

FILED FOR RECORD
R. B. SHORE

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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PDM 2006-22(Z)(P)

MANATEE COUNTY ZONING ORDINANCE

**– BUSINESS PARK AT WASHINGTON CROSSING, LLC / WASHINGTON
CROSSINGS COMMERCIAL DTS #20060071**

CLERK OF THE CIRCUIT COURT
MANATEE COUNTY, FLORIDA

AN ORDINANCE OF THE MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 2.42 ACRES AT THE SOUTHEAST CORNER OF US 301 AND TALLEVAST ROAD AT 2450 TALLEVAST ROAD, BRADENTON FROM LM (LIGHT MANUFACTURING) TO THE PDC (PLANNED DEVELOPMENT COMMERCIAL) ZONING DISTRICT; APPROVE A PRELIMINARY SITE PLAN FOR 20,340 SQUARE FEET OF RETAIL; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Business Park at Washington Crossing, LLC (the "Applicant") filed an application to rezone approximately 2.42 acres described in Exhibit "A", attached hereto, (the "property") from LM (Light Manufacturing) to the PDC (Planned Development Commercial) zoning district; and

WHEREAS, the applicant also filed a Preliminary Site Plan application for 20,340 square feet of retail (the "project") on the property; and

WHEREAS, the applicant also filed a request for Special Approval for a project exceeding 3,000 square feet of retail in the IL FLUC; and

WHEREAS, Planning staff recommended approval of the rezone, Preliminary Site Plan, and Special Approval 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 January 22, 2009 to consider the rezone, Preliminary Site Plan, and Special Approval, 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, 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 LM (Light Manufacturing) to the PDC (Planned Development Commercial) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing February 3, 2009 on regarding the 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. 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.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 20,340 square feet of retail upon the property subject to the following Stipulations:

STIPULATIONS

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

1. The site shall be limited to 20,340 square feet of neighborhood convenience retail uses.
2. All building facades (including the rear) shall include landscaping and design features which reduce the mass, scale, and uniform monolithic appearance of large unadorned walls as follows:

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 standard concrete block, or corrugated metal shall not be permitted. Architectural metals or standard concrete block with stucco type finish, in conjunction with other permitted building materials may be allowed, provided that at least fifty percent (50%) of the building face is constructed from other permitted materials.

In order to ensure that the building does not project a massive blank wall, blank walls shall be no longer than 20 feet in length. Design elements including 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.) shall be applied to all sides of the proposed building.

Other methods, as determined by the Planning Director, may be approved, including increasing the referenced 20 foot spacing requirement, provided superior building materials and significant horizontal design features are incorporated as part of the building elevation.

Building elevations for the buildings shall be submitted with the Final Site Plans to ensure compliance with this stipulation and be approved by the Planning Department.

3. The dumpster enclosures shall be constructed of similar materials as the main building. The enclosure and gate or fence shall be painted a similar color to the main building. Elevations of the dumpster enclosure and gate or fence shall be submitted to the Planning Department for review and approval prior to Final Site Plan approval.
4. HVAC equipment and mechanical equipment (including roof mounted) shall be screened from view from Tallevast Road and US 301. Screening shall be provided by materials and color consistent with the construction of the exterior finish of the building. Compliance shall be determined with the building elevations prior to Final Site Plan approval and field verified prior to issuance of C.O.
5. Any drive-throughs associated with the proposed uses shall be on the east sides of the buildings.
6. Service stations, convenience stores with gas pumps, and other drive-through facilities shall integrate any canopy with the main structure and include the following design criteria:
 - a. Drive-through windows shall incorporate coverings for service windows that are structurally and architecturally integrated into the design of the buildings.
 - b. No accessory building, gasoline pump, tank, vent, pump island, or pump island canopy shall be within 35 feet of any property line.
 - c. All drive-through facilities shall provide a by-pass lane or safe means of egress around drive-through lanes to be determined with the Final Site Plan.
7. One-free standing sign (monument or pole sign) shall be permitted for the project, not to exceed 60 square feet and 20 feet in height; or each individual lot (or leased site) shall be permitted one ground sign per road frontage, not to exceed 32 square feet and 8 feet in height. 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. A coordinated sign plan shall be approved for the entire project by the Planning Department with the first Final Site Plan.

