

MANATEE COUNTY ORDINANCE NO. Z-86-60
LAING & AUVILL

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 R-4B (MOBILE HOME RESIDENTIAL DISTRICT, 7.0 DU/ACRE) TO PR (PROFESSIONAL OFFICE DISTRICT/23.3+ ACRE) AND C (NEIGHBORHOOD COMMERCIAL DISTRICT/9.7+ ACRES). LOCATED ON THE NORTH SIDE OF 53RD AVENUE EAST AND THE EAST SIDE OF 9TH STREET EAST (33+ ACRES TOTAL); PROVIDING AN EFFECTIVE DATE.

SECRETARY OF STATE

SEP 17 12 19 PM '86

FILED

FILED FOR RECORD

SEP 22 PM 1 08 '86

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

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 3 of this Ordinance from R-4B (Mobile Home Residential District, 7.0 du/acre) to PR (Professional Office District/23.3+ Acres) and C (Neighborhood Commercial District/9.7+ Acres). Located on the north side of 53rd Avenue East and the east side of 9th Street East (33+ Acres Total).

B. The said Board of County Commissioners held a Public Hearing on July 16, August 14 and August 28, 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 3 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 3 herein from R-4B (Mobile Home Residential District, 7.0 du/acre) to PR (Professional Office District/23.3+ Acres) and C (Neighborhood Commercial District/9.7+ Acres). Located on the north side of 53rd Avenue East and the east side of 9th Street East (33+ Acres Total) 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.

Section 3. Legal Description:

1. COMMERCIAL DISTRICT

From the N.W. corner of the South 3/4 of the North 1/2 of the S.W. 1/4 of the S.E. 1/4 of Section 12, Township 35 South, Range 17 East, run S 89°47'46" E, along the North line of said South 3/4 of the North 1/2 of the S.W. 1/4 of the S.E. 1/4, a distance of 25.00 feet to the East right of way line of 9th Street East for the point of beginning. Thence continue S 89°47'46", along said north line, a distance of 400.00 feet; thence S 00°09'37" E, a distance of 426.18 feet; thence S 89°50'23" W, a distance of 259.99 feet; thence S 00°09'37" E, a distance of 160.00 feet; thence S 89°50'23" W, a distance of 140.00 feet to the aforesaid East right of way line of 9th Street East; thence N 00°09'37" W, a distance of 588.72 feet to the point of beginning. Lying and being in Section 12, Township 35 South, Range 17 East, Manatee County, Florida.

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

Containing 4.44 acres, more or less.

2. PROFESSIONAL DISTRICT

TROPICAL PARK - ZONING PARCEL 1

That part of the South 3/4 of the north 1/2 of the S.W. 1/4 of the S.E. 1/4 and the North 1/2 of the South 1/2 of the S.W. 1/4 of the S.E. 1/4 of Section 12, Township 35 South, Range 17 East, Manatee County, Florida lying East of the East Right of Way line of 9th Street East and lying West of the Northerly prolongation of the East line of that certain parcel of land as described in Official Records Book 398, page 110 of the Public Records of Manatee County, Florida.

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

TROPICAL PARK - ZONING PARCEL 2

That part of the South 1/2 of the South 1/2 of the S.W. 1/4 of the S.E. 1/4 of Section 12, Township 35 South, Range 17 East, Manatee County, Florida lying North of the North Right of Way line of Oneco Road (State Road 70), lying West of the West line of that certain parcel of land as described in Official Records Book 398, page 110 of the Public Records of Manatee County, Florida and lying East of the East line of that certain parcel of land as described in Official Records Book 177, page 385 of the Public Records of Manatee County, Florida.

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

TROPICAL PARK - ZONING PARCEL 3

That part of the South 1/2 of the South 1/2 of the S.W. 1/4 of the S.E. 1/4 of Section 12, Township 35 South, Range 17 East, Manatee County, Florida lying North of the North Right of Way line of Oneco Road (State Road 70) and lying East of the East line of that certain parcel of land as described in Official Records Book 398, page 110 of the Public Records of Manatee County, Florida.

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

TROPICAL PARK - ZONING PARCEL 4

That part of the South 3/4 of the North 1/2 of the S.W. 1/4 of the S.E. 1/4 and the North 1/2 of the South 1/2 of the S.W. 1/4 of the S.E. 1/4 of Section 12, Township 35 South, Range 17 East, Manatee County, Florida lying East of the Northerly prolongation of the East line of that certain parcel of land as described in Official Records Book 398, page 110 of the Public Records of Manatee County, Florida.

