

MANATEE COUNTY ZONING ORDINANCE NO. 2006 AUG 21 PM 2: 37
PDC-03-61(P)(R) - NAP CHIN ROAD, LLC/CHIN SHOPPING CENTER

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING AND RESTATING THE APPROVAL OF PRELIMINARY SITE PLAN NO. PDC-03-61(P) PERTAINING TO THE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF U.S. 301 NORTH AND CHIN ROAD IN THE PDC (PLANNED DEVELOPMENT COMMERCIAL) ZONING DISTRICT; APPROVING REVISED PRELIMINARY SITE PLAN NO. PDC-03-61(P)(R) TO BE SUBSTITUTED FOR THE PRELIMINARY SITE PLAN APPROVED ON DECEMBER 7, 2004 TO CREATE AN ADDITIONAL OUTPARCEL AND REVISE STIPULATIONS FOR THE PROJECT AS CONDITIONS OF APPROVAL; GRANT SPECIAL APPROVAL FOR A PROJECT THAT WAS PREVIOUSLY GRANTED SPECIAL APPROVAL FOR A COMMERCIAL USE IN EXCESS OF 30,000 SQUARE FEET IN A UF-3 FUTURE LAND USE CATEGORY; ADOPTING THE FINDINGS FOR SPECIFIC APPROVAL; AND GRANTING SPECIFIC APPROVAL FOR ALTERNATIVES TO SECTIONS 604.10.3.4 AND 604.10.3.6.a OF THE LAND DEVELOPMENT CODE; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, NAP Chin Road, LLC (the "Applicant") has filed an application to revise a Preliminary Site Plan previously approved on December 7, 2004 (the "2004 Preliminary Site Plan") pertaining to property located at the southwest corner of U.S. 301 North and Chin Road in the PDC (Planned Development Commercial) zoning district, said property being more specifically described in Exhibit "A", attached hereto; and

WHEREAS, the Applicant has also filed a request for Special Approval for a commercial use in excess of 30,000 square feet in a UF-3 Future Land Use Category, and

WHEREAS, the Applicant has also filed a request for Specific Approval for alternatives to Sections 604.10.3.4 and 604.10.3.6.a of the Land Development Code, and

WHEREAS, the Planning Staff has recommended the amendment of the stipulations contained in the "2004" Preliminary Site Plan approval, and the additional outparcel; and

WHEREAS, the Board of County Commissioners of Manatee County held a public hearing on August 3, 2006, after due notice, received and considered the recommendations of the Planning staff, and

WHEREAS, in accordance with Comprehensive Plan Policy 2.10.2.3, the Board of County Commissioners of Manatee County finds that the project is in compliance with Objective 2.6.1 and with other locational criteria and development standards contained under Objective 2.10.4.

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

Section 1. Findings: The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation of the Planning staff, as well as all other matter presented to the 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 staff concerning the application for a revised Zoning Ordinance and revised Preliminary Site Plan to create an additional outparcel and revise stipulations for this project.

B. Notwithstanding the failure of the plan to meet the requirements of LDC Section 604.10.3.4, the Board finds that the public purpose and intent of the LDC regulations has been satisfied to an equal degree because the plantings and opacity meet or exceed those required by the North Central Overlay District.

C. Notwithstanding the failure of the plan to meet the requirements of LDC Section 604.10.3.6.a, the Board finds that the public purpose and intent of the LDC regulations has been satisfied to an equal degree because the plantings and buffer width meet or exceed those required by the North Central Overlay District.

Section 2. Amendment of "2004 Preliminary Site Plan" Approval:

- (a) The "2004 Preliminary Site Plan" Approval is hereby amended to substitute Preliminary Site Plan No. PDC-03-61(P)(R) for the previously approved preliminary site plan so as to create an outparcel and revise stipulations upon the property described in Exhibit "A", subject to the stipulations contained herein.
- (b) The Board hereby GRANTS Special Approval for a commercial use in excess of 30,000 square feet in a UF-3 Future Land use Category and Specific Approval for alternatives to Sections 604.10.3.4 and 604.10.2.6.a of the Land Development Code.
- (c) The "2004 Preliminary Site Plan" Approval is hereby amended to delete in their entirety Stipulations 1 - 27 and to substitute the following Stipulations 1 - 27 to read as follows:

