

MANATEE COUNTY ZONING ORDINANCE

PDC-10-15(Z)(P) – PETZOLDT, CURTIS & BURNSIDE, KENT/XPRESS STORAGE U.S. 301 NORTH – DTS20100338

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 3.2 ACRES ON THE WEST SIDE OF OLD TAMPA ROAD, AND SOUTH SIDE OF U. S. 301 NORTH, AT 8407 AND 8431 U. S. 301 NORTH, PARRISH FROM PR-M/NCO (PROFESSIONAL-MEDIUM/NORTH CENTRAL OVERLAY DISTRICT) TO PDC/NCO (PLANNED DEVELOPMENT COMMERCIAL), RETAINING THE NORTH CENTRAL OVERLAY DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR 43,284 SQUARE FEET FOR MINI-WAREHOUSE SPACE AND KIOSK; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Petzoldt, Curtis & Burnside, and Kent (the "Applicants") filed an application to rezone approximately 3.2 acres described in Exhibit "A", attached hereto, (the "property") from PR-M/NCO (Professional-Medium/North Central Overlay District) to PDC/NCO (Planned Development Commercial), retaining the North Central Overlay District; and

WHEREAS, the applicant also filed a Preliminary Site Plan application for 43,284 square feet for mini-warehouse space and kiosk (the "project") on the property; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Sections 710.1.6, 715.3.2, 702.6.8, 604.10.3.4, and 603.10.3.6 of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the rezone, Preliminary Site Plan, and Specific 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 March 10, 2011 to consider the rezone, Preliminary Site Plan, Special Approval, and Specific 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 PR-M/NCO (Professional-Medium/North Central Overlay District) to PDC/NCO (Planned Development Commercial), retaining the North Central Overlay District.

B. The Board of County Commissioners held a duly noticed public hearing on April 7, 2011 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 Manatee County Comprehensive Plan.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 710.1.6, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because adequate parking is provided.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.2, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because adequate measures are being taken to avoid conflicts with existing utilities and buffering already exists.

F. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 702.6.8, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because adequate separation is provided from the stormwater retention pond.

G. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 604.10.3.4, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because adequate buffers and separation are provided.

H. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 604.10.3.6, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because adequate buffers and separation are provided.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 43,284 square feet for mini-warehouse space and kiosk subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. The design of the buildings shall be in substantial conformance with the elevations presented at the Planning Commission and Board of County Commission meetings.
2. Prior to Final Site Plan approval, the shared cross-access agreement shall be modified.
3. All roof mounted H.V.A.C. mechanical equipment shall be screened with a solid parapet wall or other noise deflecting materials, which shall be consistent with the construction materials of the main building, so as not to be visible from adjacent roads or residences. Roof mounted equipment shall be placed in the front half of the building, away from the residential development. This shall be approved with the Final Site Plan.

B. ENVIRONMENTAL CONDITIONS:

1. A Copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Natural Resources Division of the Building and Development Services Department for review prior to Final Site Plan approval.
2. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Natural Resources Division of the Building and Development Services Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, unless otherwise approved by the Natural Resources Division of the Building and Development Services Department.
3. Protection of off-site trees along the south property line of this project shall be addressed with the Final Site Plan to ensure there are no adverse impacts to off-site trees during construction of this project.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Sections 710.1.6, 715.3.2, 702.6.8, 604.10.3.4, and 603.10.3.6 of the Land Development Code. The Specific 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 PR-M/NCO (Professional-Medium/North Central Overlay District) to PDC/NCO (Planned Development Commercial), retaining the North Central Overlay 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 7th day of April, 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

Units 2 and 3 of Parkwood Plaza, a Condominium



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 27th day of April, 2011

R.B. SHORE
Clerk of Circuit Court

By: [Signature] D.C.

FILED FOR RECORD
R. B. SHORE



2011 APR 14 PM 2: 29

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

RICK SCOTT
Governor

FLORIDA DEPARTMENT of STATE

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

April 12, 2011

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

Attention: 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 April 7, 2011 and certified copies of Manatee County Ordinance Nos. PDPI-10-14(Z)(G), PDR-11-02(P), and PDC-10-15(Z)(P), which were filed in this office on April 11, 2011.

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

Sincerely,

Liz Cloud
Program Administrator

LC/vm

Enclosures

DIRECTOR'S OFFICE

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