

FILED FOR RECORD  
R. B. SHORE

2010 NOV -5 PM 4:10

CLERK OF DISTRICT COURT  
MANATEE COUNTY  
FLORIDA

MANATEE COUNTY ORDINANCE

PDC-04-43(Z)(G)(R) – SMR NORTH 70, LLC/NAP LAKEWOOD WALK, LLC

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT APPROVING AN AMENDED ZONING ORDINANCE REVISING ALLOWABLE USES FOR LOTS 2 AND 8 FOR THE LAKEWOOD WALK SHOPPING CENTER COMMERCIAL SUBDIVISION, LOCATED AT THE NORTHWEST QUADRANT OF STATE ROAD 70 AND LAKEWOOD RANCH BOULEVARD IN THE PDC/WP-E/ST (PLANNED DEVELOPMENT COMMERCIAL/WATERSHED PROTECTION-EVERS/SPECIAL TREATMENT OVERLAY) ZONING DISTRICT; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

2010 NOV -1 AM 10:53

FILED

**WHEREAS**, SMR North 70, LLC and North American Properties, SE, Inc. received approval of a Rezone and General Development Plan for the project known as "Shopping Center at State Road 70", PDC-04-43(Z)(G) and later developed as "Lakewood Walk" on November 3, 2005;

**WHEREAS**, SMR North 70, LLC and NAP Lakewood Walk, LLC (the "Applicant") have filed an application to modify a stipulation related to the allowable land uses on lots 2 and 8 of the Lakewood Walk Subdivision in the PDC/WP-E/ST (Planned Development Commercial/Watershed Protection - Evers/Special Treatment Overlay Districts) zoning district;

**WHEREAS**, the revised Zoning Ordinance is applicable to the 16.54 ± acres described in Exhibit "A", attached hereto, (the "Property") and,

**WHEREAS**, the Planning Staff has recommended approval of the revised Zoning Ordinance, subject to the stipulations contained in the Planning Staff report; and,

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on October 14, 2010 to consider the revised Zoning Ordinance received the Planning Staff's recommendations and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and,

**WHEREAS**, the Manatee County Planning Commission, as the County's Local Planning Agency, found the applicant's request for a revised Zoning Ordinance consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval of the revised Zoning Ordinance, subject to the stipulations contained in the Planning Staff report

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

**Section 1. FINDINGS OF FACT.** 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, the applicant's request for a revised Zoning Ordinance, the recommendation

and findings of the Planning Commission, as well as all other matters 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 Commission concerning the application for a revised Zoning Ordinance as it relates to the real property for Lots 2 and 8 described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners held a duly noticed public hearing on October 26, 2010 regarding said proposed revised Zoning Ordinance 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 revised Zoning Ordinance regarding the property for Lots 2 and 8 described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.

**Section 2. REVISED PRELIMINARY SITE PLAN** The revised Zoning Ordinance is hereby approved with the following Stipulations:

**STIPULATIONS:**

1. The project is restricted to the following land uses:

A. Lots : 1, 3, 4, 5 and 6 Banks, Banks with drive-through, Business Services, Office, Professional Office, Health Clinic, Incidental Car-Wash, Personal Service Establishment, General and Convenience Retail Sales, Eating Establishment, Drive-Thru Eating Establishment. Gas pumps shall be permitted on Lots 1, 3, 4 and 5 only.

B Lot 7: Offices and Professional Offices.

C. Lot 2: Banks, Banks with drive-through, Business Services, Office, Professional Office, Health Clinic, Incidental Car-Wash, Personal Service Establishment, General and Convenience Retail Sales, Eating Establishment, Drive-Thru Eating Establishment, Building Materials Establishment, Clinic, Dry Cleaner Pick -Up, Food Catering Service, Gas Pumps, Medical and Dental Laboratory, Motor Vehicle Repair, Neighborhood Serving, Motor Vehicle Repair, Community Serving, Printing- Medium, Printing-Small, Rental Service Establishment, Repair Service Establishment, Service Station, Veterinary Clinic.

D. Lot 8: Banks, Banks with drive-through, Business Services, Office, Professional Office, Health Clinic, Incidental Car-Wash, Personal Service Establishment, General and Convenience Retail Sales, Eating Establishment, Drive-Thru Eating Establishment, Building Materials Establishment, Clinic, Dry Cleaner Pick -Up, Food Catering Service, Medical and Dental Laboratory, Printing- Medium, Printing-Small, Rental Service Establishment, Veterinary Clinic.