STIPULATIONS:

- 1. All sides of the buildings shall have minimal blank wall space. In order to ensure that structures do not project a massive blank wall, design elements including prominently visible architectural details [e.g., bumpouts, reveals, and projecting ribs, cornices, offset building planes, windows, shutters, or areas of contrasting or different finishing building materials, etc.] shall be integrated into the overall design of the buildings. Blank walls shall be no longer than 20 feet in length in any direction on planes 0 to 85' in length and no longer than 40' in any direction on planes greater than 85' in length. Elevations shall be provided prior to Final Site Plan approval. 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

shall not be permitted. All exterior facades (including the outparcel) shall be considered primary facades and shall employ architectural, site, and landscape design elements which are integrated with and common to those used on the primary structure in the development.

2. The north facade of the shopping center shall have variable roof lines through varying the height of the cornice, or the use of two or more roof types (parapet, dormers, sloped, etc.).
3. Any drive-through windows shall incorporate coverings for service windows that are structurally and architecturally integrated into the design of the buildings.
4. The maximum building height for the main anchor structure shall be 35'. The maximum building height for the balance of the shopping center or any other separate structures shall be 25'. Architectural features will be reviewed with the final site plan, but will be limited to a height of 35'.
5. All roof mounted H.V.A.C. mechanical equipment, loading areas, outdoor storage, and dumpsters shall be screened from view with a solid parapet wall or other noise deflecting materials, consistent with the exterior finish materials of the buildings.
6. The truck well and loading dock for the shopping center shall be completely screened with building materials matching the principal building on the site.
7. The dumpster(s) shall be screened with building materials matching the principal building on site. Additionally, the dumpster(s) shall be a minimum of 10 feet from the building or protected by a fire sprinkler. This shall be approved by the Planning Department with the Final Site Plan.
8. All deliveries and truck loading and unloading on the south side of the main building shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. and there shall be no commercial vehicle parking between the rear of the shopping center and the south property line between 10:00 p.m. and 7:00 a.m.
9. An 8' wide multi-purpose path shall be installed along the frontage on US 301 N instead of the 5' wide sidewalk shown on the site plan.
10. Additional sidewalks, extending from the property line along the west side of Chin Road, north to the intersection of Chin Road and U.S. 301 N. and along the north property line, from the eastern boundary of this site to the intersection of U.S. 301 North and Chin Road, shall be installed by the Developer, provided adequate right-of-way is available to do so.
11. Interior paved pedestrian walkways meeting the requirements of LDC Section 710.1.5.3.1 shall be provided between the outparcel and the main shopping center, and within the main parking area of the shopping center. Any reduction in parking resulting from including these walkways may require a reduction in maximum building square footage permitted on site.
12. The design of the shopping center will provide for minimum 8' wide sidewalks adjacent to storefronts to provide potential outdoor gathering space. This walkway shall be shown on the final site plan.

