

FILED FOR RECORD  
R. B. SHORE

**MANATEE COUNTY ZONING ORDINANCE**

2009 APR 16 PDC-02-07(P) - SCHLYTTER / PARKWOOD SQUARE DTS #20080102

CLERK OF MANATEE COUNTY  
MANATEE COUNTY  
AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR 25,509 SQUARE FEET OF ADDITIONAL COMMERCIAL USES AT THE PARKWOOD SQUARE SHOPPING CENTER ON THE SOUTHEAST CORNER OF US 301 AND OLD TAMPA ROAD AT 9105 US 301 ON ± 25.8 ACRES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Robert O. Schlytter (the "Applicant") filed an application for a Preliminary Site Plan for approximately 25.8 acres described in Exhibit "A", attached hereto, (the "Property") for 25,509 square feet of additional commercial uses at the Parkwood Square Shopping Center; and

**WHEREAS**, the applicant filed a request for Special Approval for a project exceeding 50,000 square feet in the ROR Future Land Use Category; and

**WHEREAS**, the applicant filed a request for Specific Approval for alternatives to Sections 604.10.3.4, 604.10.6.4, 604.10.6.6, 604.10.6.7, and 604.10.6.8 of the Land Development Code; and

**WHEREAS**, Planning staff recommended approval of the Preliminary Site Plan, Special Approval, and Specific Approvals 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 March 12, 2009 to consider the Preliminary Site Plan application, received the staff 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 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 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, 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:

FILED  
2009 APR - 9  
CLERK OF MANATEE COUNTY  
TALLAHASSEE, FLORIDA

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 April 2, 2009 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 and to satisfy the criteria for approval in the Land Development Code.

D. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the Preliminary Site Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Sections 604.10.3.4, the Board finds that the public purpose and intent of the regulations have been satisfied to an equivalent or greater degree by the project design because it will provide a consistent appearance along US 301.

F. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 604.10.6.4.3, the Board finds that the public purpose and intent of the regulations have been satisfied to an equivalent or greater degree by existing sidewalks which provide a connection to the residential development to the east, as well as a connection from the shopping center to Old Tampa Road.

G. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 604.10.6.6, the Board finds that the public purpose and intent of the Land Development Code regulations have been satisfied to an equivalent or greater degree because the current design of the shopping center met all applicable standards at the time of construction and all new construction will be required to meet the same design standards.

H. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 604.10.6.7, the Board finds that the public purpose and intent of the regulations have been satisfied to an equivalent or greater degree by the proposed project design stipulations since the project is mainly built-out and applying the NCO color standards may create a disjointed shopping center design.

I. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 604.10.6.8, the Board finds that the public purpose and intent of the regulations have been satisfied to an equivalent or greater degree by the project design since the project is primarily built-out, and applying the NCO color standards to the balance of the project may create a disjointed, unmatched shopping center design.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved for 25,509 square feet of additional commercial uses upon the Property subject to the following Stipulations:

**STIPULATIONS**

1. The following design standards shall apply:

- a. The sides of the buildings of the main shopping center visible from Old Tampa Road shall have minimal blank wall space. In order to ensure that the buildings 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, areas of contrasting or different finish building materials, etc.] shall be integrated into the overall design of the buildings. Blank walls shall be no longer than 40 feet in length or 20' in height for the main shopping center. Building elevations shall be submitted with future plan submittals.)
- b. All exterior facades of the outparcels shall be considered primary facades and shall employ architectural, site, and landscaping design elements which are integrated with and common to those used on the primary structure in the development.
- c. In order to ensure that the outparcels 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, areas of contrasting or different finish 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 for the outparcels. (Elevations shall be provided with future plan submittals.)
- d. Drive-through windows for the outparcels shall incorporate coverings for service windows that are structurally and architecturally integrated into the design of the buildings.
- e. Bicycle parking facilities with the inverted "U" style rack shall be provided for each individual project. These facilities shall be available at all structures in the development and be conveniently located to the entrances of the primary structures and in clear view of the main entries.
- f. All building facades shall exhibit an aesthetically attractive appearance. 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 material. Painted or exposed corrugated metal shall not be permitted facing any roadway or adjacent property. The applicant shall verify compliance with this provision prior to Final Site Plan approval and Certificate of Occupancy. Architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least fifty percent (50%) of the

building face is constructed from other permitted materials. All facades of the structure shall have a consistent design and paint scheme.

