

MANATEE COUNTY ZONING ORDINANCE
PDC-02-17(Z)(P) - JUNG LUCK/WAL-MART STORES EAST, INC.

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 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 A-1 (SUBURBAN AGRICULTURE/1 DWELLING UNIT PER ACRE) TO PDC (PLANNED DEVELOPMENT COMMERCIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 226,053 SQUARE FOOT RETAIL USE, AND GRANTING SPECIAL APPROVAL FOR A PROJECT: (1) WITHIN THE ENTRANCEWAY AND (2) EXCEEDING 50,000 SQUARE FEET WITHIN THE R/O/R FUTURE LAND USE CATEGORY

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 Agriculture, 1 dwelling unit per acre) to PDC (Planned Development Commercial).

B. The Board of County Commissioners held a public hearing on March 25, 2003 regarding said 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 Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

Section 2. The Preliminary Site Plan is hereby APPROVED to allow a 226,053 square foot retail use, and GRANTING Special Approval for a project: 1) within the Entranceway; and 2) exceeding 50,000 square feet within the R/O/R Future Land Use Category with the following stipulations and Specific Approval:

STIPULATIONS

1. Prior to Certificate of Occupancy, the applicant shall demonstrate that the wall along the north and east property line will be sufficient to limit noise impacts to the limits established in the Manatee County Noise Ordinance.

FILED FOR RECORD
R. B. SHORE

2003 APR 10 AM 9:43

CLERK
MANATEE COUNTY

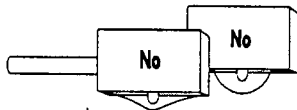
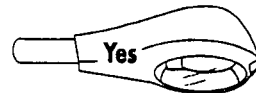
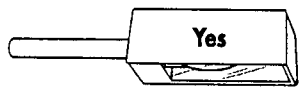
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CLERK
STATE OF FLORIDA

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2. Tractor trailer or semi- trucks involved in deliveries to this site shall be restricted to the hours between 7:00 a.m. and 10:00 p.m. All refrigeration units of delivery trucks shall be shut off during deliveries.

Between 10:00 p.m. and 7:00 a.m. there shall be no:

- a. Delivery, loading, or unloading of tractor trailer or semi-trucks;
 - b. Use of forklifts or other loading or unloading devices; or
 - c. Running of truck or trailer motors, or other refrigeration devices installed thereon.
3. Prior to the Certificate of Occupancy, the design and shielding of on-site lighting shall comply with Sections 709.2.2, 709.2.3 and 709.2.4. In addition, pole and building mounted lights shall be limited to 20 feet in height and directed to the interior of the development using horizontal cutoffs. A photometric plan shall be submitted to the Planning Department along with the Final Site Plan for approval.



4. All roof mounted H.V.A.C. mechanical equipment, loading areas, outdoor storage, and dumpsters shall be screened from view from all sides including SR 64, Interstate 75, and residential properties to the northeast, with a solid parapet wall or other noise deflecting materials, consistent with the exterior finish materials of the main structure.
5. The design of the facility and wall shall be in substantial conformance with the design drawings entered into the record for this case. The proposed on-site wall shall include colored horizontal striping and top and post treatments that mimic the architectural style and colors of the main structure. The wall of the building along Kay Road shall include additional vertical columns or bump-outs similar to those shown on the other sides of the building.
6. The northernmost driveway on Kay Road shall not be permitted. The perimeter wall and landscaping shall be extended across this area.
7. One pole sign is permitted along SR 64. This sign shall provide concealment of main support structure(e.g., pole) between 20% and 100% of sign width with materials, colors and architectural details consistent with the exterior wall of the building. No other pole signs are allowed. A separate sign permit issued by the Building Official is required before construction or placement of any sign, and all signs shall comply with entranceway requirements. A sign plan with details of sizes and types of signs shall be approved with the Final Site Plan.