2. The Final Site Plan shall be evaluated by the Planning Department for appropriate locations for the outdoor sales of seasonal items, such as Christmas trees. Outdoor storage, sales, and display are prohibited in the parking lot and any area not specifically designated on the Final Site Plan for such.
3. The project is subject to the following setbacks, which shall be measured from the property line and may include areas indicated on the site plan as buffers:

Lot 1:

Front (Adjacent to Lakewood Ranch Boulevard): 64'  
Side (north property line): 20'  
Side (south property line): 10'  
Rear: 10'

Lot 2:

Front (Adjacent to Lakewood Ranch Boulevard): 64'  
Side (north property line): 10'  
Side (south property line): 20'  
Rear: 10'

Lot 3:

Front (Adjacent to Lakewood Ranch Boulevard): 64'  
Side (north property line): 20'  
Side (south property line): 10'  
Rear: 10'

Lot 4:

Front (Adjacent to SR 70): 35'  
Side (west property line): 20'  
Side (east property line): 10'  
Rear: 10'

Lot 5:

Front (Adjacent to SR 70): 35'  
Side (west property line): 15'  
Side (east property line): 20'  
Rear: 10'

Lot 6:

Front (Adjacent to SR 70): 35'  
Side (west property line): 10'

Side (east property line): 15'

Rear: 10'

Lot 7:

Front (Adjacent to the private street including the entire western boundary): 25'

Side (north and east lot lines): 15'

Side (from the internal drive-aisle along south boundary): 25'

4. Access to SR 70 must be approved by FDOT. At time of Final Plat approval, a non-ingress/egress easement shall be recorded along the frontage of the lots along SR 70 and Lakewood Ranch Boulevard, except for approved access points. Lots #4-#6 shall take access from the internal travelways and shall not be allowed access to SR 70.
5. The roadway buffer along SR 70 shall be a minimum of 35' wide and planted with two rows of understory trees (at least two different species) spaced 20 feet on-center. The two rows shall be staggered or clustered to provide a more aesthetic appearance. This shall be approved by the Planning Department with the Final Site Plan. All roadway buffer landscaping shall be installed prior to issuance of the first Certificate of Occupancy.
6. The western 20' of the roadway buffer along Lakewood Ranch Boulevard shall be planted with two staggered rows of trees containing (3) canopy trees (10'-12' in height, 2 1/2"- 3" caliper) and 33 shrubs per 100 linear feet. This shall be approved by the Planning Department with the Final Site Plan. All roadway buffer landscaping shall be installed prior to issuance of the first Certificate of Occupancy.
7. There shall be a 20' wide landscape buffer along the western boundary of Lot #7, planted with two staggered rows of trees containing (3) canopy trees (10'-12' in height, 2 1/2"-3" caliper) and 33 shrubs per 100 linear feet. This shall be approved by the Planning Department with the Final Site Plan. This landscaping shall be installed prior to issuance of any Certificate of Occupancy for Lot #7.
8. The height of all buildings shall be limited to 35 feet. This shall be approved by the Planning Department with the Final Site Plan.
9. The maximum building size for Lot #7 shall be 25,000 square feet. This shall be approved with by the Planning Department with the Final Site Plan.
10. With the first Final Site Plan, one bicycle rack, designed to accommodate a minimum of 6 bicycles, shall be shown for the project.
11. A coordinated landscaping, sign, and lighting plan shall be approved for the entire project by the Planning Department with the first Final Site Plan. The required landscaping shown on this plan shall be installed prior to issuance of the first Certificate of Occupancy for the project.
12. The design and shielding of on-site lighting shall comply with Section 709.2.2. In addition, pole and building mounted lights for Lots #1 - #7 shall be limited to 20' in height

and directed to the interior of the development using horizontal cut-offs. On Lot #8, for the portion of the lot lying east of Lot #6, pole lights may extend to a height of 35 ft provided that it is proven that the light will be completely blocked from the view of adjacent residential development. A photometric plan, including the proposed design and shielding methods of lighting, shall be submitted to the Planning Department along with the Final Site Plan for approval.

