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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
CLERK OF THE COURT
JUDICIAL CIRCUIT IN AND FOR
MANATEE COUNTY, FLORIDA

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE
PDC-02-35(Z)(P)- LEFMARK BVT BRADENTON/LOWE'S

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 GC (GENERAL COMMERCIAL) AND RSF-6 (RESIDENTIAL SINGLE-FAMILY/6 DWELLING UNITS PER ACRE) TO PDC (PLANNED DEVELOPMENT COMMERCIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW REDEVELOPMENT OF THE EXISTING KMART SHOPPING CENTER, ONE OUTPARCEL FOR COMMUNITY SERVING MOTOR VEHICLE REPAIR, AND ADDITION OF A 135,744 SQUARE FOOT HOME IMPROVEMENT STORE FOR A TOTAL OF 292,493 SQUARE FEET, AND GRANTING SPECIAL APPROVAL FOR A PROJECT IN EXCESS OF 50,000 SQUARE FEET IN AN 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 GC (General Commercial) and RSF-6 (Residential Single Family/6 dwelling units per acre) to PDC (Planned Development Commercial).

B. The Board of County Commissioners held a public hearing on January 28, 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 redevelopment of the existing Kmart Shopping Center, one outparcel for community serving motor vehicle repair, and addition of a 135,744 square foot home improvement store for a total of 292,493 square feet, and GRANTING Special Approval for a project in excess of 50,000 square feet in an R/O/R Future Land Use Category with the following stipulations and Specific Approvals:

THIS IS A CORRECTIVE DOCUMENT

STIPULATIONS

A. Transportation Stipulations:

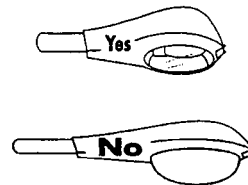
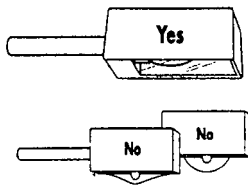
1. At the intersection of 14th St. W., 39th Avenue West, and project driveway:
 - a. Construct northbound and southbound left-turn lanes,
 - b. Extend the queue length of the proposed eastbound left-turn (driveway).
 - c. Signalize the intersection of 14th St. W. at 39th Avenue West when warranted by FDOT.
2. The applicant shall be responsible for closing the median at the intersection of 14th St. W. and 38th Avenue West, this shall be a right-in/right-out intersection only.
3. Public access will be allowed from the northeast driveway intersection with 38th Avenue West, southeasterly to the intersection of the project drive with 14th St. W. and 39th Avenue West. Appropriate signs and striping at the northeast driveway intersection with 38th Avenue West shall be provided.
4. The applicant shall construct a northbound directional left-turn lane at the proposed center driveway on 14th St. W.. Should FDOT warrant the closure of this directional left-turn, the developer will be responsible for the cost and the extension of the northbound left-turn lane at the intersection of 14th St. W. and 39th Avenue West.
5. The applicant shall construct a southbound right-turn lane at the proposed center driveway on 14th St. W., as permissible by FDOT.
6. The applicant shall construct a westbound right-turn lane at the main entrance on Cortez Road.
7. The applicant shall provide the appropriate intersection sight distances and turning radii per AASHTO guidelines (particularly for truck movements), which shall be depicted on the Final Site or Construction Plans.
8. All improvements on State Roadways will require FDOT approval.
9. The applicant shall resurface 38th Ave. W. to County Standards from 18th St. W. to 14th St. W.
10. The applicant shall work with Manatee County and FDOT to facilitate adequate traffic circulation for related project improvements and FDOT's proposed Cortez intersection improvements. Changes to the site plan necessary to accommodate that coordination may be made administratively.
11. The applicant shall be responsible for their proportionate share of the signalization of 18th Street West and Cortez Road if warranted. A warrant study shall be requested within 12 months of the Certificate of Occupancy of the new home improvement store.

B. Design Stipulations:

1. The north facade shall be redesigned to have variable roof lines through varying the height of the cornice or the use of two or more roof types (parapet, dormers, sloped, etc.).
2. Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed concrete block, corrugated metal, or tilt up precast slabs shall not be permitted. Additional design elements shall be incorporated into the north facade, to be determined at the time of Final Site Plan. Should the applicant and staff not concur, the design shall be submitted to the BOCC for review and approval.
3. Prior to Final Site Plan approval, the applicant shall have completed and approved by the Community Services Department, an Affordable Housing Replacement Plan for 9 homes removed to allow for the new construction.
4. The applicant shall negotiate an agreement with the Transit Division to provide a reasonable amount of space on site for a bus stop, details of which shall be shown on the Final Site Plan.
5. All driveways shall be a maximum of 36 ft. in width at their intersection with the lot line and shall be shown as such on the Final Site Plan, unless Specific Approval is granted for a certain driveway.
6. The applicant shall provide a solid fence or wall, a minimum of 6 ft. in height, and a landscaped buffer meeting the standards of Section 715 for the area immediately north of the driveway entrance onto 18th Street West.
7. Concurrency for fire flow, potable water, and drainage shall be addressed with the Final Site Plan submittal.
8. The applicant shall provide signs at the westbound driveway on 18th St. W. that clearly indicate that no truck traffic shall turn right.
9. All HVAC and other building equipment shall be screened on all sides by a parapet wall or other means. Details shall be shown on the Final Site Plan.
10. All new loading zones shall be screened from adjacent property lines by a solid 6 ft. decorative, opaque wall in materials matching those of the main building.
11. The applicant shall recalculate the open space figures with submittal of the Final Site Plan to omit the pedestrian way and sidewalk figures from the total. The minimum landscaped open space total required is 17%.
12. The applicant shall provide a detailed sign plan with submittal of the Final Site Plan. This plan shall show sizes, heights, and setbacks of all existing and proposed freestanding and wall signs. The outparcel shall be limited to one ground sign, a maximum of 8 ft. in height. One freestanding sign for the shopping center shall be allowed on each road frontage.

