

MANATEE COUNTY ORDINANCE NO. PDC-91-07(Z) (G)
LAKESIDE PLAZA SHOPPING CENTER

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA
FEB 10 11 48 AM '92

SECRETARY OF STATE
FEB 7 11 35 AM '92
FILED

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, 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 OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM GC (GENERAL COMMERCIAL) TO PDC (PLANNED DEVELOPMENT COMMERCIAL), AND GRANTING SPECIAL APPROVAL TO A PROJECT EXCEEDING 50,000 SQUARE FEET AND 0.25 FLOOR AREA RATIO IN THE ROR FUTURE LAND USE CATEGORY; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. 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 of said County as well as all other matters presented to said 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 Section 4 of this Ordinance from GC (General Commercial) to PDC (Planned Development Commercial), and granting SPECIAL APPROVAL to a project exceeding 50,000 square feet and 0.25 floor area ratio in the ROR Future Land Use Category.

B. The said Board of County Commissioners held a Public Hearing on December 19, 1991 and January 28, 1992 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 Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

Section 2. THE GENERAL DEVELOPMENT PLAN, entitled THE HOME DEPOT, is hereby APPROVED to increase the size of the existing shopping center from 117,514 square feet to 230,084 square feet with the following stipulations and modification:

STIPULATIONS:

1. Signage along Cortez Road shall comply with the requirements of the Land Development Code. Signage at the entrance on 24th Street West shall be limited to an unlighted ground sign not exceeding eight feet (8') in height.
2. Tree landscaping along Cortez Road, west of the east face of the Home Depot building and along 24th Street West shall consist of 12 foot high, 2-2½ caliper oak trees spaced 30 feet on center. The landscaped hedge along 24th Street West and along Cortez Road, west of the west entrance shall maintain a maximum height of 6 feet and opacity of 80% at maturity. Maturity shall be attained within 30 months after Certificate of Occupancy.
3. A wall, 6 foot high, shall be projected northward from the west face of the Home Depot building to screen the truck well and compactor from the residences across 24th Street West.

4. Any future restaurants in the shopping center shall be required to receive administrative approval pursuant to Section 506 of the Land Development Code from the Planning Department to determine if adequate parking is available.
5. Any change of use or change in occupancy of the Home Depot Store shall require administrative approval pursuant to Section 506 of the Land Development Code to determine if adequate parking is available.
6. Access onto Cortez Road shall be as required by the Florida Department of Transportation.
7. A 6 foot high fence shall be provided along the north property line prior to Temporary Certificate of Occupancy or Certificate of Occupancy.
8. The applicant shall perform a Contamination Assessment of soil and ground water according to Chapter 17-770, Florida Administrative Code and remediate all contaminated soils before the construction of any permanent structure. Ground water remediation may be conducted following construction, however, the developer assumes all responsibilities for any alteration, if any, of structures that may be required to ensure complete cleanup. All remediation activities must be performed under the auspices of the Florida Department of Environmental Regulation and the Environmental Action Commission.
9. The applicant shall provide to the County evidence of a joint use agreement and cross access easements for the parking lot, and a maintenance easement for the zero lot line buildings where no common wall exists prior to Preliminary Site Plan approval.
10. Prior to submittal of the applicant's Preliminary Development Plan, the applicant shall provide the Planning Department with an engineer's certification of the existing open space (as defined in Section 201 of the Land Development Code), stated both in actual land area and as a percentage of the total project acreage. The applicant's Preliminary Development Plan shall conform to the approved General Development Plan and shall include an open space percentage which is at least equal to or greater than the open space percentage for the existing Lakeside Plaza Shopping Center, but in no event shall such open space be less than 17% nor required to be in excess of 20%.
11. When signalization is warranted by Manatee County Public Works Department and the Florida Department of Transportation at the intersection of 24th Street West and Cortez Road (SR 684), the developer shall participate in the construction and installation of the signalization. The amount of participation shall be determined at time of application for a Certificate of Level of Service Compliance and may require a cash bond if the signalization is not installed prior to issuance of the first Certificate of Occupancy.

MODIFICATIONS:

1. Modification to the Land Development Code to reduce the sideyard setback for zero lot line development which does not share a common wall.
2. Modification to the Land Development Code to reduce the required open space on site.

Section 3. AMENDMENT OF 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

identified in Section 4 herein from GC (General Commercial) to PDC (Planned Development Commercial), and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning, Permitting and Inspections Department are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION. FROM A R.R. SPIKE MARKING THE S.W. CORNER OF THE S.E. 1/4 OF SECTION 3, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA RUN N 89°55'45" E, ALONG THE SOUTH LINE OF SAID SECTION 3, A DISTANCE OF 699.00 FEET TO THE SOUTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF 24TH STREET WEST; THENCE N 00°11'45" W, ALONG SAID SOUTH SOUTHERLY EXTENSION, A DISTANCE OF 81.12 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°11'45" W, ALONG SAID EAST RIGHT-OF-WAY LINE OF 24TH STREET WEST A DISTANCE OF 870.00 FEET; THENCE S 89°50'00" E, PARALLEL WITH THE NORTH RIGHT-OF-WAY LINE OF CORTEZ ROAD (STATE ROAD 684), A DISTANCE OF 960.00 FEET; THENCE S 00°11'45" E, PARALLEL WITH AFORESAID EAST RIGHT-OF-WAY LINE OF 24TH STREET WEST, A DISTANCE OF 890.00 FEET TO AFORESAID NORTH RIGHT-OF-WAY LINE OF CORTEZ ROAD; THENCE N 89°50'00" W, ALONG SAID NORTH RIGHT-OF-WAY LINE OF CORTEZ ROAD, A DISTANCE OF 945.00 FEET; THENCE N 36°56'06" W, A DISTANCE OF 25.08 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 3, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

Section 5. This ordinance shall take effect immediately upon the receipt of the official acknowledgment from the Office of the Secretary of State, State of Florida, that same has been filed with that office.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida this the 28th day of January, 1992.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Kathy A. Sull
Chairman

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

Richard Ashley - Deputy Clerk
MANATEE COUNTY, FLORIDA

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true copy of ORDINANCE NO. PDC9107(Z)(G) adopted by the Board of County Commissioners of said County on the 28 day of Jan, 1992 this 4th day of Feb, 1992 in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By: Jane Cook D.C.



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

DIVISION OF ELECTIONS

Room 2002, The Capitol, Tallahassee, Florida 32399-0250
(904) 488-8427

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA

FEB 10 11 48 AM '92

February 7, 1992

Honorable Richard B. "Chips" Shore
Clerk of the Circuit Court
Manatee County Courthouse
Post Office Box 1000
Bradenton, Florida 34206

Attention: Richard H. Ashley, Chief Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of February 4, 1992 and certified copy of Manatee County Ordinance No. PDC-91-07(Z)(G), which was received and filed in this office on February 7, 1992.

The duplicate copy showing the filing date is being returned for your records.

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

Enclosure (1)