
by 1st Class Mail, on the 7 day of April, 1986,  
and attaches hereto as a part of and incorporated herein, copies of said letters  
of notification.

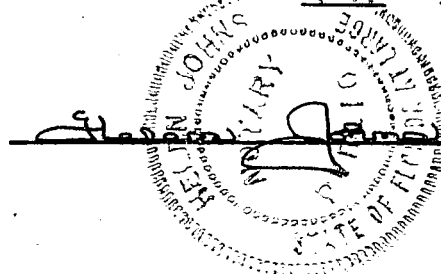
4. That Affiant is aware of and understands that failure to adhere to the  
provisions of Manatee County Ordinance No. 81-4 as it relates to the above matters  
may cause the above-identified application and any public hearing held thereon to  
be ineffective and a nullity.

FURTHER YOUR AFFIANT SAITH NOT.

Robert C. Gause

SWORN TO AND subscribed before me on this 7th day of April, 1986.

My Commission Expires: 8-29-86



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STATE OF FLORIDA

COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 24th day of April, 1986.

SUBJECT: Z-86-42

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE NO. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A1-1 to PDR, AND APPROVAL OF A CONCEPTUAL DEVELOPMENT PLAN; PROVIDING AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 5th day of May, 1986, in Bradenton, Florida.

  
\_\_\_\_\_  
R. B. Shore, Clerk of Circuit Court  
Manatee County, Florida





FLORIDA DEPARTMENT OF STATE  
George Firestone  
Secretary of State

Dorothy W. Joyce  
Deputy Secretary For Elections  
1802-E The Capitol

July 31, 1987

CLERK OF COURT  
MANATEE COUNTY, FLORIDA

Honorable Richard B. "Chips" Shore  
Clerk of the Circuit Court  
Manatee County Courthouse  
Post Office Box 1000  
Bradenton, Florida 33306

Attn: D. E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of July 28, 1987  
and certified copy/ies of Manatee (Zoning)  
County Ordinance(s) 83-49(Z), 86-27(Z), 87-27(Z)  
and 87-27(Z)
2. Receipt of \_\_\_\_\_ County Ordinance(s)  
relative to:  
(a) \_\_\_\_\_  
which we have numbered \_\_\_\_\_  
(b) \_\_\_\_\_  
which we have numbered \_\_\_\_\_
3. We have filed ~~this~~ these ordinances in this office  
on July 31, 1987.
4. The original/duplicate copy/ies showing the filing date  
is/are being returned for your records.

Cordially,

(Mrs.) Liz Cloud, Chief  
Bureau of Administrative Code

LC/  
mb



FLORIDA DEPARTMENT OF STATE

George Firestone

Secretary of State

May 12, 1986

Honorable R. B. "Chips" Shore  
Clerk of Circuit Court  
Manatee County Courthouse  
Post Office Box 1000  
Bradenton, Florida 33506

R.B. SHORE  
CLERK CIRCUIT COURT  
MANATEE CO. FLORIDA

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Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of May 5, & May 8, 1986  
and certified copy/ies of Manatee Zoning Ord.  
County Ordinance(s) #Z-86-42 & Regular Ordinances  
86-2, 86-13, and 86-14
2. Receipt of \_\_\_\_\_ County Ordinance(s)  
relative to:  
(a) \_\_\_\_\_  
which we have numbered \_\_\_\_\_  
(b) \_\_\_\_\_  
which we have numbered \_\_\_\_\_
3. We have filed ~~this~~/these Ordinance(s) in this office  
on May 12, 1986.
4. The original/duplicate copy/ies showing the filing date  
one each  
~~is~~/are being returned for your records.

Cordially,

(Mrs.) Liz Cloud, Chief  
Bureau of Administrative Code

LC/ mb