13. There shall be a unified theme for the design and construction of this project. The 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 standard concrete block, or corrugated metal shall not be permitted on any wall that is visible from adjacent roads or residential units. Architectural metals or standard concrete block with stucco type finish, in conjunction with other permitted building materials may be allowed, provided that at least 50% of the building face is constructed from other permitted materials. The architectural theme shall be approved by the Planning Department with the first Final Site Plan.
14. In order to insure that the buildings do not project a massive blank wall, blank walls shall be no longer than 30 feet in length, and design elements including prominently visible architectural details (e.g., bump outs, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.) shall be applied to all buildings on Lots #1 - 7. This shall be approved by the Planning Department with the Final Site Plan.
15. All roof mounted H.V.A.C. mechanical equipment shall be screened with a solid parapet wall or other noise deflecting materials, which shall be consistent with the construction materials of the main buildings, so as not to be visible from adjacent roads or residential units. This shall be approved with each Final Site Plan.
16. The lowest quality water possible shall be used for irrigation. In ground irrigation using Manatee County public potable water supply shall be prohibited.
17. Removal of all exotic nuisance plant species for the upland portions of the site shall be completed prior to issuance of the first Certificate of Occupancy or Final Plat approval, in accordance with Section 715.4 of the LDC.
18. The project shall be required to reduce the calculated pre-development flow rate by twenty-five percent (25%) for all stormwater outfall flow directly or indirectly into Braden River. Modeling shall be used to determine pre- and post-development flows.
19. This project shall be required to provide a minimum of 150% water quality treatment for the Braden River Water Protection Overlay.
20. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and site runoff.
21. The parking area shown north of the lake and east of Lot #4 shall contain two cross-walks, built with a textured and colored pavement, to cross the drive-aisle serving this

parking area. This shall be approved by the Planning Department with the Final Site Plan.

22. Prior to the issuance of a Certificate of Occupancy for the first building in the project, the following improvements shall be substantially complete: (1) the current 6 laning of State Road 70 (from I-75 to Lakewood Ranch Boulevard and from Lakewood Ranch Boulevard to Lorraine Road) and (2) the related improvements to the State Road 70 and Lakewood Ranch Boulevard intersection.
23. Prior to the issuance of a Certificate of Occupancy for the first building in the project, the currently approved and permitted signal, to be located at the intersection of Lakewood Ranch Boulevard and Center Ice Parkway, shall be installed.
24. IF SWFWMD determines that the subject ditch is a wetland, the applicant will provide mitigation in accordance with F.A.C. 62-345 as part of an ERP, namely wetland enhancement; or will provide mitigation in accordance with the approved Ecosystem management Plan for Long Swamp, which is in accordance with the Manatee County Comprehensive Plan and Land Development Code, Section 719.

**Section 3. MODIFICATION.** Except as modified by this Ordinance, the previous approval, PDC-04-43(Z)(G), shall continue in full force and effect.

**Section 4. CODIFICATION:** Pursuant to 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the clerk shall not transmit the ordinance for codification.

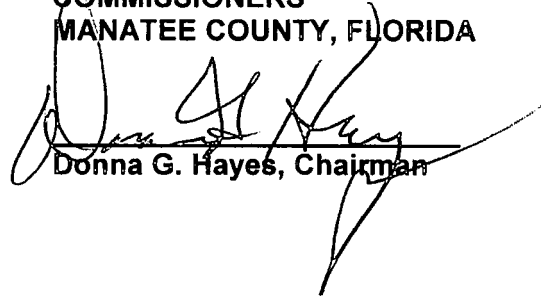
**Section 5. SEVERABILITY.** If any section, sentence, clause or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses or provisions of this Ordinance.

**Section 6. 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 26<sup>th</sup> day of October, 2010


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



  
Donna G. Hayes, Chairman

**ATTEST:**

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

  
BY: Susan Romine  
Deputy Clerk

EXHIBT A.  
LEGAL DESCRIPTION OF THE PROPERTY

Lots 2 and 8 of the Lakewood Walk Commercial Subdivision as recorded in PB 52 PGS 117-122, inclusive, of the Public Records of Manatee County, Florida.



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 29<sup>th</sup> day of  
October, 2010.  
R.B. SHORE  
Clerk of Circuit Court  
By: Nicole E. Vollmer





## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

**STATE LIBRARY AND ARCHIVES OF FLORIDA**

RECORD  
R. B. SHORE

2010 NOV -5 PM 4:10

CLERK OF CIRCUIT COURT  
**DAWN K. ROBERTS**  
Interim Secretary of State

November 2, 2010

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

Attention: Ms. Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 29, 2010 and certified copies of Manatee County Ordinance Nos. Z-10-09, PDC-04-43(Z)(G)(R) and 10-64, which were filed in this office on November 1, 2010.

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

Sincerely,

Liz Cloud  
Program Administrator

LC/srd  
Enclosure

### DIRECTOR'S OFFICE

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