B. TRANSPORTATION CONDITIONS:

1. All traffic concurrency-related transportation improvements and required traffic safety and operational improvements shall be shown on the Final Site Plan(s) and Construction Plan(s).
2. The main driveway off of Tallevast Road shall be constructed to the south end of the southernmost parcel prior to issuance of the first CO.

C. STORMWATER CONDITIONS:

1. This 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 Pearce Drain. Modeling shall be used to determine pre- and post- development flows.
2. 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.

D. BUFFERS:

1. The roadway buffer along Tallevast Road and US 301 shall be installed prior to issuance of CO for the first building.

E. ENVIRONMENTAL CONDITIONS:

1. Tree removal and replacement requirements for this site are addressed under the associated "Washington Crossing Parcel A and Master Infrastructure" (FSP-07-99) project. Accordingly, no Certificate of Occupancy shall be issued for Parcel B until all required replacement trees have been installed and inspected by Planning Department staff.
2. All trees to be installed within perimeter landscape buffers shall meet Florida #1 quality nursery standards. Any existing trees to be transplanted shall be located within interior portions of Parcel A (i.e. stormwater pond banks or wetland buffers).
3. All nuisance plant species (including camphor trees) shall be removed from this site prior to Certificate of Occupancy issuance. An exotic species management plan shall be provided to Planning Department staff for review and approval with the Final Site Plan.
4. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.

Section 3. SPECIAL APPROVAL. Special Approval is hereby granted for a project exceeding 3,000 square feet of retail in the IL 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.

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 classification of the property identified in Exhibit "A" herein from LM (Light Manufacturing) to the PDC (Planned Development Commercial) 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 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 3rd day of February, 2009.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

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

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

BY: *Susan G. Shore*
Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION

A PORTION OF LAND LYING IN SECTION 31, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 31; THENCE ALONG THE NORTH LINE OF SAID SECTION 31 NORTH 89°40'58" WEST, A DISTANCE OF 87.30 FEET TO THE INTERSECTION WITH THE WEST RIGHT-OF-WAY OF THE SEABOARD COASTLINE RAILROAD; THENCE CONTINUE ALONG SAID NORTH SECTION LINE NORTH 89°40'58" WEST, A DISTANCE OF 312.08 FEET; THENCE DEPARTING SAID NORTH LINE SOUTH 00°26'55" WEST, A DISTANCE OF 30.00 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF "TALLEVAST ROAD" (77TH AVENUE E); THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY SOUTH 00°26'55" WEST, A DISTANCE OF 805.69 FEET; THENCE NORTH 89°33'05" WEST, A DISTANCE OF 333.23 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 301; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 00°26'31" EAST, A DISTANCE OF 344.22 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 00°26'31" EAST, A DISTANCE OF 405.58 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE NORTH 51°21'12" EAST, A DISTANCE OF 25.79 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF TALLEVAST ROAD (77TH AVE EAST); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND EXTENSION THEREOF SOUTH 89°31'23" EAST, A DISTANCE OF 230.04 FEET; THENCE DEPARTING SAID EXTENSION OF SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 00°26'31" WEST, A DISTANCE OF 421.70 FEET; THENCE NORTH 89°33'28" WEST, A DISTANCE OF 250.06 FEET TO THE POINT OF BEGINNING. CONTAINING 105,309.4 SQUARE FEET, 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 16th day of February, 2009
R.B. SHORE
Clerk of Circuit Court
[Signature] D.C.



FILED FOR RECORD
R. B. SHORE

2009 FEB 23 PM 1:31

FLORIDA DEPARTMENT of STATE

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

February 16, 2009

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

Attention: Ms. 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 February 12, 2009 and certified copies of Manatee County Ordinance Nos. PDC-07-22(Z)(P), 09-07, 09-09, PDMU-06-102(Z)(P), PDR-05-02(P), PDMU-06-22(Z)(P) and PDR-05-49(Z)(P), which were filed in this office on February 16, 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
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