13. All parking located south of the building line of the shopping center shall be limited to employee parking only and appropriately marked with signs. If the number of spaces so designated is determined to be excessive (to be reviewed with the Final Site Plan), the maximum building square footage permitted on site must be reduced accordingly.
14. Minimum building setbacks for the outparcels will be: front – 30', side - 15', rear - 20'.
15. Setbacks for the main shopping center building shall meet the minimums shown on the preliminary site plan, which include: 30' front, 70' side (to the rear/south of the building) and 145' side (to the west of the building).
16. Prior to the issuance of the first Certificate of Occupancy for this project, the developer shall install the landscape buffer along the entire south and west property line, including the berm and 6' high wall, as depicted on the revised Preliminary Site Plan, with two offset rows of canopy trees and understory trees planted 30' O.C. with 66 shrubs per 100 l.f. The developer shall be responsible for the continued maintenance for the entire buffer, including that portion which is located on the adjacent lands.
17. A minimum of 60% of the foundation landscaping shall be located along foundations visible from U.S. 301 N. This shall be approved by the Planning Department with the Final Site Plan.
18. The roadway buffer adjacent to U.S. 301 N. shall be 30 feet in width (50' wide for Lot 2) and planted to achieve 85% opacity at a height of ten (10) feet within three years of planting. This buffer shall be planted with a minimum of two rows of canopy trees offset 30' on center, two rows of understory trees offset 30' on center, and 2 rows of evergreen shrubs offset 4' on center. Occasional voids or view windows in the roadway buffer are permitted at a rate of one 50' view window for every 100 feet of frontage, or fraction thereof. A driveway shall be considered a view window. Landscaping within the view window shall include two rows of shrubs meeting the planting requirements in the Land Development Code which are maintained at a height between three (3) and four (4) feet. This shall be approved with the Final Site Plan by the Planning Department. Any landscape material proposed within wetland buffers shall be comprised of native species.
19. The roadway buffer adjacent to Chin Road shall be 30 feet in width and planted to achieve 85% opacity at a height of ten (10) feet within three years of planting. This buffer shall be planted with a minimum of two rows of canopy trees offset 30' on center, two rows of understory trees offset 30' on center, and 2 rows of evergreen shrubs offset 4' on center. Occasional voids or view windows in the roadway buffer are permitted at a rate of one 50' view window for every 100 feet of frontage, or fraction thereof. A driveway shall be considered a view window. Landscaping within the view window shall include two rows of shrubs meeting the planting requirements in the Land Development Code which are maintained at a height between three (3) and four (4) feet. This shall be approved with the Final Site Plan by the Planning Department.
20. An annual report demonstrating that required buffer plantings are growing at a sufficient rate to achieve the required height and opacity requirement shall be prepared by a professional qualified for this purpose and submitted to the Planning Department. If the annual report indicates that the required plantings will not achieve the required height and opacity requirements, supplementary plantings shall be added as approved by the Planning Department. Additionally, survival of required plantings shall be guaranteed

through private performance security agreement which will be released upon certification by a professional qualified for this purpose and approval by the Planning Department that required height and opacity standards have been achieved.

21. This project shall be limited to one pole sign along U.S. 301 N. and one monument sign for each outparcel. There shall be no freestanding signs along Chin Road. The pole sign must provide concealment of the main support structure (e.g., pole) between 30% and 100% of the sign width with materials consistent with those in the development.
22. This project shall be limited to the following uses:
 - a. Neighborhood General Retail Sales
 - b. Neighborhood Convenience Retail Sales
 - c. Eating Establishment
 - d. Drive-thru Eating Establishment
 - e. Bank/Drive-thru Bank
 - f. Business Services
 - g. Professional Offices
 - h. Clinic
 - i. Veterinary Clinic
 - j. Pick-up Dry Cleaners
 - k. Personal Service Establishment
23. Site lighting shall be limited as follows:
 - a. Prior to Final Site Plan approval, the design and shielding of on-site night and security lighting shall be designed to ensure no off-site glare or spill over lighting is directed along the southern property line. Spill over lighting along the southern property line, shall be limited to a maximum of 3 lux (0.3 foot candles). In addition, pole and building mounted lights shall be limited to 20' in height and directed to the interior of the development using full cut-offs or a well shield type of luminary.
 - 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 floodlights shall not be permitted.
 - d. Lighting used after close of business shall be the minimum necessary to serve as security lighting.
 - e. Where federal, state, and local regulatory requirements dictate different standards for uses such as for financial institutions, the requirements of those agencies shall be considered to supercede this condition only to the extent necessary to meet such requirements as long as the resulting lighting is not directed at adjacent residential properties without shielding.

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.

24. This project shall construct driveway connections to the property line and provide two cross access easements to the corner parcel to the east, along both shared property lines, as shown on the site plan.
25. This developer will be required to tie in to the existing 6" sewer force main on Chin Road.
26. The developer shall provide an easement to Manatee County to accept stormwater for the U.S. 301 expansion along with a right of access to modify the stormwater system to create additional treatment and attenuation capacity at the expense of the County, in conformance with the approved site plan.
27. The developer shall work with the County to facilitate the ultimate improvement of the intersection. This may require the County to participate in oversizing the intersection to meet the anticipated buildout of the intersection. The share of the improvements for the project may be reallocated to the ultimate improvements. At a minimum, the flashing signal shall be installed prior to Certificate of Occupancy, if permitted by FDOT.
28. To the extent permissible county staff is directed to utilize funds from required improvements to facilitate an overall plan for U. S. 301 improvements.

