

FILED FOR RECORD
R. B. SHORE

2007 DEC 19 PM 2: 05

**MANATEE COUNTY ORDINANCE
PDC-06-55(P) – UNIVERSITY PARK CENTER**

CLERK OF THE COUNTY COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR A 223,000 SQUARE FOOT SHOPPING CENTER, INCLUDING COMMERCIAL OUTBUILDINGS ON APPROXIMATELY 29.98 ACRES ON THE NORTHWEST CORNER OF UNIVERSITY PARKWAY AND HONORE AVENUE, UNIVERSITY PARK; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Randall Benderson 1993-I Trust (the "Applicant") has filed an application for a Preliminary Site Plan for approximately 29.98 acres described in Exhibit "A", attached hereto, (the "Property") for a 223,000 square foot shopping center, including commercial outbuildings; and

WHEREAS, the Applicant has also requested Special Approval for: 1) a mixed use project; 2) a project within the Watershed Overlay; and 3) a project in the Entranceway; and

WHEREAS, Planning Department staff recommended approval of the Preliminary Site Plan and Special Approval applications, 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 November 8, 2007 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 and Special Approval applications 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 reports;

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 December 6, 2007 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.
- D. The Board hereby finds that the Project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan applicable to the property legally described in Exhibit "A" a copy attached to and made part of by reference is hereby approved for a 223,000 square foot shopping center, including commercial outbuildings subject to the following Stipulations:

STIPULATIONS

A. Use and Design

1. This project shall be limited to the following uses:

- Retail Sales, General
- Retail Sales, Neighborhood General and Convenience
- Eating Establishment
- Bank/Drive-thru Bank
- Professional Offices
- Business Services
- Clinic
- Veterinary Clinic
- Pick-up Dry Cleaners
- Personal Service Establishments
- Printing, small

Notwithstanding the above, convenience stores, eating establishments, and liquor stores shall not be permitted in Building 5.

2. No commercial store in Building 5 shall exceed a gross floor area of 20,000 square feet.
3. The design of the buildings shall be in substantial conformance with the elevations entered into the record for this case, except for the south and west

elevations of Building 1 and the rear elevations for Buildings 4 and 5 (Exhibit "B"), which shall be modified as follows:

- a. The elevations shall have minimal blank wall space. In order to ensure that the facades 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 color and finishing building materials, etc.] shall be integrated into the overall design. Blank walls shall be no longer than 20 feet in length in any direction have variable roof lines through varying the height of the cornice, or the use of two or more roof types (parapet, dormers, sloped, etc.).
 - b. Revised elevations shall be approved with the Final Site Plan.
4. Exterior building materials shall consist of brick, stone, 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.
5. All drive-through windows shall incorporate coverings for service windows that are architecturally integrated into the design of the buildings.
6. The maximum building heights (measured to the top of parapet or roof ridge) are as follows:
 - Building 1:

26 feet; except for the loading and service area at the southeast corner of the building and architectural embellishments on the front façades, which may be increased to 31'.
 - Buildings 2 and 3:

24 feet; except for architectural embellishments on the front façade, which may be increased to 35 feet.
 - Building 4:

28 feet; except for architectural embellishments on the front façade, which may be increased to 38 feet, as shown on the attached rendering for "The Fresh Market."
 - Building 5

24 feet; except for architectural embellishments on the front façade, which may be increased to 30 feet.
7. The backside of all front façades that project above the roofline shall be painted a

muted neutral color to reduce their visibility from adjacent residential properties.

8. Chain link fences shall not be visible from Honore Avenue or University Parkway.
9. All roof mounted H.V.A.C. mechanical equipment shall be screened from view from adjacent roadways and properties with a solid parapet wall or other noise deflecting materials, consistent with the exterior finish materials of the buildings. Roof mounted equipment shall be placed in the front half of the building, away from the adjacent residential developments and roadways. Details of screening shall be submitted with the Final Site Plan.
10. All dumpsters shall be screened with building materials matching the adjacent buildings. Where necessary to screen the dumpsters from the adjacent residential properties or roadways, the height of the screening walls shall be increased to 8 feet. This shall be approved by the Planning Department with the Final Site Plan.
11. A minimum of two speed tables, as approved by Manatee County, shall be installed on the driveway that connects this project with the Sabal Bay project to the north.
12. Signage at the driveway intersection southeast of Building 5 shall be installed to direct exiting traffic to utilize the driveway on Honore Avenue where the traffic signal is proposed.
13. Prior to the first Certificate of Occupancy, the developer shall install a bus stop shelter and two inverted "U" bike racks at a bus stop in front of the project on University Parkway. The applicant shall coordinate the design and location of the facility with SCAT planners and the facility shall comply with the standards of the Roadway Design Manual.
14. The loading docks for Building 1 shall be enclosed with a roof or have an alternative design with an equivalent or greater noise reduction measured at the western property line. Detailed drawings shall be certified for compliance by an Acoustical Engineer prior to FSP approval.
15. The circulation for the Bank shall be redesigned to provide for four stacking spaces for each drive-thru lane.
16. The southern 300 feet of the driveway east of Building 4 shall be used for loading purposes only. "Truck Route, No Thru Traffic" signs shall be located at the southern entrance of the driveway and along the driveway between the 6,218 square foot building and pond #3.

B. Operational

1. The three fountains proposed in the retention pond north of Building 5 shall be installed prior to the first C.O. and remain operational for the life of the project.

2. All deliveries and truck loading and unloading shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. There shall be no commercial vehicles parked between the rear of the buildings between 10:00 p.m. and 7:00 a.m. Signage shall be located along appropriate locations to advise of no thru traffic and the limited delivery hours. This shall be approved by the Planning Department with the Final Site Plan.
3. Truck loading restrictions shall be as follows:
 - a. A sign with a directional arrow shall be posted at all loading area exits for Buildings 3 and 5 to direct trucks heading eastbound on University Parkway to utilize the Honore Avenue exit. A diagram shall also be posted near all loading doors which depicts the required on-site truck circulation.
 - b. A sign with a directional arrow shall be posted at the loading area exit for Building 1 to direct all trucks exiting the site to utilize the Honore Avenue exit. A diagram shall also be posted near all loading doors which depicts the required on-site truck circulation.
4. Exhaust and other filtering systems in Food Service Establishments or uses shall adhere to the Best Available Control Technology to eliminate or reduce the emission of smoke, grease, and odor from cooking facilities. These systems shall be approved by the Environmental Management Department with each Final Site Plan for a Food Service Establishment or use.
5. Exterior loud speakers, bells, or similar audio-communication shall not be permitted on the rear side of the buildings facing east; however, directed (non-broadcast) communication devices and intercoms shall not be restricted. "Directed (non-broadcast)" shall mean not plainly audible to a person greater than 10 feet from the source.
6. The overnight parking of vehicles shall not be permitted on the property.

C. Buffering

1. The parking spaces behind Building 4 that face Honore Avenue shall be eliminated and the buffer width along Honore Avenue shall be increased to accommodate a 5 foot high berm with landscaping. The berm shall be extended approximately 25 feet further south than shown on the plan. The revised buffer shall be approved with the Final Site Plan.
2. The berm on the south side of Building 1 shall be increased in width to 50 feet on the south and east sides of the loading turn around area. The berm shall be extended to enclose the turnaround area. The height of the berm shall transition from 3 feet along the western property line to 8 feet around the truck turn around area. The revised buffer shall be approved with the Final Site Plan.
3. The wall shall be consistent in design with the plans submitted (Exhibit "C")

4. An 8 foot high wall, measured from finished floor of Building 5, shall be installed between the loading and service area north of Building 5 and the abutting retention area. The construction of the wall shall be PVC or greater and maintain consistency with the color of the adjacent buildings.

D. Environmental

1. 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.
2. A Water Well Construction Permit must be obtained from the Environmental Management Department prior to construction of any proposed well(s).
3. Existing wells shall be kept in a water-tight manner and be protected during all construction activities.
4. The burning of trees or branches for land clearing shall not be permitted.
5. The project shall use the lowest quality of water available for irrigation purposes. Use of Manatee County public potable water supply shall be prohibited for in ground irrigation systems.

E. Drainage

1. Site shall be graded at a minimum slope to provide positive drainage to the internal drainage system.
2. Existing storage volume in existing wetlands, ponds and drainage ditches that are proposed to be permanently impacted shall be compensated with equal or greater volume in the proposed stormwater retention pond.
3. Routing and modeling of the existing conditions shall be provided with the Drainage Model and Construction Plan for all natural drainage systems within and surrounding this project taking into consideration all wetland storage and ground depressions.
4. 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.
5. This 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 the Braden River/Evers Reservoir. Modeling shall be used to determine pre- and post- development flows.

