

Manatee County Zoning Ordinance

PDC-20-24(Z)(P) – HIDE AWAY STORAGE PARRISH/LAUREN AND PAUL FEIKEMA; MEISHA WILSON; AND HIDE AWAY STORAGE FORT HAMER, LLC (OWNERS)

PLN2107-0097

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 15-17, THE MANATEE LAND DEVELOPMENT CODE), RELATING TO THE ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 4.79 ACRES FROM VIL/PCV (VILLAGE/PARRISH COMMERCIAL VILLAGE OVERLAY) TO THE PDC/PCV (PLANNED DEVELOPMENT COMMERCIAL/ PARRISH COMMERCIAL VILLAGE OVERLAY) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR UP TO 106,117 SQUARE FEET OF MINI-WAREHOUSE USES AND 8,680 SQUARE FEET OF OFFICE USES FOR A TOTAL OF 114,797 SQUARE FEET; LOCATED WITHIN THE RES-6 (RESIDENTIAL-6 DWELLING UNITS PER ACRE) FUTURE LAND USE CATEGORY, AND GENERALLY LOCATED EAST OF US 301 NORTH AND APPROXIMATELY 1,150 FEET NORTH OF FORT HAMER ROAD AT 12129 US 301 NORTH, PARRISH (MANATEE COUNTY); SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL, SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Lauren and Paul Feikema; Meisha Wilson; and Hide Away Storage Fort Hamer, LLC (the "Applicant") filed an application to rezone approximately 4.79 acres described in Exhibit "A", attached hereto, (the "Property") from VIL/PCV (Village/Parrish Commercial Village Overlay) to the PDC/PCV (Planned Development Commercial/ Parrish Commercial Village Overlay) zoning district; and

WHEREAS, the applicant also filed a Preliminary Site Plan for up to 106,117 square feet of mini-warehouse uses and 8,680 square feet of office uses for a total of 114,797 square feet (the "project") on the property; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Sections: 1) 403.4.D.1.c.i to allow an increase in the total square footage of the building footprint for commercial/retail uses in the Parrish Commercial Village Overlay of 5,928 square feet, for a total of 25,928 square feet for "Building G"; and 2) 701.3.A.4 to allow 11 consecutive parking spaces in a row, one (1) more than the ten (10) consecutive parking spaces allowed without an interior landscape island; and

WHEREAS, the Development Services staff recommended approval of the rezone, Preliminary Site Plan and Specific Approval applications 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 August 11, 2022, to consider the rezone, Preliminary Site Plan and Specific Approval

applications 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 VIL/PCV (Village/Parrish Commercial Village Overlay) to the PDC/PCV (Planned Development Commercial/ Parrish Commercial Village Overlay) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on September 1, 2022, regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of 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 the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 403.4.D.1.c.i, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design due to the greater setback of 300-feet from US 301 as well as the fact that surrounding uses include commercial to the south, which was approved for similar uses, including a 50,000 square foot mini-warehouse and 2,000 square foot restaurant.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 701.3.A.4, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design due to the resulting increase being ten (10) percent of the numerical requirement and the location of the subject parking spaces being in the rear of proposed Parcel 2, internal to the development.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for up to 106,117 square feet of mini-warehouse uses and 8,680 square feet of office uses for a total of 114,797 square feet upon the property subject to the following Stipulations:

A. DESIGN AND LAND USE STIPULATIONS

1. Proposed buildings shall be in conformance with the requirements of Land Development Code Sections 401.5 (Building Height Compatibility) and 403.4 (Parrish Commercial Village Overlay) except for the Specific Approval Requests for building footprint size. Building elevations shall be provided with the Final Site Plan and/or building permit for review and approval.

B. UTILITY ENGINEERING STIPULATIONS

1. Connection to the County potable water and wastewater systems is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the Applicant. Such off-site extension shall be designed and constructed in accordance with the appropriate County Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by County Engineer through the construction plans review process for the project.

