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**MANATEE COUNTY ZONING ORDINANCE  
PDC-06-57(Z)(P) – WOODBROOK COMMERCIAL PARCEL**

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, 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; PROVIDING FOR THE REZONING OF APPROXIMATELY 16.62 ACRES AT THE SOUTHEAST CORNER OF HONORE AVENUE EXTENSION AND LOCKWOOD RIDGE ROAD, BRADENTON FROM THE PDMU/WP-E/ST (PLANNED DEVELOPMENT MIXED-USE/WATERSHED PROTECTION-EVERS/SPECIAL TREATMENT) ZONING DISTRICT TO PDC/WP-E/ST (PLANNED DEVELOPMENT COMMERCIAL RETAINING THE OVERLAY DISTRICT); APPROVING A PRELIMINARY SITE PLAN FOR 109,300 SQUARE FEET OF RETAIL, OFFICE, AND PERSONAL SERVICE USES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING A LEGAL DESCRIPTION, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Huntington National Real Estate Investments, LLC and Benderson Properties, Inc. (the "Applicant") has filed a rezone application to rezone approximately 16.62 acres described in Exhibit "A", attached hereto, (the "Property") from the PDMU/WP-E/ST (Planned Development Mixed-Use/Watershed Protection-Evers/Special Treatment Overlay Districts) zoning district to the PDC/WP-E/ST (Planned Development Commercial/Watershed Protection-Evers/Special Treatment Overlay District) zoning district; and

**WHEREAS**, the Applicant has also filed a Preliminary Site Plan application for 109,300 square feet of building area for retail sales, office, and personal services uses (the "Project") to be located upon the Property; and

**WHEREAS**, the Applicant has also filed two requests for Special Approval to allow a Project: 1) within the Watershed Protection – Evers Overlay District (WP-E) and Special Treatment Overlay District (ST); and 2) exceeding 30,000 square feet of gross building area within the RES-6 Future Land Use Category; and

**WHEREAS**, the Planning Staff has recommended approval of the rezone, Preliminary Site Plan, and Special Approval applications, subject to the stipulations contained in the Planning Staff report; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held public hearings on March 8, 2007 and June 14, 2007 to consider the rezone, Preliminary Site Plan, and Special Approval, applications, 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 rezone, 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 and recommended approval of the applications, 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, application for amendment of the Official Zoning Atlas, 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 Official Zoning Atlas Amendment as it relates to the real property described in Exhibit "A" of this Ordinance from the PDMU/WP-E/ST (Planned Development Mixed-Use/Watershed Protection-Evers/Special Treatment Overlay Districts) zoning district to the PDC/WP-E/ST (Planned Development Commercial/Watershed Protection-Evers/Special Treatment Overlay District) zoning district.

B. The Board of County Commissioners held duly noticed public hearings on April 5, 2007 and August 2, 2007 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 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 is hereby APPROVED for 109,300 square feet of building area for retail sales, office, and personal services uses upon the Property subject to the Stipulations set out below.

**Section 3. SPECIAL APPROVAL:** The Board hereby GRANTS Special Approval for a project: 1) within the Watershed Protection-Evers Overlay District (WP-E) and Special Treatment Overlay District (ST); and 2) exceeding 30,000 square feet of gross building area within the RES-6 Future Land Use Category. 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 subject to the following Stipulations:

**STIPULATIONS**

1. All exterior facades shall be considered primary facades and shall employ architectural

and landscape design elements which are integrated with, and common to those used on the primary structure in the development.

2. Building heights are limited as follows:
  - a) The maximum height of the grocery, pharmacy, and bank buildings shall be limited to 28 ft., measured at the top of the parapet, except:
    - 1) Architectural features on the front facade facing Lockwood Ridge Road may be increased to 40 feet provided that the height above 28 feet does not exceed 30% of the width of the front facade.
    - 2.) The loading truck well on the rear of the anchor store shall not exceed 18' measured to the top of the parapet.
  - b) All other buildings shall be limited to a maximum height of 22 ft. measured to the parapet (excluding front façade design features which shall be limited to 25 feet).
3. At time of the first Final Site Plan approval, a unified architectural theme for this project shall be approved and applied to all buildings on the property. The rear and sides of the main shopping center shall maintain substantial conformance with plans submitted with this application (Exhibit B).
4. All building facades shall exhibit an aesthetically attractive appearance. Design shall be subject to the following criteria and reviewed for compliance by the Planning Department with future Final Site Plan and Building Permit submittals.
  - a) The sides of all buildings shall have minimal blank walls no longer than 30 feet in length or 20' in height. In order to insure that the buildings do not project a massive blank wall, design elements with distinctive color variation shall include prominently visible architectural details [e.g., bumpouts, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.] or other methods, as approved by the Planning Director. Facades greater than 75 feet in length shall have varying roof lines through varying the height of the cornice, or the use of two or more roof types (parapet, dormers, and sloped, etc.).
  - b) 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, or corrugated metal shall not be permitted, architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least seventy-five percent (75%) of the building face is constructed from other permitted materials.
5. All drive-through windows shall incorporate coverings for service windows that are structurally and architecturally integrated into the design of the buildings.

