

## Manatee County Resolution

### **MOD-21-02/RESOLUTION 23-079/ 2209 LLC- 2209 WHITFIELD PARK LOOP INDUSTRIAL- MODIFICATION OF STANDARDS**

**(PLN2109-0181)**

AN ORDINANCE/RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; REGARDING LAND DEVELOPMENT, PROVIDING FOR A FRONT YARD SETBACK MODIFICATION OF STANDARDS TO THE SETBACK REQUIREMENTS ESTABLISHED IN THE LIGHT MANUFACTURING (LM) ZONING DISTRICT, TO REDUCE THE FRONT YARD SETBACK FROM 25-FEET TO 20-FEET, ON APPROXIMATELY 1.16 ACRES; LOCATED AT 2209 WHITFIELD PARK LOOP, SARASOTA, (MANATEE COUNTY), SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, 2209 LLC (the "Applicant") filed an application requesting a front yard setback modification to the setback requirements established in the Light Manufacturing (LM) zoning district, reducing the front yard setback from 25-feet to 20-feet on approximately 1.16 acres as described in Exhibit "A", attached hereto (the "Property"); and

**WHEREAS**, the front yard setback modification (a 5-foot reduction from the setback standard in LM) would allow the Applicant's prefabricated structures fit within the Property; and

**WHEREAS**, based upon the review of the current conditions and the unique circumstances of the events, in the opinion of staff, the provided analysis demonstrates that the request meets the review criteria established in the Land Development Code.

**NOW, THEREFORE BE IT RESOLVED 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, 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 term "Comprehensive Plan" shall mean the version of the Manatee County Comprehensive Plan in effect as of April 20, 2023.

B. The term "Land Development Code" or "LDC" shall mean the version of the Manatee County Land Development Code in effect as of April 20, 2023.

C. The Property is in the Light Manufacturing (LM) Zoning District and Industrial Heavy (IH) Future Land Use Category (FLUC).

D. The Board of County Commissioners has received and considered the staff report and attachments concerning the application for a Modification of Standards as it relates to the Property.

E. The Board of County Commissioners, after due public notice, held a public hearing on April 20, 2023, regarding the proposed Ordinance/Resolution described herein in accordance with the requirements of the Manatee County Land Development Code.

F. The Applicant's requested front setback modification in this Ordinance/Resolution regarding the Property is found to be consistent with the requirements of the Manatee County Comprehensive Plan and satisfies the review criteria for approval in the Land Development Code.

**Section 2. CONCLUSIONS OF LAW.** Based upon the prior Findings of Fact and considering the testimony, evidence, documentation, the Staff Report presented and a review of the applicable provisions of the Comprehensive Plan and the LDC, the Board hereby makes the following Conclusions of Law:

A. The Applicant has met its burden of proof in demonstrating that the proposed front setback modification is consistent with the Comprehensive Plan and complies with the review standard in the applicable provision of the LDC.

B. The specific legal and factual authorities and rationale relied upon in reaching said conclusions are set forth in the record of the proceedings before the Board on April 20, 2023.

C. The Board specifically approves the 5-foot front setback modification applicable to the Property.

**Section 3. SEVERABILITY.** If any section, sentence, clause, or other provision of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or 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 Resolution.

**Section 4. CODIFICATION.** Pursuant to § 125.68(1), Florida Statutes, this Resolution is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

**Section 5. STATE AND FEDERAL PERMITTING.** The issuance of the local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

**Section 6. EFFECTIVE DATE.** This Resolution shall take effect immediately upon the date of adoption of this Resolution.



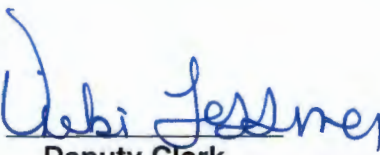
**PASSED AND DULY ADOPTED**, by the Board of County Commissioners of Manatee County, Florida on the 20<sup>th</sup> day of April 2023.



**BOARD OF COUNTY  
COMMISSONERS OF MANATEE  
COUNTY, FLORIDA.**

BY:   
Kevin Van Ostenbridge, Chairman

**ATTEST: ANGELINA COLONNESO  
Clerk of the Circuit Court**

BY:   
Deputy Clerk

**Exhibit “A”**

**Legal Description**

Parcel Folio # 1868300102

Lot 18, Block A, Whitfield Industrial Park, a subdivision according to the plat thereof recorded in Plat Book 16, Pages 46 through 49, of the Public Records of Manatee County, Florida.



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

April 24, 2023

Honorable Angelina Colonnese  
Clerk of the Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, FL 34206

Attention: Julissa Santana

Dear Honorable Angelina Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. MOD-21-02, which was filed in this office on April 21, 2023.

Sincerely,

Anya Owens  
Program Administrator

ACO/wlh