8. The applicant shall provide a 20' landscape buffer with two offset rows of 2 ½" caliper canopy trees(at least 12' feet in height and 4' spread) placed 25' feet on center and shrubs along Kay Road. Existing vegetation may substitute for the required plantings. However, either choice must provide 80% opacity to a height of six (6) feet within two years from date of first Certificate of Occupancy.
9. Unless otherwise approved by EMD, native or drought tolerant species shall be utilized in the landscaping materials. At least 3 different tree species shall be used with no one species comprising more than 40% of the total number of required trees throughout the project. The Department of Agriculture and Natural Resources shall review the landscape plan to ensure the species are native or drought tolerant and provide for diversity for habitat for wildlife.
10. The Developer shall use the lowest quality of water available for irrigation purposes. Consideration shall be given to meeting the irrigation needs of the Project with the following sources, in order of preference: (1) reuse water, (2) treated stormwater; (3) non-potable quality groundwater. Prior to Final Site Plan approval, the Developer shall identify the irrigation source which will be utilized. Use of Manatee County public potable water supply shall be prohibited for in-ground irrigation systems.
11. Pursuant to the Local Development Agreement (LDA-01-01) The required 120 foot right-of-way for re-aligned Kay Road (60th Street Ct. East) shall be dedicated prior to Final Site Plan approval. Dedication documents for this right-of-way shall also be approved by the Transportation Department prior to Final Site Plan approval. Prior to dedication, the Environmental Management Department shall review the proposed alignment to assure avoidance and minimization of wetland impacts.
12. Prior to Final Site Plan approval applicant shall either construct or secure, through the posting of a performance security, in a form reasonably acceptable to the County, the transportation/traffic improvements required by the Local Development Agreement (LDA-01-01).
13. Outdoor storage or sales shall not be allowed on site unless specifically shown on the Preliminary Site Plan.
14. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the first Certificate of Occupancy issuance or final plat approval, in accordance with Section 715.4 of the LDC.
15. The existing 6" well shall be abandoned in accordance with SWFWMD Rule Chapter 40D-3.531.
16. Prior to development-related land clearing activities, all applicable County approvals must be obtained through the Planning Department. If burning of trees and/or branches is required for land clearing, a burn permit must first be obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans/Construction Plans are approved.

SPECIFIC APPROVAL

1. Specific Approval of an alternative to Section 710.1.5.1.2.1 of the Land Development Code to delete the requirement for cross access aisles for every 20 spaces for diagonal parking.

SPECIAL APPROVAL

1. Special Approval of an alternative to Comprehensive Plan Policy 2.10.2.3 to allow a project exceeding 50,000 square feet within the R/O/R (Residential/Office/Retail) Future Land Use Category.

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 district classification of the property identified in Section 4 herein from A-1 (Suburban Agriculture, 1 dwelling unit per acre) to PDC (Planned Development Commercial), 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 said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

ALL THAT PORTION OF THE "PROPOSED WAL-MART SITE" LYING NORTH AND WEST OF THE EXISTING PD-C ZONING, SAID PORTION ALSO BEING DESCRIBED AS FOLLOWS:
ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST, OF THE TALLAHASSEE BASE MERIDIAN, MANATEE COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AND BOUNDED AS FOLLOW TO WIT":
COMMENCING FOR REFERENCE AT THE SOUTHEAST CORNER OF SAID SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST;
THENCE, BEARING NORTH 00° 08' 54" EAST, ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 958.10 FEET TO A POINT;
THENCE, LEAVING THE EAST LINE OF SAID SECTION 27, BEARING NORTH 89° 51' 06" WEST, A DISTANCE OF 30.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF KAY ROAD (1 60' WIDE PUBLIC RIGHT OF WAY);
THENCE, BEARING NORTH 74° 09' 52" WEST, ALONG THE NORTHERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1435, PAGE 5490, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, A DISTANCE OF 190.25 FEET TO A POINT BEING THE NORTHWEST CORNER OF SAID LANDS;
THENCE, BEARING SOUTH 15° 50' 20" WEST, ALONG THE WESTERLY LINE OF SAID LANDS, A DISTANCE OF 215.15 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 64(BRADENTON-ARCADIA ROAD) RIGHT OF WAY WIDTH VARIES, AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION NO. 13050-2516 DATED 7/25/77, REVISED 9/29/82;
THENCE, BEARING NORTH 74° 10' 42" WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 434.64 FEET TO A POINT;
SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 3982.72 FEET, A CHORD DISTANCE OF 306.60 FEET, BEARING NORTH 76° 23' 03" WEST;