These signs shall be limited to 125 sq.ft. each in size. All existing signs to be removed shall be removed prior to issuance of a C.O. for the first building.

13. Orientation of the motor vehicle repair facility on the outparcel shall be east-west. Any unrepaired vehicles on the site for more than seven days shall be placed within a screened outdoor storage area. This area shall be screened with a solid, decorative opaque 6 ft. fence or wall.
14. Site lighting shall be as follows:
 - a. Prior to Final Site Plan approval, the applicant shall provide a lighting plan that shows the shielding of on-site night lighting and security lighting shall be designed to ensure no off-site glare or spill over lighting is directed along the northern property line. Spill over lighting along the northern property line, shall be limited to a maximum of 3 lux (0.3 foot candles). In addition, pole and building mounted lights on the north and west sides of the home improvement store shall be limited to 20' in height within the site and directed to the interior of the development using full cut-offs or a well shield types of luminary. Pole and building mounted lights on the south side of the home improvement store may be 35' in height.



- b. Light fixtures on buildings may be used at entrances to a building to light unsafe areas. Light Fixtures shall not draw attention to the building and be fully shielded to direct the light downward.
 - c. Glass tubes filled with neon and flood lights shall not be permitted on site.
 - d. Lighting used after close of business shall be the minimum necessary to serve as security lighting.
 - e. A signed and sealed Photometric Plan by a registered engineer shall be submitted to the Planning Department along with the Final Site Plan for approval and shall reflect a schedule of project fixtures, a point to point calculated level of illumination with the photometric curve of each luminary, the configuration or assemblies used for each pole, and mounting height of each fixture as required above. The plan shall also include calculated rates of illumination to ensure uniform illumination within the site. The overall average illuminance divided by the minimum illuminance shall be less than or equal to 3 and the overall maximum illuminance divided by the minimum illuminance shall range between 4 and 8.
15. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the first Certificate of Occupancy, in accordance with the Code.

16. A Stormwater Management Plan for the proposed outparcel is required in accordance with Section 717 of the LDC, and shall be addressed during Final Site Plan review of the outparcel. A Stormwater Management Plan shall be provided on the Final Site Plan for the proposed outparcel in accordance with Section 717 of the LDC. For the purposes of calculating stormwater treatment/attenuation, the entire outparcel shall be considered as existing pervious surface.
17. A Stormwater Management Plan shall be provided on the Final Site Plan for all new impervious surfaces, in accordance with Section 717 of the LDC. The remaining impervious portions of the site shall be retrofitted for stormwater treatment/attenuation, to the greatest extent possible. Areas with the highest potential for generating pollutants (e.g. garden centers, automotive centers, etc.), shall be given priority for retrofit.
18. A Well Management Plan for the proper rehabilitation/abandonment of existing wells shall be submitted to the EMD for review and approval concurrently with the Final Site Plan.
19. Along the north property line, west of the connection to 38th Avenue West, the applicant shall provide a solid fence or wall, a minimum of 6 ft. in height, and a landscaped buffer a minimum of 20 ft. in width with at least 3 rows of interspersed canopy and understory trees. Each tree shall be placed 25 ft. on center and offset from adjoining rows. The canopy trees shall be a minimum of 12 ft. tall, 2 ½" caliper with a 4 ft. spread at planting. All landscaping shall be placed on the exterior of the wall.
20. At least three different species of canopy trees shall be utilized throughout the site and approved with the final landscape plan.
21. The roadway buffer on 14th St. W. shall be designed to be substantially consistent with the landscape and hardscape design entered into the record at this hearing. The applicant shall submit landscape plans with the Final Site Plan that addresses those criteria. Any sidewalks which are required to be installed for the first time or which are required to be substantially relocated shall be of the brick paver design and shall be the full responsibility of the applicant. In circumstances where there is an existing sidewalk the County may require replacement of that sidewalk and installation of the preferred design if the County provides funding for same.

SPECIFIC APPROVALS:

1. Specific Approval for an alternative to Section 710.1.6 of the Land Development Code to allow a reduction in the required number of parking spaces from 1,366 to 1,150.
2. Specific Approval for an alternative to Section 711.4.2 of the Land Development Code to allow a 42 ft. wide driveway on 14th St. W
3. Specific Approval for an alternative to Section 603.11.4.2 of the Land Development Code to allow a reduction in the required open space area from 20% to 17%.