C. STORMWATER ENGINEERING STIPULATIONS

1. Pursuant to Section 801 Land Development Code, Manatee County Floodplain Ordinance (Ordinance #20-22, or as amended), and Code of Federal Regulations (CFR), Title 44, Section 60.3, the Final Site Plan and associated Drainage Modeling shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to the 100-year floodplain as derived from the Gamble Creek Watershed Management Plan (WMP), the FEMA FIRM, effective August 10, 2021, and post-development discharge of runoff. The following storm frequency events, corresponding cumulative rainfall, and rainfall distribution shall be provided as a comparison of the existing pre-development condition versus the proposed post-development development condition:

Storm Frequency:	Cumulative Rainfall:	Rainfall Distribution:
10-year/24-hour	7 inches	FLMOD
25-year/24-hour	8 inches	FLMOD
50-year/24-hour	9 inches	FLMOD
100-year/24-hour	10 inches	FLMOD
100-year/72-hour	18 inches	FDOT-72

50-year storm event modeling applies to thoroughfare drainage systems only.

The comparison of existing pre-development condition versus the proposed post-development development condition shall include results in terms of runoff and staging. Drainage Modeling (utilizing best available information from Gamble Creek Watershed Management Plan and associated master drainage modeling) shall be submitted to demonstrate compliance prior to commencement of construction.

2. The Engineer of Record (EOR) shall submit drainage modeling to demonstrate the allowable pre-development rate of discharge has been reduced by fifty (50) percent for Gamble Creek Watershed.

3. Any fill within the 100-year floodplain with respect to the rainfall component of flooding shall be compensated by the creation of an equal or greater storage volume above seasonal high-water table. 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation). Alternatively, the applicant can utilize drainage modeling (submitted for review to the Public Works Department with subsequent Final Site Plan and/or Construction Plan submittal) to demonstrate no adverse drainage impacts are created for design storm frequency events to a no-rise condition.

D. ENVIRONMENTAL STIPULATIONS

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the EPS for review and approval prior to recommencing construction activities. The Well Management Plan shall include the following information:
 3. Digital photographs of the well along with nearby reference structures (if existing);
 - GPS coordinates (latitude/longitude) of the well;
 - The methodology used to secure the well during construction (e.g. fence, tape); &
 - The final disposition of the well - used, capped, or plugged.
3. 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. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Sections: 1) 403.4.D.1.c.i to allow an increase in the total square footage of the building footprint for commercial/retail uses in the Parrish Commercial Village Overlay of 5,928 square feet, for a total of 25,928 square feet for “Building G”; and 2) 701.3.A.4 to allow 11 consecutive parking spaces in a row, one (1) more than the ten (10) consecutive parking spaces allowed without an interior landscape island.

Section 4. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County (Ordinance No. 15-17, the Manatee County Land Development Code) is hereby amended by changing the zoning district classification of the property described in Exhibit “A”, incorporated by reference herein, from VIL/PCV (Village/Parrish Commercial Village Overlay) to the PDC/PCV (Planned Development Commercial/ Parrish Commercial Village Overlay) zoning district, and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Development Services Department, are hereby instructed to cause such amendment to the Official Zoning Atlas.

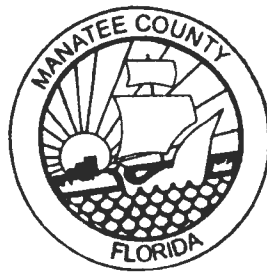
Section 5. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this 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. 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 8. 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 1st day of September 2022.



**BOARD OF COUNTY
COMMISSISONERS 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 PID#478600000

THE SOUTH 165 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE
NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 33, RANGE 19 EAST, LESS LAND
TAKEN FOR HIGHWAY RIGHT-OF-WAY, MANATEE COUNTY, FLORIDA.

PARCEL PID#477300008

N 1/2 OF S 1/2 OF NW 1/4 OF NW 1/4 OF NE 1/4 LESS H/W R/W P-4 ORB 718
PGS 36, 37,38



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 2, 2022

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

Attention: Vicki Tessmer

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. PDC-20-24(Z)(P), which was filed in this office on September 2, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh