

FILED FOR RECORD  
R. B. SHORE

**MANATEE COUNTY ZONING ORDINANCE  
PDC-11-05(G) – PALEY PLACE  
DTS #20110057**

2011 MAY 24 AM 9:34

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A GENERAL DEVELOPMENT PLAN FOR A 180,000 SQUARE FOOT COMMERCIAL SHOPPING CENTER AND MASTER SIGN PLAN ON APPROXIMATELY 23.5 ACRES ON THE SOUTH SIDE OF S.R. 70 AND WEST SIDE OF LOCKWOOD RIDGE ROAD, APPROXIMATELY 347 FEET WEST OF THE INTERSECTION OF S.R. 70 AND LOCKWOOD RIDGE ROAD, BRADENTON; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

2011 MAY 19 AM 9:59

FILED

**WHEREAS**, Lockwood 70I, LLC, Lockwood 70II, LLC, and Lockwood 70III, LLC (the "Applicants") filed an application for a General Development Plan for approximately 23.5 acres described in Exhibit "A", attached hereto, (the "Property") for a 180,000 square foot commercial shopping center and master sign plan; and

**WHEREAS**, the applicant filed a request for Special Approval for a project: 1) exceeding 150,000 square feet in the R/O/R Future Land Use Category; and 2) 30,000 square feet in the RES-6 Future Land Use Category; and

**WHEREAS**, the applicant filed a request for Specific Approval for alternatives to Sections 724.6.4.1.1, 724.6.4.1.8.2, 724.6.4.1.8.6 (1-11), 724.6.4.2.1, and 724.6.2.5 of the Land Development Code; and

**WHEREAS**, Planning staff recommended approval of the General Development Plan, Specific Approval 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 April 14, 2011 to consider the General Development Plan, Specific Approval and Special Approval applications, 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:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for a General Development 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 May 5, 2011 regarding the proposed General Development 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 General Development 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 General Development 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 724, the Board finds that public purpose and intent of the LDC sign regulations are satisfied to an equivalent degree because the Master Sign Plan provides a unified theme and layout for all the signs in the shopping center.

**Section 2. GENERAL DEVELOPMENT PLAN.** The General Development Plan is hereby approved for a 180,000 square foot commercial shopping center and master sign plan upon the Property subject to the following Stipulations:

### **STIPULATIONS**

#### **A. DESIGN AND LAND USE CONDITIONS:**

1. At time of the first Final Site Plan approval, a unified architectural theme for the commercial project shall be approved and applied to all commercial buildings.
2. Building elevations shall be in substantial conformance with the elevations entered into the record.
3. HVAC and mechanical equipment (including roof mounted) shall be screened from view from S.R.70, Lockwood Ridge Road, and adjacent residential uses. Screening shall consist of similar colors and materials consistent with the construction of the exterior finish of the buildings. Compliance with the building elevations shall be determined prior to Final Site Plan approval.

4. All dumpsters shall be screened from view from Lockwood Ridge Road and S.R. 70. Screening shall consist of building materials matching the principal buildings on site.
5. Tractor trailer or semi-trucks involved in deliveries to the rear of the buildings facing the residential development (to the south) 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 routine or scheduled delivery, loading or unloading of tractor trailers 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.
6. The 6-foot high fence or wall shall be measured from the finished elevation of the rear drive aisle and shall extend the length of the southernmost drive aisle.
7. The Lease Agreement shall contain language pertaining to the size, type, and location of signs shown on the Master Sign Plan for each leased parcel.
8. Any additional sign proposed other than that shown on the approved Master Sign Plan shall require an amendment to the Paley Place General Development Plan at an advertised public hearing, unless otherwise permitted in the LDC.
9. All signs shall comply with the following:
  - a) Signs shall not be permitted within public rights-of-way.
  - b) All proposed signage shall be on-site signs only. No off-site advertisement is permitted.
  - c) Proposed signs shall not conflict with existing and proposed landscaping to the maximum extent possible.
  - d) Environmental Planning shall review individual sign permits to assist in determining optimal location for signs (to avoid conflict with existing and proposed landscaping to the maximum extent possible) as follows:
    - i) Within roadway buffers to maximize visibility of signs, while minimizing removal of existing trees.
    - ii) Internal, wall, and perimeter signs to ensure placement of signs and to give consideration to existing landscaping to prevent unnecessary pruning or trimming of vegetation to maintain sign visibility.
    - iii) Sign footers to ensure minimal impacts to root zones.
  - e) Signs shall be setback a minimum of five feet from all property lines.
  - f) Signage shall be placed so it does not conflict with the visibility triangle, vehicular clear zones or easements. FDOT indices and clear zone requirements shall be met.
10. There shall be no outdoor storage for the Construction Service Establishment use.