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

AUVILL OUTPARCEL

Com S.W. cor of S.E. 1/4 of Sec 12, run N 0° 08 min 25 sec W alg W ln of S.E. 1/4, a dist of 32.04 ft; S 89° 52 min 20 sec E, 25 ft, N 0° 08 min 25 sec W, 303.29 ft; S 89° 52 min 20 sec E 170.72 ft; S 0° 08 min 25 sec E, 303 ft, M/L to N ln of Oneco Rd; W alg N ln of Oneco Rd, 170.72 ft; N 303 ft, M/L to POB as des ORB 398 P 110 PRMCF P-38-2-S

L E S S:

From the N.W. corner of the South 3/4 of the North 1/2 of the S.W. 1/4 of the S.E. 1/4 of Section 12, Township 35 South, Range 17 East, run S 89°47'46" E, along the North line of said South 3/4 of the North 1/2 of the S.W. 1/4 of the S.E. 1/4, a distance of 25.00 feet to the East right of way line of 9th Street East for the point of beginning. Thence continue S 89°47'46", along said north line, a distance of 400.00 feet; thence S 00°09'37" E, a distance of 426.18 feet; thence S 89°50'23" W, a distance of 259.99 feet; thence S 00°09'37" E, a distance of 160.00 feet; thence S 89°50'23" W, a distance of 140.00 feet to the aforesaid East right of way line of 9th Street East; thence N 00°09'37" W, a distance of 588.72 feet to the point of beginning. Lying and being in Section 12, Township 35 South, Range 17 East, Manatee County, Florida.

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

Containing 28.56 acres more or less.

Section 4. 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 11th of September, 1986.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Westcott H. Hatcher
Chairman

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

BY: R. B. Shore
Clerk of the Circuit Court

STATE OF FLORIDA

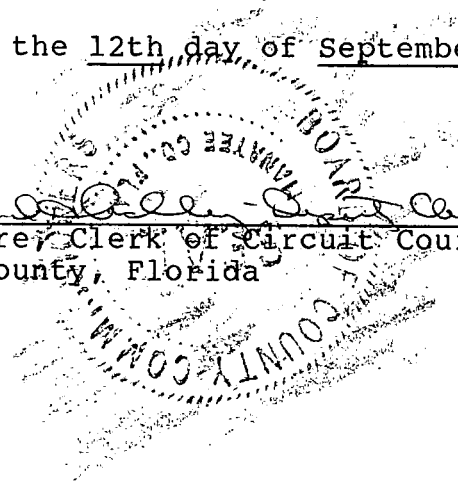
COUNTY OF MANATEE

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 11th day of September, 1986.

SUBJECT: Z-86-60
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 R-4B TO PR AND C; PROVIDING AN
EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 12th day of September,
1986, in Bradenton, Florida.

BY: R. B. Shore
R. B. Shore, Clerk of Circuit Court
Manatee County, Florida

The seal is circular with a double-lined border. The outer ring contains the text "MANATEE COUNTY, FLORIDA" at the top and "1892" at the bottom. The inner circle contains the text "CLERK OF CIRCUIT COURT" at the top and "MANATEE COUNTY, FLORIDA" at the bottom. The seal is stamped over the signature and title of R. B. Shore.



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

Public Hearing- SP 86-63

_____ in the _____ Court,

was published in said newspaper in the issues of _____
7/28/86

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

28th day of July
A.D. 1986
Thomas Fuster

(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, August 14, 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:

SP-86-63--Highway Oil, Inc. Approval of a Special Permit to allow vehicle sales with the following waivers: 1) 75 ft. driveway separation requirement, 2) perimeter landscaping to be placed within the right-of-way, 3) screening requirement along the east side of the property, 4) reduction of required parking, and 5) required loading space. Located at the northeast corner of Hernando Avenue and U.S. 41; Whitfield. Current zoning: C-1 (General Commercial) (0.276 +/- Acres).

SP-86-66--Jeffrey L. Bemer and Joseph S. Bemer, Sr. Approval of a special permit to allow a recovery home for a total of ten (10) persons (including staff). Located on the south side of 26th Ave. E., approximately 730 feet east of 19th St. E. Current zoning: R-1AB (Single Family Residential, 5.3 Du/Acre) (2.19 +/- Acres).

SP-86-68--Ken Burton and Jack Gay. Approval of a Special Permit to allow a mobile home to be used as a residence for a manager of an industrial site, located on the east side of 20th Ave. E., 490 +/- feet south of 17th St. E. (Memphis Rd.). Present Zoning: M-2 (Heavy Industrial) (4.15 +/- Acres).

SP-86-69--General Telephone Company of Florida. Approval of a Special Permit to allow the expansion of an existing telephone switching station (light utility use), located on the west side of Whitfield Ave. Extension approximately 400 feet south of Country Club Way. Present Zoning: R-3B/WP-ST (Multi-Family Residential/Watershed Protection Overlay/Special Treatment Overlay Districts) (0.229 +/- Acres).