Section 3. Severability. If any section, sentence, clause or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of the Ordinance.

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 3rd day of August, 2006.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

BY: 
Chairman

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


Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION

DESCRIPTION: PROPOSED COMMERCIAL PARCEL
THAT PART OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 31,
TOWNSHIP 33 SOUTH, RANGE 19 EAST, AND THE NORTHWEST ¼ OF THE NORTHWEST
¼ OF SECTION 6, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY,
FLORIDA, LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY
301, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST ¼ OF THE
NORTHWEST ¼ OF SAID SECTION 6, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE
COUNTY, FLORIDA; THENCE S00°02'28"W, ALONG THE WEST LINE OF SAID
NORTHWEST ¼ OF THE NORTHWEST ¼, A DISTANCE OF 420.21 FEET TO A POINT ON
THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301 AS SHOWN ON THE
FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION NO.
1301-(104)-202; THENCE N60°07'00"E, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A
DISTANCE OF 298.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE
N60°07'00"E, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 893.79
FEET TO THE MOST WESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND AS
DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 225, PAGE 702, OF THE
PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S29°55'48"E, ALONG THE
WEST LINE OF SAID PARCEL AS MONUMENTED, A DISTANCE OF 175.53 FEET TO THE
SOUTHWEST CORNER THEREOF; THENCE N89°28'23"E, ALONG THE SOUTH LINE OF
SAID PARCEL, A DISTANCE OF 175.44 FEET TO THE SOUTHEAST CORNER THEREOF,
ALSO BEING A POINT ON THE MONUMENTED WEST RIGHT-OF-WAY LINE OF CHIN
ROAD; THENCE S00°27'08"E, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF
435.00 FEET; THENCE S89°32'52"W, 38.67 FEET; THENCE S60°07'00"W, 487.42 FEET TO
THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTH, HAVING A
RADIUS OF 100.00 FEET; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE,
THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 157.08 FEET (CHORD =
141.42 FEET; CHORD BEARING = N74°53'00"W) TO THE POINT OF TANGENCY OF SAID
CURVE; THENCE N29°53'00"W, 50.00 FEET; THENCE S60°07'00"W, 20.00 FEET; THENCE
N29°53'00"W, 80.00 FEET; THENCE N89°53'00"W, 132.79 FEET; THENCE S60°07'00"W,
77.00 FEET; THENCE N29°53'00" W, 325.00 FEET TO THE POINT OF BEGINNING.



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 14th day of
August, 2006
R.B. SHORE
Clerk of Circuit Court
By: [Signature] D.C.



FILED FOR RECORD
R. B. SHORE

2006 AUG 21 PM 2: 36

FLORIDA DEPARTMENT OF STATE

Sue M. Cobb

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

August 17, 2006

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 14, 2006 and certified copies of Manatee County Ordinance Nos. 06-54, PDR04-14(P), PDMU/PDR-05-63(P), PDPI-05-120(P), Z-05-21, Z-05-20, PDMU-05-43(Z)(P), PDC-05-32(P), PDO-03-50(G)(R), PDR-05-69(Z)(P), and PDC-03-61(P)(R), which were filed in this office on August 17, 2006.

As requested, one set of the date stamped copies are being returned for your records.

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/bpn

Enclosures

☐ STATE LIBRARY OF FLORIDA

R.A. Gray Building • Tallahassee, Florida 32399-0250 • (850) 245-6600

FAX: (850) 488-2746 • TDD: (850) 922-4085 • <http://www.dos.state.fl.us>

<input type="checkbox"/> LEGISLATIVE LIBRARY SERVICE	<input type="checkbox"/> RECORDS MANAGEMENT SERVICES	<input type="checkbox"/> FLORIDA STATE ARCHIVES
(850) 488-2812 • FAX: (850) 488-9879	(850) 487-2180 • FAX: (850) 413-7224	(850) 245-6700 • FAX: (850) 488-4894
<input type="checkbox"/> ADMINISTRATIVE CODE AND WEEKLY		
(850) 245-6270 • FAX: (850) 245-6282		