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 GC (General Commercial) and RSF-6 (Residential Single Family/6 dwelling units 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.

A parcel of land lying in Section 2, Township 35 South, Range 17 East, Manatee County, Florida and described as follows:

Commence at the southeast corner of the Southwest 1/4 of the Southwest 1/4 of said Section 2; thence N.89°28'50"W. along the south line of said Section 2, a distance of 521.62 feet; thence N°00.31'10"E., a distance of 50.08 feet to the POINT OF BEGINNING, said point being on the north right-of-way line of Cortez Road (State Road 684); the following 5 calls are along said north right-of-way line; thence N.89°18'45"W., a distance of 368.47 feet; thence N.00°41'15"E., a distance of 20.00 feet; thence N 89°18'45"W., a distance of 18.00 feet; thence S°00.41'15"W., a distance of 20.00 feet; thence N.89°18'45"W., a distance of 162.87 feet to the southeast corner of the Replat of Sharon Park as recorded in Plat Book 8, Page 45 of the Public Records of Manatee County, Florida; thence N.00°28'20"E. along the east line of said Replat of Sharon Park, a distance of 1008.91 feet to the northeast corner of the aforementioned Replat of Sharon Park; thence S.89°54'48"W. along the north line of said Replat of Sharon Park, a distance of 106.56 feet; thence N.16°16'18"W., a distance of 104.58 feet to a point on the south line of John Gaglianese Subdivision as recorded in Plat Book 8, Page 49 of the aforementioned Public Records; thence S.89°54'18"E. along said south line, a distance of 125.46 feet to the southwest corner of lot 16 of the aforementioned John Gaglianese Subdivision; thence N.00°05'32"W. along the west line of said Lot 16, a distance of 164.02 feet to the north line of said John Gaglianese Subdivision; thence N.89°57'25"E, along said north line, a distance of 750.06 feet to the northeast corner of Lot 2 of said John Gaglianese Subdivision; thence S.00°05'32"E., along the east line of said Lot 2, a distance of 5.00 feet; thence S.89°54'18"E., along a line 5 feet southerly of and parallel with the aforementioned north line of John Gaglianese Subdivision, a distance of 235.45 feet to the west right-of-way line of Tamiami Trail (U.S. Highway 41); (the following 10 calls are along said west right-of-way line); thence S.00°12'37"W., a distance of 10.50 feet; thence S.89°47'23"E., a distance of 25.00 feet to the point of curvature of a curve to the right, having a radius of 17.25 feet and a central angle of 90°11'40"; thence southeasterly, along the arc of said curve, a distance of 24.44 feet to the point of tangency of said curve; thence S.00°24'18"W., a distance of 351.47; thence N.89°53'43"W., a distance of 33.00 feet; thence S.00°24'18"W., a distance of 86.39 feet; thence S.00°30'33"W" a distance of 474.23 feet; thence S.89°29'43"E., a distance of 24.04 feet; thence S.00°30'18"W., a distance of 7.71 feet; thence S.04°25'39"W" a distance of 58.53 feet; thence N.89°20'48"W., a distance of 252.93 feet; thence S.00°29'11"W., a distance of 24.87 feet; thence N.89°24'28"W., a distance of 25.10 feet; thence S.00°25'40"W., a distance of 227.01 feet to the aforementioned north right-of-way line of Cortez Road (State Road 684); thence N.89° 18' 42"W. along said north right-of-way line, a distance of 75.00 feet; thence N.00°29'46"E., a distance of 226.89 feet; thence N.89°20'30"W., a distance of 99.90 feet; thence S.00.31'50"W., a distance of 248.83 feet to the POINT OF BEGINNING. Said parcel contains 1,186,014 square feet or 27.2271 acres, more or less.

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 28th day of January, 2003, and as amended on the 11th day of February, 2003.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____

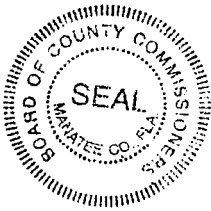
Chairman

ATTEST:

R. B. SHORE

Clerk of the Circuit Court

6-1 Susan Shore *de*



THIS IS A CORRECTIVE DOCUMENT



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 11th day of

FEBRUARY, 2003

R.B. SHORE
Clerk of Circuit Court

By: Lancy Davis D.C.

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Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
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FLORIDA DEPARTMENT OF STATE
Ken Detzner
Secretary of State
DIVISION OF ELECTIONS

MEMBER OF THE FLORIDA CABINET

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Trustees of the Internal Improvement Trust Fund
Administration Commission
Florida Land and Water Adjudicatory Commission
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Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans' Affairs

February 20, 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 letters dated February 12, 2003 and certified copies of Manatee County Ordinance Nos. PDC-02-35(Z)(P), 03-26, 03-27 and 03-29, which were filed in this office on February 19, 2003.

As requested, the original date stamped copies are being returned for your records.

Sincerely,

Liz Cloud ak

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