THENCE, NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, AND ALONG SAID NORTHERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 04° 24' 43", A DISTANCE OF 306.68 FEET TO THE POINT OF BEGINNING OF A PARCEL FOR THE PURPOSES OF THIS DESCRIPTION SAID PARCEL REFERRED TO AS PARCEL 1; SAID POINT LYING ON A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 3982.72 FEET, A CHORD DISTANCE OF 81.52 FEET, BEARING NORTH 79° 10' 36" WEST; THENCE, NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, AND ALONG SAID NORTHERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 01° 10' 22", A DISTANCE OF 81.52 FEET TO A POINT OF NON-TANGENCY; THENCE, LEAVING SAID NORTHERLY RIGHT OF WAY LINE, BEARING NORTH 09° 22' 26" EAST, ALONG THE WEST LINE OF SAID "PROPOSED WAL-MART SITE", A DISTANCE OF 443.95 FEET TO A POINT; SAID POINT THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1090.00 FEET, A CHORD DISTANCE OF 48.95 FEET, BEARING NORTH 10° 39' 38" EAST; THENCE NORTHEASTERLY, CONTINUING ALONG THE WEST LINE OF SAID "SITE" AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 02° 34' 24", A DISTANCE OF 48.95 FEET, TO A POINT, SAID POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE, BEARING SOUTH 00° 08' 54" WEST, ALONG THE WEST LINE OF SAID PD-C ZONING A DISTANCE OF 501.43 FEET TO THE POINT OF BEGINNING OF SAID PARCEL 1; THE ABOVE DESCRIBED PARCEL CONTAINS 20.325 SQUARE FEET OR 0.467 ACRES, MORE OR LESS, SUBJECT TO ANY AND ALL EASEMENTS, CONDITIONS, AND RESTRICTIONS AS CONTAINED WITHIN THE CHAIN OF TITLE.

TOGETHER WITH:

COMMENCING FOR REFERENCE AT THE AFOREDESCRIBED POINT "A"

SAID POINT LYING ON A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1090.00 FEET, A CHORD DISTANCE OF 238.22 FEET, BEARING NORTH 18° 13' 15" EAST; THENCE NORTHEASTERLY, ALONG THE WEST LINE OF SAID "SITE" AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 12° 32' 50", A DISTANCE OF 238.70 FEET TO THE POINT OF BEGINNING OF A PARCEL, FOR THE PURPOSES OF THIS DESCRIPTION REFERRED TO AS PARCEL 2;

SAID POINT LYING ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1090.00 FEET, A CHORD DISTANCE OF 510.27 FEET, BEARING NORTH 38° 01' 52" EAST; THENCE NORTHEASTERLY, ALONG THE WESTERLY LINE OF SAID "SITE" AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 27° 04' 24", A DISTANCE OF 515.05 FEET TO A POINT OF TANGENCY;

THENCE, BEARING NORTH 51° 34' 04" EAST, A DISTANCE OF 163.39 FEET TO A POINT; THENCE, BEARING SOUTH 89° 42' 28" EAST, A DISTANCE OF 443.04 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF AFORESAID KAY ROAD;

THENCE, BEARING SOUTH 00° 08' 54" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 751.59 FEET TO A POINT;

THENCE, BEARING NORTH 74° 10' 42" WEST, ALONG THE NORTHERLY LINE OF SAID PD-C ZONING, A DISTANCE OF 918.24 FEET TO THE POINT OF BEGINNING OF SAID PARCEL 2. THE ABOVE DESCRIBED PARCEL CONTAINS 464,357 SQUARE FEET OR 10.660 ACRES, MORE OR LESS, SUBJECT TO ANY AND ALL EASEMENTS, CONDITIONS, AND RESTRICTIONS AS CONTAINED WITHIN THE CHAIN OF TITLE.

Section 5. 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 25th day of March, 2003.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____

Chairman

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

BY: _____



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 1ST day of APRIL, 2003

R.B. SHORE
Clerk of Circuit Court

By: Nancy Harris D.C.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing

MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE

Glenda E. Hood

Secretary of State

DIVISION OF ELECTIONS

HISTORIC PRESERVATION BOARDS

Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board

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APR 10 2003

BOARD RECORDS

April 7, 2003

Honorable R. B. Shore
Clerk of the Circuit Court and Comptroller
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Diane E. Vollmer

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 1, 2003 and certified copy of Manatee County Ordinance No. PDC-02-17(Z)(P), which was filed in this office on April 4, 2003.

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

Sincerely,

Liz Cloud, Chief

Bureau of Administrative Code

LC/mp

Enclosure

BUREAU OF ADMINISTRATIVE CODE

The Collins Building • 107 West Gaines Street • Tallahassee, Florida 32399-0250 • (850) 245-6270
FAX: (850) 245-6282 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us