**B. ENVIRONMENTAL PLANNING:**

1. Prior to Final Site Plan approval, an ERP, approved by SWFWMD, shall be provided for review.
2. Existing native vegetation located within required landscape buffers shall be preserved to the greatest extent possible. There shall be no utility lines, swales or stormwater facilities within any proposed landscape buffer containing desirable native vegetation, with the exception of limited crossings. The proposed stormwater pond shall be shifted as necessary to retain existing desirable trees along the western project boundary.

**C. STORMWATER**

1. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Pearce Drain/Gap Creek. Modeling shall be used to determine pre- and post- development flows.

**D. TRAFFIC**

1. A northbound left-turn and a northbound right-turn lane at the S.R. 70 and 39<sup>th</sup> St. E. intersection shall be provided prior to the first Certificate of Occupancy (C.O.) of Phase One development of the site.
2. A southbound right-turn deceleration lane on Lockwood Ridge Road at the site's main access shall be provided prior to the first C.O. of Phase One development of the site.
3. An evaluation to consider the possible relocation of the 39<sup>th</sup> St. E. access to align with the post office driveway, located approximately 350' south of S.R. 70, shall be provided prior to Phase Two Preliminary Site Plan approval.

**Section 3. SPECIAL AND SPECIFIC APPROVALS.** Special Approval is hereby granted for a project: 1) exceeding 150,000 square feet in the R/O/R Future Land Use Category; and 2) 30,000 square feet in the RES-6 Future Land Use Category. This Special Approval shall continue in effect and shall expire concurrent with the General Development Plan for the project approved pursuant to Section 2 hereof. Specific Approval is hereby granted for alternatives to Sections 724.6.4.1.1, 724.6.4.1.8.2, 724.6.4.1.8.6 (1-11), 724.6.4.2.1, and 724.6.2.5 of the Land Development Code. This Specific Approval shall continue in effect and shall expire concurrent with the General Development 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 5<sup>th</sup> day of May, 2011.

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

BY: \_\_\_\_\_

**Carol Whitmore, Chairman**

**ATTEST:**

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

BY: \_\_\_\_\_

**Deputy Clerk**



**EXHIBIT “A”**

**LEGAL DESCRIPTION NEXT PAGE**

20110057(1)  
PDC-11-05(G)  
February 24, 2011  
Lockwood 70, I, LLC, Lockwood 70 II,  
LLC, Lockwood 70 III, LLC/Paley  
Place- (RAPID RESPONSE-PLANNING)