6. This project shall be required to provide one-hundred fifty percent (150%) water quality treatment for Evers Reservoir.

Section 3. SPECIAL APPROVAL. Special Approval is hereby granted for: 1) a mixed use project; 2z) a project within the Watershed Overlay; and 3) a project in the entranceway. This Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the Project approved pursuant to Section 2 hereof.

Section 4. 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 this Ordinance.

Section 5. 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 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 6th day of December, 2007.

BY: BOARD OF COUNTY
COMMISSIONERS
MANATEE COUNTY, FLORIDA

BY: 

Chairman

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

BY: 

Deputy Clerk



EXHIBIT "A"
LEGAL DESCRIPTION OF THE PROPERTY

**THE LEGAL DESCRIPTION OF SAID PROPERTY IN MANATEE COUNTY FLORIDA,
BEING:**

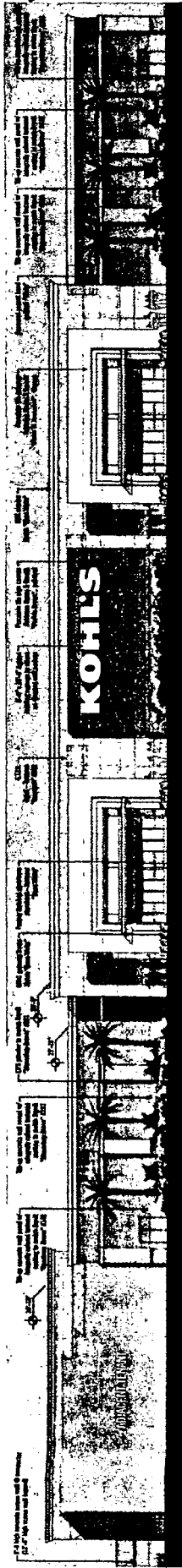
(Type legal directly on this sheet. Use additional sheets if necessary). NAME OF PROJECT

UNIVERSITY PARK CENTER

A parcel of land located in Sections 35 and 36, Township 35 South, Range 18 East, Manatee County, Florida, described as follows:

Commence at the Southeast Corner of said Section 35, said Point being on the North right-of-way line of University Parkway (State Road No. 610); Thence North 89° 27' 25" West, along said North right-of-way line and the South line of the Southeast 1/4 of said Section 35, a distance of 257.29 feet to the Point of Beginning; Thence continue North 89° 27' 25" West, along said North right-of-way line and the South line of the Southeast 1/4 of Section 35, a distance of 1,149.02 feet to the East line of a Florida Power & Light easement (160' wide), Recorded in Official Record Book 996, Page 1979 of the Public Records of Manatee County, Florida; Thence North 00° 26' 00" East, along said East line of a Florida Power & Light easement, a distance of 950.00 feet; Thence South 89° 27' 25" East, parallel with and 950.00 feet North of aforesaid North right-of-way line of University Parkway and the South line of the Southeast 1/4 of Section 35, a distance of 1,550.42 feet to a Point on the arc of a curve to the right, whose radius point bears North 79° 18' 14" West, a distance of 1,440.00 feet, said point also being on the West right-of-way line of Honore Avenue; Thence along said West right-of-way line the following calls: Southerly, along the arc of said curve to the right, through a central angle of 06° 25' 14", a distance of 161.36 feet to a Point of Tangency; Thence South 17° 07' 00" West, a distance of 412.75 feet to the Point of Curvature of a curve to the left, having a radius of 1,160.00 feet; Thence Southerly, along the arc of said curve to the left, through a central angle of 07° 28' 37", a distance of 151.38 feet; thence departing said Westerly right-of-way line of Honore Avenue run North 89°27'25" West, a distance of 210.98 feet; thence run South 00°32'35" West, a distance of 250.00 feet to the Point of Beginning, lying and being in Sections 35 and 36, Township 35 South, Range 18 East, Manatee County, Florida.