2. All roof mounted H.V.A.C. equipment, loading areas, and dumpsters for all uses shall be screened from view from Old Tampa Road.
3. 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.
4. 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 Old Tampa Road between 10:00 p.m. and 7:00 a.m. A 30' wetland buffer shall be provided adjacent to the mitigation area, in accordance with section 719 of the Land Development Code.
5. This project shall be limited to the following commercial uses:
  - General Retail Sales
  - Neighborhood Convenience Retail Sales
  - Eating Establishment
  - Drive-thru Eating Establishment
  - Bank/Drive-thru Bank
  - Business Services
  - Professional Office
  - Clinic
  - Veterinary Clinic
  - Pick-up Dry Cleaners
  - Personal Service Establishment
  - Retail sales, neighborhood convenience
  - Retail sales, neighborhood general
  - Service Station and gas pumps
  - Food Catering
  - Car wash, incidental
  - School of Special Education
6. The property owner shall dedicate the right-of-way for the south-leg of the loop road (identified as Parcel X on the "Loop Road Exhibit") upon receiving a written request from Manatee County. The property owner shall have 120-days from receipt of the request to file paperwork with Manatee County for the right-of-way dedication. All permitting, design, construction, and any other costs associated with the loop roadway improvements shall be the sole responsibility of Manatee County, including the impacts to the on-site wetland mitigation area and stormwater pond #1. Should stormwater retention for the shopping center be compromised with the design of the loop road, Manatee County shall fully mitigate all stormwater impacts to allow for construction of the approved entitlements. Manatee County shall reimburse (no impact fee credits) the property owner for the fair-market value of the loop road right-of-way at the time of dedication.

7. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Planning Department for review prior to Final Site Plan approval.
8. No additional pole signs shall be permitted for either the overall project or any of the outparcels. One additional monument sign meeting the standards in Section 724 may be permitted for each outparcel. Any monument signs shall be constructed with materials and colors consistent with those in the overall development.
9. If Outparcel #1 is used for a restaurant, the following screening shall be provided within the perimeter buffer along the eastern property line, from the northern property boundary that lies along US 301 to the southern parcel boundary, as shown on the Preliminary Site Plan:
  - An 8' tall wooden or pvc opaque fence
  - 2 canopy trees per 100 linear feet
  - 3 1/3 understory trees per 100 linear feet
  - 33 shrubs per 100 linear feet

All required vegetation shall be planted on the outside of the fence, and the species of required vegetation planted within the buffer shall be chosen with the goal of providing plants that will have leaves year-round, to the greatest extent possible. This shall be approved by the Planning Department with the Final Site Plan. Additionally, the Final Site Plan shall show the relocation of the dumpster (as allowed by the Land Development Code) to attempt to reduce noise and odor impacts.

If Outparcel #1 is used for an office, the screening shown on the approved Preliminary Site Plan for this area shall be sufficient.

**Section 3. SPECIAL AND SPECIFIC APPROVALS.** Special Approval is hereby granted for a project exceeding 50,000 square feet in the ROR 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. Specific Approval is hereby granted for alternatives to Sections 604.10.3.4, 604.10.6.4, 604.10.6.6, 604.10.6.7, and 604.10.6.8 of the Land Development Code. This Specific 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, 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, the ordinance if 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 2<sup>nd</sup> day of April, 2009.

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



BY: *Dr. Gwendolyn Y. Brown*  
Dr. Gwendolyn Y. Brown, Chairman

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

BY: *Jessica L. Romine*  
Deputy Clerk

EXHIBIT "A"

**LEGAL DESCRIPTION**

A PARCEL OF LAND LOCATED IN SECTIONS 2 & 11, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMEMNCE AT THE SOUTHEAST CORNER OF SAID SECTION 2: THENCE NORTH 89°52'42" WEST, ALONG THE SOUTH LINE OF SAID SECTION 2, A DISTANCE OF 1,677.93 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°55'33" WEST, A DISTANCE OF 388.39 FEET; THENCE NORTH 88°13'19" WEST, A DISTANCE OF 198.55 FEET OT THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 442.00 FEET; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 31°32'40", A DISTANCE OF 243.35 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 60°14'01" WEST, A DISTANCE OF 520.93 FEET TO THE PONT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 358.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 562.35 FEET; THENCE NORTH 20°40'35" WEST, A DISTANCE OF 50.64 FEET; THENCE NORTH 29°45'59" WEST, A DISTANCE OF 100.00 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. 301 (STATE ROAD 43); THENC NORTH 64°14'01" EAST, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. 301, A DISTANCE OF 2,108.72 FEET; THENCE SOUTH 00°07'46" WEST, A DISTANCE OF 1004.05 FEET OT AFORESAID SOUTH LINE OF SECTION 2 AND THE ONT OF BEGINNING. LYING AND BEING IN SECTIONS 2 AND 11, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT OPERTINENT EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD.

CONTAINING 25.8 ACRES, MORE OR LESS.



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 27<sup>TH</sup> day of

APRIL, 2009

R.B. SHORE  
Clark of Circuit Court

By: Hancy Harris D.C.

FILED FOR RECORD  
R. B. SHORE

2009 APR 16 PM 2:51



CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

April 13, 2009

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

Attention: Ms. Nancy Harris, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 7, 2009 and certified copy of Manatee County Ordinance No. PDC-08-07 (P), which was filed in this office on April 9, 2009.

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

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/srd  
Enclosure

#### DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT  
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA  
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA  
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE  
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES  
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY  
850.245.6270 • FAX: 850.245.6282