LEGAL DESCRIPTION

PARCEL 1

THAT PORTION OF SECTION 16, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST  $\frac{1}{4}$  OF THE NORTHEAST  $\frac{1}{4}$  OF SAID SECTION 16; THENCE ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION, S.00°17'11" E., A DISTANCE OF 351.56 FEET TO THE CENTERLINE OF SURVEY, STATE ROAD 70, AS PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 13160-2512; THENCE ALONG SAID LINE, S.89°36'27" W., A DISTANCE OF 127.24 FEET; THENCE DEPARTING SAID LINE, S.00°23'33" E., A DISTANCE OF 88.01 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 70; THENCE S.89°36'27" W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 183.37 FEET FOR A POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, S.00°23'09" E., A DISTANCE OF 350.08 FEET; THENCE N.89°37'28" E., A DISTANCE OF 228.47 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF 45TH STREET EAST (LOCKWOOD RIDGE); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES: (1) S.05°48'48" E., A DISTANCE OF 55.95 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE 343.99 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 3,583.66 FEET AND A CENTRAL ANGLE OF 05°29'59"; A CHORD DISTANCE OF 343.88 FEET WHICH BEARS S.03°03'49" E.; (2) THENCE S.00°14'59" E., A DISTANCE OF 137.61 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SAID SECTION 16; (3) THENCE S.00°01'19" W., A DISTANCE OF 39.60 FEET TO THE NORTHEAST CORNER OF GATEWAY HEIGHTS AS RECORDED IN PLAT BOOK 23, PAGE 128, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S.89°58'51" W., ALONG THE NORTH LINE OF SAID GATEWAY HEIGHTS AND THE NORTH LINE OF GATEWAY EAST AS RECORDED IN PLAT BOOK 13, PAGE 56, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, A DISTANCE OF 1,262.98 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SAID SECTION 16; THENCE N.00°14'49" E., ALONG SAID WEST LINE, A DISTANCE OF 39.91 FEET; THENCE DEPARTING SAID WEST LINE N.89°59'41" E., A DISTANCE OF 19.32 FEET; THENCE N.00°19'36" W., A DISTANCE OF 723.78 FEET; THENCE N.89°40'49" E., A DISTANCE OF 285.46 FEET; THENCE N.00°19'11" W., A DISTANCE OF 168.64 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 70, SAID POINT BEING ON A CURVE TO THE LEFT; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES: (1) 88.21 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,483.39 FEET, A CENTRAL ANGLE OF 02°37'01" AND A CHORD OF 68.20 FEET WHICH BEARS S.89°05'15" E.; (2) THENCE N.89°36'15" E., A DISTANCE OF 552.35 FEET; (3) THENCE S.76°54'00" E., A DISTANCE OF 51.42 FEET; (4) THENCE N.89°36'15" E., A DISTANCE OF 37.04 FEET TO THE POINT OF BEGINNING.

PARCEL 2

TOGETHER WITH EASEMENTS CREATED BY RECIPROCAL EASEMENT AGREEMENT WITH COVENANTS, CONDITIONS AND RESTRICTIONS BY AND BETWEEN RICKIE PALEY, AS TRUSTEE FOR THE RICKIE PALEY REVOCABLE TRUST U/A/D JANUARY 18, 2000, AND MANATEE WALK, LLC, A FLORIDA LIMITED LIABILITY, RECORDED IN O.R. BOOK 2110, PAGE 1476; AS MODIFIED BY FIRST AMENDMENT THERTO RECORDED IN OFFICIAL RECORDS BOOK 2260, PAGE 6328, 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 17th day of

May 20 11  
R.B. SHORE  
Clerk of Circuit Court

By: Vicki J. Sasser, P.C.



FILED FOR RECORD  
R. B. SHORE

2011 MAY 24 AM 9:34

## FLORIDA DEPARTMENT of STATE

**RICK SCOTT**  
Governor

**DIVISION OF LIBRARY AND INFORMATION SERVICES**

**KURT S. BROWNING**  
Secretary of State

May 19, 2011

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

Attention: Ms. Vicki Tessmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 17, 2011 and certified copies of Manatee County Ordinance Nos. PDC-11-05(G), PDR-11-01(Z)(P) and PDEZ-08-19(Z)(G)(R2), which were filed in this office on May 19, 2011.

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

Sincerely,

Liz Cloud  
Program Administrator

LC/vm

Enclosure

### DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
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STATE ARCHIVES OF FLORIDA  
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CAPITOL BRANCH  
850.488.2812 • FAX: 850.488.9879

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