6. The design shall provide for minimum 8-foot wide sidewalks adjacent to storefronts to provide potential outdoor gathering space. These walkways shall be shown on the Final Site Plan.
7. One pole sign shall be permitted on Lockwood Ridge Road and Honore Avenue. The sign on Honore Avenue shall be limited to a height of 20 feet. Additional permitted signs shall be limited to ground signs. All signs must provide concealment of main support structure (e.g. pole) between 20 and 100% of sign width with materials consistent with those in the development.
8. At time of Final Site Plan approval, the Planning Department shall determine if appropriate locations exist for the outdoor sales of seasonal items, such as Christmas trees. Outdoor storage, sales, and display shall be prohibited in the parking lot and any areas not specifically designated on the Final Site Plan.
9. 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. Roof mounted equipment shall be placed in the front half of the building, away from the residential development. This shall be approved with the Final Site Plan.
10. All dumpster(s) shall be screened with building materials matching the principal building on site.
11. 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. This system shall be approved by the Environmental Management Department Air Quality Section with each Final Site Plan containing a Food Service Establishment or use.
12. 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.
13. Tractor trailer or semi-trucks involved in deliveries to the rear of the buildings (or side if it faces residential development to the east) shall be restricted to the hours between 7:00 a.m. and 10:00 p.m. During the period of time between 10:00 p.m. and 7:00 a.m., there shall be no:
  - delivery, loading, or unloading of tractor trailer or semi-trucks;
  - use of forklifts or other loading or unloading devices; and
  - running of truck or trailer motors, or other refrigeration devices installed thereon.
14. This project shall provide a 40 foot wide buffer, exclusive of retention areas, along the eastern property line. If, prior to Final Site Plan approval of the shopping center, the applicant submits to the County an easement agreement for a 20 foot wide cross access

and buffer easement on the PDR zoned property to the east, the Planning Director may modify the 40 foot wide buffer requirement to allow 20 feet of the buffer to be on the adjacent PDR zoned property to the east. The form of the cross buffer easement agreement shall be reviewed by the County Attorney's Office for approval as to form prior to recording in the Public Records of Manatee County. The cross buffer easement agreement shall address access, installation, location, and maintenance responsibility for the landscape buffer.

Prior to issuance of the first building permit for the main shopping center, the developer shall develop the landscape buffer with a 5-foot high berm and an 8-foot high wall. As depicted on the Preliminary Site Plan, landscaping on the commercial side of the wall shall consist of at least 2.5 canopy trees, 3 understory trees, and 10 shrubs per 100 linear feet. Landscaping on the residential side shall consist of at least 3 canopy trees, 2 understory trees, and 85 shrubs per 100 linear feet.

Prior to Certificate of Occupancy, a Florida Registered Landscape Architect shall re-certify that all the trees have survived and sustained normal growth patterns. Trees which have not shall be replaced with enhanced tree sizes to make up the loss in growth time.

The owner of the commercial project shall be responsible for the continued maintenance of the entire landscape buffer as detailed in the cross access buffer agreement, including any portion on the landscape buffer easement on the adjacent residentially property.

15. The 20-foot wide roadway buffer along Honore Avenue and Lockridge Road shall be planted with two staggered rows of trees containing three canopy trees and 33 shrubs per 100 linear feet. All roadway buffer landscaping shall be installed prior to issuance of the first Certificate of Occupancy.
16. A Water Well Construction Permit shall be obtained from EMD prior to construction of proposed well(s).
17. Existing wells shall be kept in a watertight manner and be protected during all construction activities.
18. An ERP approved by SWFWMD shall be provided to the Planning Department for review prior to Final Site Plan approval.
19. The developer of the commercial project shall provide an easement to Manatee County to allow for stormwater from the roadway expansion of Lockwood Ridge Road or Honore Avenue to drain into a stormwater pond located on site of the commercial project and to allow the County the ability to create additional treatment and attenuation capacity of the stormwater pond, at the expense of Manatee County, to receive the additional stormwater from the paved public rights-of-way. The form of the stormwater easement shall be submitted to the County Attorney for approval as to the form prior to recording in the Public Records for approval as to form, prior to recording in the Public Records, and

prior to Final Site Plan approval.

