

MANATEE COUNTY ZONING ORDINANCE  
PDC-05-32(P) – JRG DEVELOPMENT, LLC/NEW HOPE SHOPPING PLAZA

2006 AUG 21 PM 2:37

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT,  
APPROVING A PRELIMINARY SITE PLAN FOR A 38,090 SQUARE FOOT  
SHOPPING CENTER ON APPROXIMATELY 4.72 ACRES; GENERALLY  
LOCATED AT THE SOUTHEAST CORNER OF AMSTERDAM (A PRIVATE  
DRIVEWAY) AND U.S. 301 NORTH AT 7215 U.S. 301 NORTH; SUBJECT TO  
STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH  
FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR  
SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

2006 AUG 17 AM 9:29  
STATE  
OF FLORIDA

FILED

**WHEREAS**, Leonard Garner (the "Applicant") has filed an application for a Preliminary Site Plan for approximately 4.72 acres described in Exhibit "A", attached hereto, (the "Property") for a 38,090 square foot shopping center; and

**WHEREAS**, Planning Department staff recommended approval of the Preliminary Site Plan application, subject to the stipulations contained in the staff report; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on July 13, 2006 to consider the Preliminary Site Plan application, received the staff's recommendation, 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 Preliminary Site Plan application consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code, recommended approval of the application, subject to the stipulations contained in the staff report; and

**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, after considering the testimony, evidence, documentation, 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 Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners held a duly noticed public hearing on August 3, 2006 regarding the proposed Preliminary Site Plan 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 the public hearing.

C. The proposed Preliminary Site Plan regarding the property 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. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved to allow a 38,090 square foot shopping center, with the following stipulations:

**STIPULATIONS**

1. All sides of the buildings shall have minimal blank wall space. In order to ensure that the 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. 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 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 facades in the development.
2. Building height of both Building #1 and Building #2 shall be limited to a maximum of 20', which is consistent with the building elevations provided by the applicant.
3. 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 US 301 N. or from the manufactured home park to the south, east and west.
4. All loading spaces shall be completely screened from view with building materials matching the buildings on this site.
5. The dumpster(s) shall be screened with building materials matching the principal buildings on site. Additionally, the dumpster(s) shall be a minimum of 10 feet from the building or protected by a fire sprinkler.
6. All deliveries and truck loading and unloading shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. and there shall be no vehicle parking between the rear of the Building #1 and the south property line.
7. The applicant shall preserve the 27" Oak (shown to be removed) and the 26" Oak (shown to remain) along the south property line. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Planning Department. The drip line shall be defined as the outer branch edge of the tree

canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, unless otherwise approved by the Planning Department.

8. This project shall be limited to the following potential uses: Neighborhood General Retail Sales, Neighborhood Convenience Retail Sales, Eating Establishments, Business Services, Professional Offices, Clinic, Veterinary Clinic, Pick-up Dry Cleaners, and Personal Service Establishment.
9. The site plan indicates 68 palm trees will be removed. The Final Site Plan will show these trees either relocated or replaced in accordance with the LDC requirements.
10. A landscape buffer, containing 2 offset rows of canopy and understory trees (10 ft. tall, 4 ft. spread and placed 30 ft. on center), and a hedge shall be installed along the west property line (adjacent to Amsterdam Drive). If a fence/wall is installed, all required landscaping shall be planted between the fence/wall and the property lines.
11. An 8' high solid concrete wall shall be constructed on the south and east sides of this site, setback a minimum of 20' from the property lines. A landscape buffer, containing two offset rows of canopy and understory trees (10 ft. tall, 4 ft. spread and placed 30 ft. on center), and a hedge shall be installed along the south and east property lines. All required landscaping shall be planted between the fence/wall and the property lines. This shall be approved by the Planning Department with the Final Site Plan.
12. At a future date, should the applicant and the adjacent property owners reach an agreement concerning possible pedestrian or vehicular connections, these connections may be approved by planning staff administratively.
13. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to issuance of a Certificate of Occupancy in accordance with Section 715.4 of the LDC: Existing plant communities designated to remain must be intact and undisturbed; noxious and exotic plants must be removed.
14. Underground/aboveground pollutant storage tank installation/removal must conform to the requirements of Chapters 62-761, Florida Administrative Code.
15. A Water Well Construction Permit must be obtained from the EMD prior to construction of the proposed well(s).
16. No burning of trees or branches is allowed.
17. The lowest quality water possible shall be used for irrigation. In ground irrigation using Manatee County public potable water supply shall be prohibited.

18. A sign plan with the details of size and type of signs shall be approved with the Final Site Plan. Pole signs shall be prohibited for this site.
19. Lighting shown on the preliminary site plan is not approved. Any lighting proposed along the rear of the buildings shall not exceed eight feet (8') in height. The balance of the lighting for this facility shall be designed in accordance with Section 709 of the Land Development Code. A lighting plan shall be submitted to the Planning Department along with the Final Site Plan for approval.
20. There shall be a full 25-year attenuation on all stormwater ponds within the development.
21. 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 runoff.

**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 invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.


**Section 4. 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 3<sup>rd</sup> day of August, 2006.

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

**BY:**   
Chairman

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

**BY:**   
Deputy Clerk



EXHIBT "A"  
LEGAL DESCRIPTION OF THE PROPERTY

PARCEL 1

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 34 SOUTH, RANGE 18 EAST; THENCE SOUTH 87°39'30" EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, 159.64 FEET TO THE INTERSECTION OF SAID LINE AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 43 (U.S. HIGHWAY 301); THENCE SOUTH 60°01'00" WEST, 294.37 FEET ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY FOR THE POINT-OF-BEGINNING; THENCE CONTINUE SOUTH 60.01'00" WEST, 211.11 FEET; THENCE SOUTH 29°59'00" EAST, 332.27 FEET; THENCE NORTH 60°01'00" EAST, 211.11 FEET; THENCE NORTH 29°59'00" WEST, 332.27 FEET TO THE POINT-OF-BEGINNING.

AND

PARCEL 2

BEGIN AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 34 SOUTH, RANGE 18 EAST; THENCE SOUTH 87°39'30" EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, 159.64 FEET TO THE INTERSECTION OF SAID LINE AND THE SOUTHEASTERLY LINE OF RIGHT-OF-WAY OF STATE ROAD 43 (U.S. HIGHWAY 301) FOR A POINT-OF-BEGINNING; THENCE NORTH 60°01'00" EAST, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY, 114.00 FEET; THENCE SOUTH 29°59'00" EAST, 332.27 FEET; THENCE SOUTH 60°01'00" WEST, PARALLEL TO SAID SOUTHEASTERLY RIGHT-OF-WAY AND 332.27 FEET THEREFROM, 408.37 FEET; THENCE NORTH 29°59'00" WEST, 332.27 FEET TO INTERSECTION OF SAID LINE AND SAID SOUTHEASTERLY RIGHT-OF-WAY; THENCE NORTH 60°01'00" EAST, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY 294.37 FEET TO THE POINT-OF-BEGINNING, BEING AND LYING IN SECTION 10, TOWNSHIP 34 SOUTH, RANGE 18 EAST, 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 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

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