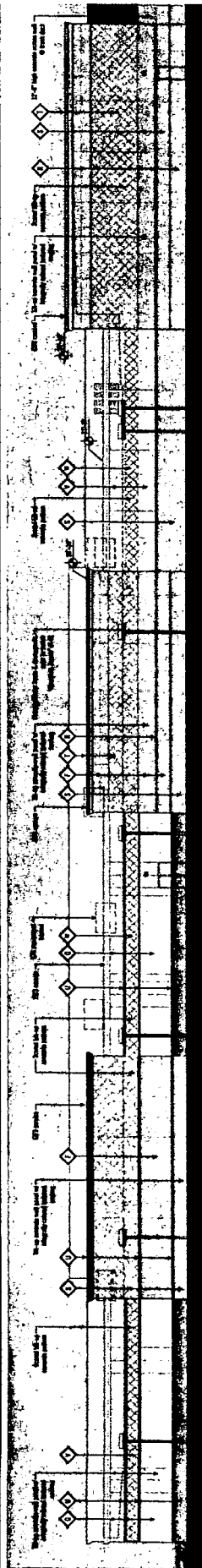
Subject to Pertinent Easements, Rights-of-Way and Restrictions of Record. Containing 29.98 acres more or less.



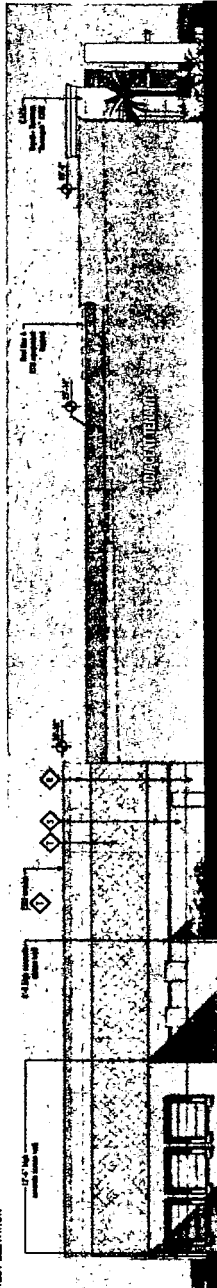
EAST ELEVATION



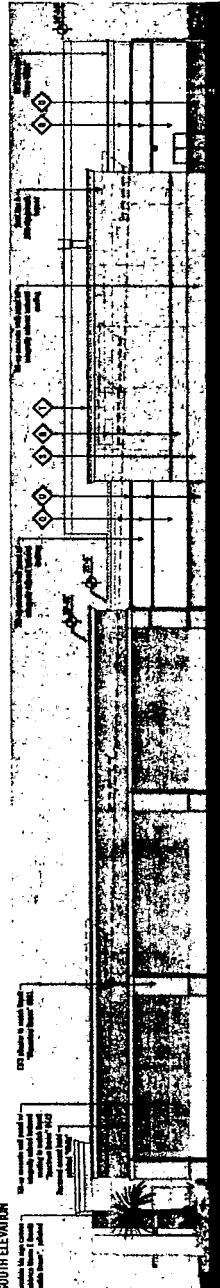
LANDSCAPE PLAN



WEST ELEVATION



SOUTH ELEVATION



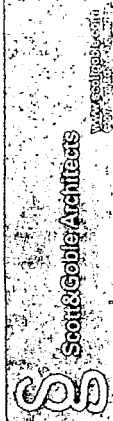
NORTH ELEVATION

LANDSCAPE MATERIAL LEGEND

PLANT TYPE	MATURE SIZE	PLANT TYPE	MATURE SIZE
GROUND COVER	8'-12" TALL 14' CONT	UPPER DECIDUOUS SHRUB	6'-8' TALL 14' CONT
ORNA MENTAL CHINA	8'-12" TALL 14' CONT	LARGE DECIDUOUS SHRUB	6'-8' TALL 14' CONT
TALL ORNA MENTAL CHINA	12'-14' TALL 14' CONT	UPPER EVERGREEN SHRUB	6'-8' TALL 14' CONT
PERENNIAL	12'-14' TALL 14' CONT	ORNA MENTAL TREE	12'-14' TALL 14' CONT
LOW EVERGREEN SHRUB	12'-14' TALL 14' CONT	LOW ORNA MENTAL TREE	12'-14' TALL 14' CONT
SMALL DECIDUOUS SHRUB	8'-12" TALL 14' CONT	TALL PALM TREE	20'-22' TALL