20. There shall be no burning of trees or branches for land clearing.
21. The lowest quality water possible shall be used for irrigation. In ground irrigation using Manatee County public potable water supply shall be prohibited.
22. 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 in accordance with Section 715.4 of the LDC.
23. The project shall be required to reduce the calculated pre-development flow rate by fifty percent (50%) for all stormwater outfall flow directly or indirectly into Rattlesnake Slough. Modeling shall be used to determine pre- and post- development flows.
24. This project shall be required to provide a minimum of 150% water quality treatment for the Ever's Watershed Protection Overlay.
25. 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.
26. Prior to the first Certificate of Occupancy for this project, an additional northbound left turn lane for a total of two northbound left turn lanes shall be constructed at the intersection of Lockwood Ridge Road and S.R. 70.
27. A northbound deceleration lane at the northernmost access drive on Lockwood Ridge Road shall be constructed by the developer if it ever becomes warranted due to a higher volume of traffic generation than indicated in the traffic study.

**Section 4. 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 described in Exhibit "A" incorporated herein by reference, from the PDMU/WP-E/ST (Planned Development Mixed-Use/Watershed Protection-Evers/Special Treatment Overlay District) zoning district to the PDC/WP-E/ST (Planned Development Commercial/Watershed Protection-Evers/Special Treatment Overlay District) zoning district 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 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 section, clause, sentence, 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 6. 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 7. 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 2<sup>nd</sup> day of August, 2007.

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

BY:   
Chairman



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

BY:   
Deputy Clerk

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

DESCRIPTION: (written by the signing Surveyor & Mapper)

A parcel of land lying in the Northeast  $\frac{1}{4}$  of Section 21, Township 35 South, Range 18 East, Manatee County, Florida and described as follows:

Commence at the Southwest corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 21; thence N.89°59'17"E., a distance of 95.00 feet to the east right-of-way line of Lockwood Ridge Road (95-foot wide public right-of-way) as recorded in Official Record Book 1640, Page 573 of the Public Records of Manatee County, Florida; thence along said east right-of-way line for the following five (5) calls: (1) thence N.00°00'43"W., a distance of 705.00 feet to the point of curvature of a curve to the left having a radius of 3,319.04 feet and a central angle of 07°15'06"; (2) thence northerly along the arc of said curve, an arc distance of 410.42 feet to a point of reverse curvature of a curve to the right having a radius of 3,229.04 feet and a central angle of 04°07'53"; (3) thence northerly along the arc of said curve, a distance of 232.84 feet to the POINT OF BEGINNING; (4) thence continue northerly along the arc of said curve, through a central angle of 02°57'13", an arc distance of 166.45 feet to the point of tangency of said curve; (5) thence N.00°00'45"W., a distance of 1122.87 feet; thence S.89°37'58"E., a distance of 149.91 feet to the point of curvature of a curve to the right having a radius of 2,023.00 feet and a central angle of 13°53'16"; thence southeasterly along the arc of said curve, an arc length of 490.35 feet to the end of said curve; thence S.00°00'12"W., a distance of 849.87 feet; thence S.49°49'14"W., a distance of 580.78 feet; thence S.89°33'10"W., a distance of 186.75 feet to the POINT OF BEGINNING.

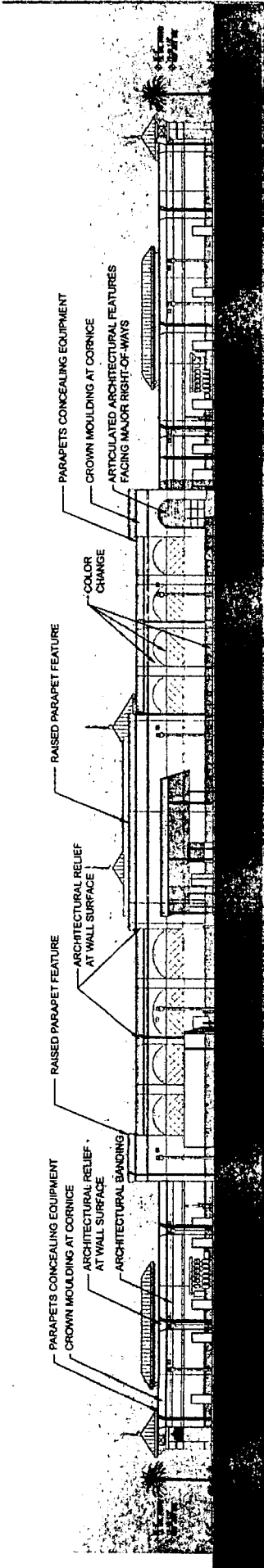
Containing 723,610 square feet or 16.6118 acres, more or less.