Z-86-60--Vernon Laing Construction Company and James H. Auvil. Approval to change the present zoning from R-4B (Mobile Home Residential, 7.0 du/acre) to PR (Professional Office) and C (Neighborhood Commercial), located on the north side of 33rd Ave. E. and on the east side of 9th St. E. (33 +/- Acres).

Z-86-61--Dr. Jack M. Cooper. Approval to change the present zoning from A (General Agriculture, 1 Du/5 Acres) to A-1 (Suburban Agriculture, 1 Du/Acre), located approximately 600 feet north of Upper Manatee River Rd. and 400 feet east of Aqueduct Rd. (13.28 +/- 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 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

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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
Public Hearing- SP 86-55-

_____ in the _____ Court,
was published in said newspaper in the issues of _____
8/22/86

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

22nd day of August

A.D. 1986

Lorise Tucker

(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, Sept. 11, 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:

SP-86-55—Ramco Recycling Systems - (Reconsideration)—(Consideration of an amendment to SP-86-55 for the limited purpose of amending stipulations. NOT a reconsideration of the eligibility for the Special Permit). Approval of a special permit to allow very heavy manufacturing to recycle used concrete, roofing, debris, rocks and other aggregate into useable road building material. Located at the north end of 21st Street East (approximately 6000 Block, west of Sarasota Trucking). Current Zoning: M-2 (Heavy Industrial District) (5 +/- Acres).

Z-86-60—Vernon Laing Construction Company and James H. Auvill. Approval to change the present zoning from R-4B (Mobile Home Residential, 7.0 du/acre) to PR (Professional Office) and C (Neighborhood Commercial), located on the north side of 53rd Avenue East and on the east side of 9th Street East (33 +/- Acres).

SP-86-71—American Legion. Approval of a Special Permit to allow the expansion of an existing private club, located in the 2000 block of the west side of 75th Street West and the east and west sides of Palma Sola Boulevard. Present Zoning: R-1B (Single Family residential) (14.3 +/- Acres).

SP-86-74—Gregg and Dianne Scott. Approval of a Special Permit to allow a mobile home as a residence, located on the west side of a private road approximately one (1) mile west of Bethany Road. Present Zoning: A/WP/ST (General Agriculture/Watershed protection Overlay/Special Treatment Overlay Districts) (10 +/- Acres).

SP-86-78—Schroeder/Manatee, Inc. Approval of a Special Permit, a Major Earthmoving Site Plan and an Operating Permit to allow a major earthmoving (borrow pit), located north of State Road 70 approximately one (1) mile west of Lorraine Road. Present Zoning: A/WP/ST (General Agriculture/Watershed protection Overlay/Special Treatment Overlay Districts) (75.8 +/- Acres).

Z-86-66—Smith, Foy, and Foy. Approval to change the present zoning from A-1 (Suburban Agriculture, 1 du/acre) to PDR (Planned Residential Development), retaining the WP/ST (Watershed Protection/Special Treatment Overlay Districts) and the approval of a Conceptual Development Plan to allow 60 single family lots at a density of 4.3 du/acre. Located east of Lockwood Ridge Road north of Glenbrooke, Phase III and west of Country Oaks, Phase II. (14.0 +/- 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 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

8/22/86

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

AUG 12 1986

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-86-60, to be heard on August 14, 1986, 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 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 28th day of July, 1986.
3. That the Affiant has caused the mailing of the required letter of notification to contiguous property owners pursuant to Manatee County Ordinance 81-4, by 1st Class Mail, on the 28th day of July, 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.

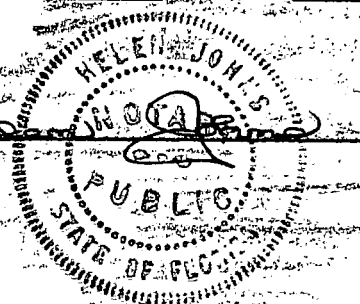
FURTHER YOUR AFFIANT SAITH NOT.

Robert C. Gause

SWORN TO AND subscribed before me on this 12TH day of

August, 1986.

My Commission Expires: 8-29-90



G



FLORIDA DEPARTMENT OF STATE

George Firestone
Secretary of State

September 18, 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

Dear Mr. Shore:

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

1. Receipt of Letter/s of September 12, 1986
and certified copy/ies of Manatee
County Ordinance(s) 86-33 and 86-60-Z (Laing & Auville)
(we show 86-60Z(R) filed on 6/20/86) (a PEB Joint Venture)
2. Receipt of _____ County Ordinance(s)
relative to:
(a) _____
which we have numbered _____
(b) _____
3. We have filed ~~this~~/these Ordinance(s) in this office
on September 17, 1986.
one each
4. The original/duplicate copy/ies showing the filing
date ~~is~~/are being returned for your records.

Cordially,

Liz Cloud

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

LC/mb