

SEP 4 8 15 AM '97

MANATEE COUNTY ZONING ORDINANCE
PDC-97-03(Z)(G) - CARGOR, INC./UNIVERSITY SQUARE SHOPPING CENTER

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 CONSISTING OF 5.34 ACRES FROM PDR/WP-E/ST (PLANNED DEVELOPMENT RESIDENTIAL/EVERS RESERVOIR WATERSHED PROTECTION/SPECIAL TREATMENT OVERLAY DISTRICTS) TO PDC/WP-E/ST (PLANNED DEVELOPMENT COMMERCIAL/EVERS RESERVOIR-WATERSHED PROTECTION/SPECIAL TREATMENT OVERLAY DISTRICTS); PROVIDING AN EFFECTIVE DATE AND (2) APPROVAL OF A REVISION TO GENERAL DEVELOPMENT PLAN NO. PDC-95-04 FOR A 188,550 SQUARE FOOT SHOPPING CENTER AND OFFICE CENTER INCLUDING OUTPARCELS.

Aug 28 2 04 PM '97

FILED

THIS IS A CORRECTIVE DOCUMENT

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 consisting of ± 5.34 acres from PDR/WP-E/ST (Planned Development Residential/Evers Reservoir Watershed Protection/Special Treatment Overlay Districts) to PDC/WP-E/ST (Planned Development Commercial/Evers Reservoir-Watershed Protection/Special Treatment Overlay Districts).

B. The said Board of County Commissioners held a public hearing on July 22, 1997, 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 is hereby approved for a 188,850 square foot shopping center and office center including outparcels with the following stipulations and specific approval:

STIPULATIONS:

1. A wall or fence, constructed to a height of 6 feet above the finished floor elevation of the office buildings and the bank or restaurant, shall be provided along the eastern property line, adjacent to property zoned A-1. This wall shall not be required to be extended north of the building line adjacent to the stormwater retention pond. This wall or fence shall be in place prior to the first Certificate of Occupancy for the proposed office buildings. A screening buffer meeting the requirements of LDC Section 715.5.2.1.A shall also be provided.
2. The hedge along the north property line shall maintain an 80 percent opacity between a height of two to six feet (2' - 6') at the time the shopping center is constructed.
3. Signs located adjacent to Country Oaks Drive shall be limited to a single ground sign. All other signs shall comply with the regulations of the Land Development Code.
4. A variable width buffer, as shown on the General Development plan, shall be provided around the wetlands located adjacent to the northern and western portion of the site prior to Final Site Plan approval. A buffer enhancement plan to provide additional plantings of native plant species

shall be approved by the Environmental Management Department prior to Final Site Plan approval and installed prior to the first Certificate of Occupancy for the shopping center or any of the offices.

5. A dedicated right-turn lane shall be provided on University Parkway for westbound to northbound traffic at Lockwood Ridge Road. This lane shall be 250' in length and constructed prior to the first Certificate of Occupancy for the shopping center. The existing driveway on University Parkway shall continue to be limited to right-turn-in, right-turn-out only and shared with property to the east. The entire cost of the engineering, design, and construction of this improvement shall be entitled to Impact Fee Credits. The County shall move or replace any traffic poles that must be relocated by this improvement. This capacity improvement addresses the impacts from the increased commercial area not addressed by the prior traffic analysis. This stipulation will be incorporated into the LOS Certificate.
6. The existing driveway on University Parkway (east of Applebee's) shall continue to be limited to right-turn-in, right-turn-out only and shared with property to the east.
7. Building setbacks shall be as graphically depicted on the site plan. The setback to the east property line for the shopping center shall be increased to 260'. Final configuration and location of the shopping center structures shall provide adequate distance between the buildings and the stormwater retention facilities for two way truck traffic. The bank or restaurant building shall be setback 40' and drive-thru facilities 20' from the east property line.
8. All roof mounted H.V.A.C. and mechanical equipment for structures built after the date of this approval shall be screened from view from any residences to the north or east.
9. All delivery vehicles shall access the site from University Parkway or Lockwood Ridge Road only. Eastbound delivery vehicles may exit the site from Country Oaks Boulevard. Appropriate signs identifying this requirement shall be posted at all loading zones. A sign prohibiting truck traffic shall be posted at the entrance to Country Oaks Boulevard.
10. All existing parking areas shall be upgraded to comply with the landscaping requirements of LDC Section 715.
11. Cross access easements shall be recorded for all parcels within this General Development Plan and an access easement provided for the parcel to the east.
12. The access easement serving property to the east shall be constructed to the property line in accordance with County standards. Construction shall be completed prior to the first Certificate of Occupancy for the shopping center, the bank or restaurant building, or any of the office uses.

SPECIFIC APPROVAL:

1. Specific approval of an alternative to Section 604.2.1.2.13 of the Land Development Code to provide 26 percent upland open space for the project.

Section 3. 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 identified in Section 4 herein consisting of ± 5.34 acres from PDR/WP-E/ST (Planned Development Residential/Evers Reservoir Watershed Protection/Special Treatment Overlay Districts) to PDC/WP-E/ST (Planned Development Commercial/Evers Reservoir-Watershed Protection/Special Treatment Overlay Districts), 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 4. LEGAL DESCRIPTION.

A PARCEL OF LAND LYING AND BEING IN THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE EAST 45 ACRES OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 SECTION 33, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE N 00°33'51" E. ALONG THE WEST LINE OF THE SAID EAST 45 ACRES, 435.60 FEET TO THE

POINT OF BEGINNING; THENCE S 89°32'28" W., 100.02 FEET; THENCE N 82°06'12" W. 162.64 FEET TO INTERSECT THE EAST LINE OF LAND DEEDED TO ILA JANE HEAD IN DEED BOOK 409, PAGE 473 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N 00°43'32" E. ALONG THE EAST LINE OF ILA JANE HEAD LAND, 879.81 FEET TO INTERSECT THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 33; THENCE S 89°29'06" E. ALONG THE NORTH LINE OF SAID SOUTH 1/2, A DISTANCE OF 258.83 FEET TO THE NORTHWEST CORNER OF THE EAST 45 ACRES OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 33; THENCE S 00°33'51" W. ALONG THE WEST LINE OF SAID EAST 45 ACRES 899.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.34 ACRES MORE OR LESS.

Section 5. EFFECTIVE DATE. 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 on the 22nd day of July, 1997 and corrected by the Board of County Commissioners on 8/19/97.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Patricia M. Glass*
Chairman

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

Susan B. Lina

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 26 day of August, 1997.
R. B. SHORE
Clerk of Circuit Court
By: *Patricia M. Glass* D.C.

THIS IS A CORRECTIVE DOCUMENT

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing



FILED FOR RECORD
R.B. SHORE
CLERK OF COUNTY COMMISSIONERS
SEP 4 8 13 AM '97
MEMBER OF THE FLORIDA CABINET
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
Ringling Museum of Art

FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State
DIVISION OF ELECTIONS

August 28, 1997

Honorable R. B. Shore
Clerk to Board of County Commissioners
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Susan G. Romine, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of August 26, 1997 and certified copy each of Manatee County Ordinance Nos. Z-96-19, 97-68, and PDC-97-03 (Z)(G) (Corrective), which were filed in this office on August 28, 1997.

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

Sincerely,

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

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw

Enclosures