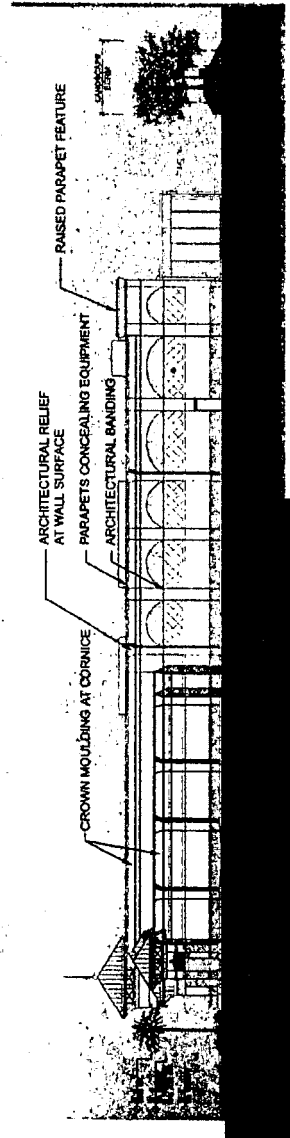


# WOODBROOK SHOPPING CENTER

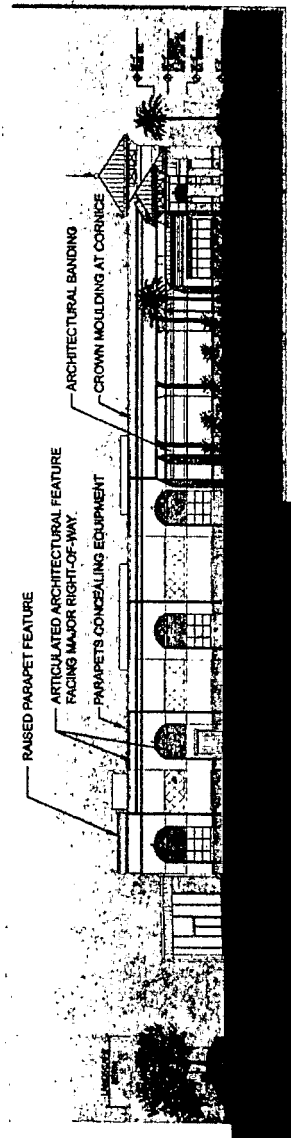
LOCKWOOD RIDGE AND HONORE



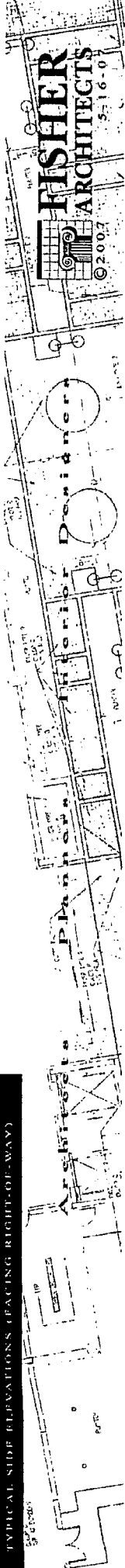
BACK ELEVATION



TYPICAL SIDE ELEVATIONS (NOT FACING RIGHT-OF-WAY)



TYPICAL SIDE ELEVATIONS (FACING RIGHT-OF-WAY)



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  
August, 2007  
R.B. SHORE  
Clerk of Circuit Court  
By: G. Acevedo D.C.



FILED FOR RECORD  
R. B. SHORE

2007 AUG 16 PM 3:17

## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA  
**KURT S. BROWNING**  
Secretary of State

August 14, 2007

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 6, 2007, and certified copies of Manatee County Ordinance Nos. PDMU-01-02(P)(R), PDC-03-47(P), PDPI-06-42(Z), PDR-97-04(P)(R), PDC-06-57(Z)(P), PDR-06-87(Z)(P), PDPM-06-74(G), PDI-05-56(P), PDR-06-78(Z)(P), PDI-05-18(Z)(P), and PDMU-06-23(Z)(P), which were filed in this office on August 9, 2007.

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

Sincerely,

Liz Cloud  
Program Administrator

LC/lbh  
Enclosures

### DIRECTOR'S OFFICE

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