PAINT LEGEND

WHITE GEL - "HOMESIDE BROWN"
EX 6531 - "BROWN LUST"
EX 6531 - "BROWN LUST"
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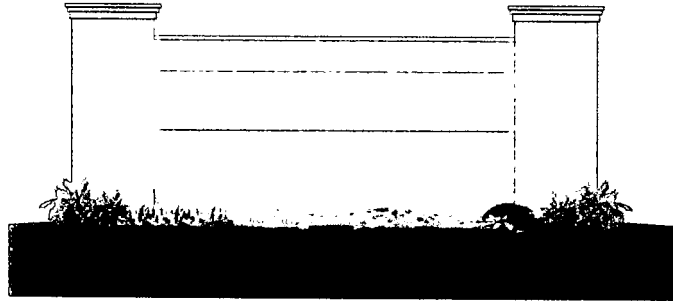
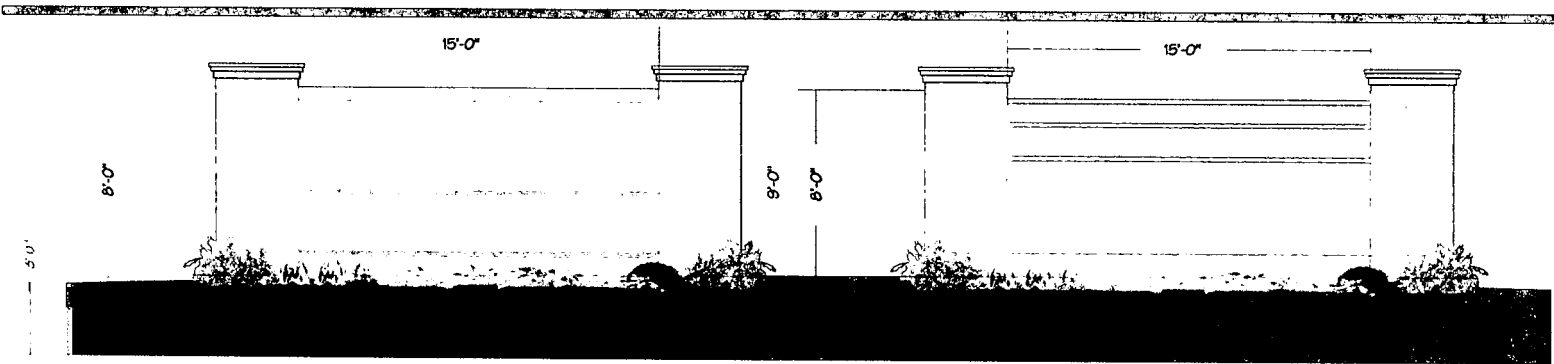
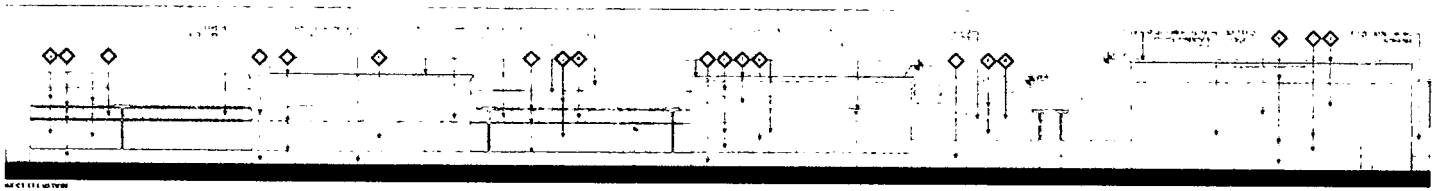


Sarasota, Florida 2F-SBL-SP (I)



DATE: 10/23/07
BY: JMS
CHECKED: JMS

Exhibit "B"



Park Place
UNIVERSITY PARK, FLORIDA

**BENDERSON
DEVELOPMENT**
LAND DEVELOPMENT, INC.

PLAN, 04534
BOOK, 4 4324 REAR 112
DATE 12/21/07 BY K.S.MOLE
REVISION

Exhibit "C"



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 6th day of December 2007
R.B. SHORE
Clerk of Circuit Court

By: [Signature] D.C.