

Manatee County Zoning Ordinance

PDC-22-04(Z)(P) – AAA SELF-STORAGE US41 - MANATEE / CHARLES K. TRACE JR AND KAY TRACE (OWNER) – PLN2202-0013

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 15-17, AS AMENDED, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; REZONING OF APPROXIMATELY 5.59 ACRES GENERALLY LOCATED ON THE SOUTHEAST CORNER OF U.S. HIGHWAY 41 AND 85TH STREET EAST, COMMONLY KNOWN AS 2419 85TH STREET E. PALMETTO (MANATEE COUNTY) FROM A-1 (AGRICULTURAL SUBURBAN) TO THE PDC (PLANNED DEVELOPMENT COMMERCIAL) ZONING DISTRICT, SUBJECT TO ENTRANCEWAY REQUIREMENTS; APPROVING A PRELIMINARY SITE PLAN (PSP) FOR THE CONSTRUCTION OF SIX (6) SINGLE-STORY STORAGE BUILDINGS WITH A GROSS FLOOR AREA (GFA) OF APPROXIMATELY 95,510 SQUARE FEET FOR MINI-WAREHOUSE / SELF-STORAGE USES AND ASSOCIATED PARKING, UTILITIES, AND STORMWATER MANAGEMENT INFRASTRUCTURE; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Charles K. Trace Jr and Kay Trace (the “Applicant”) filed an application to rezone approximately 5.59 acres described in Exhibit “A”, attached hereto, (the “Property”) from A-1 (Agricultural Suburban) to the PDC (Planned Development Commercial) zoning district; and

WHEREAS, the applicant also filed a Preliminary Site Plan for the construction of six (6) single-story storage buildings with a Gross Floor Area (GFA) of approximately 95,510 Square Feet For Mini-Warehouse / Self-Storage Uses and associated Parking, Utilities, and Stormwater Management Infrastructure (the “project”) on the property; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Sections: 1) 531.31.B - reducing the required twenty (20) foot setback to any property line with a variable setback between ten (10) and twenty (20) feet along the east property line for mini-warehouse/self-storage uses; 2) 402.11.D.3 - reducing the required thirty-five (35) foot front yard setback along local roadways (85th Street E.) to thirty (30) feet, the required thirty (30) foot setback along thoroughfare roadways (U.S. 41) to twenty (20) feet, and the required side yard setback from fifteen (15) feet to a minimum ten (10) foot setback along the east property line; 3) 900.5.C.4 – Entranceway-reducing the requirement of preserving seventy-five percent (75%) of all trees exceeding twenty-four (24) inch diameter at breast height (DBH) to providing thirty-three percent (33%); and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on April 13, 2023, 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 A-1 (Agricultural Suburban) to the PDC (Planned Development Commercial) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on April 20, 2023, 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 Land Development Code Section 531.31.B, the Board finds that the proposal to allow a variable setback with between ten (10) and twenty (20) feet along the east property line for mini-warehouse/self-storage use, satisfies the intent of the LDC while also considering the setbacks of the proposed use.

E. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 402.11.D.3, the Board finds that the proposal to allow a reduced setback along local roadways (85th Street E.) to thirty (30) feet, reduce the setback along (U.S. 41) to twenty (20) feet and to reduce the required side yard setback from fifteen feet to a minimum ten (10) foot setback along the east property line satisfies the intent of the LDC while also considering the setbacks for the surrounding properties.

F. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 900.5.C.4, the Board finds that the proposal to preserve 33 percent of existing trees exceeding twenty-four (24) inches DBH satisfies the intent of the LDC while also considering the location of these existing trees and the site constraints.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for the construction of six (6) single-story storage buildings with a Gross Floor Area (GFA) of approximately 95,510 Square Feet For Mini-Warehouse / Self-Storage Uses and associated Parking, Utilities, and Stormwater Management Infrastructure upon the property subject to the following Stipulations:

A. DESIGN AND LAND USE

1. Project shall be limited to the Mini-warehouse/Self-Storage use as shown on the Preliminary Site Plan.
2. All roof mounted mechanical equipment (e.g., HVAC) shall be screened with a solid parapet wall or other visual and noise deflecting materials. The materials shall be consistent with the construction of the principal building(s). Compliance shall be verified with review of the construction plans and building permit.
3. All dumpsters, compactors, and other utility equipment shall be screened with a six-foot-high wall constructed with building materials consistent with the principal building(s).
4. Any significant historical or archaeological resource discovered during development activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource-disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes (Offences Concerning Dead Bodies and Graves) shall be followed.
5. Required elevations in compliance with LDC Section 900.5 shall be provided at time of Final Site Plan

B. ENVIRONMENTAL

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. The maximum impact to jurisdictional wetlands approved by this ordinance is 0.13 acres.
3. A Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas that will serve as wetland mitigation areas shall be dedicated to Manatee County prior to, or concurrent with, Final Plat approval or Certificate of Occupancy or Certificate of Completion issuance.
4. 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 recommending construction activities. The Well Management Plan shall include the following information:
 - 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.
5. 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.

C. STORMWATER

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 (utilizing the adopted Frog Creek/Buffalo Canal Watershed Management Plan available through the Public Works Department) shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to the FEMA 2021 FIRM 100-year floodplain 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
100-year/24-hour	10 inches	FLMOD
100-year/72-hour	18 inches	FDOT-72

The comparison of existing pre-development condition versus the proposed post-development condition shall include results in terms of runoff and staging. 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 Frog Creek/Buffalo Canal Watershed.
3. All fill within the 100-year Floodplain shall be compensated by the creation of an equal or greater storage volume above seasonal high-water table. Drainage modeling shall utilize the adopted Frog Creek/Buffalo Canal Watershed Management Plan (available through the Public Works Department) to demonstrate, in post-development condition, that no adverse impacts are created to adjacent property based upon a “no-rise” flood stage condition.
4. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan for Frog Creek (county-maintained drainage system “N8-5”) within the project boundaries. In addition, a 25 feet Drainage-Maintenance Access Easement shall be provided along the top-of-bank of Frog Creek. Manatee County is only responsible for maintaining the free flow of drainage through this drainage system.

D. INFRASTRUCTURE

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.

2. A portion of this project is in the costal high hazard area, the potable water and reclaimed water shall be master metered. All potable water and reclaimed water facilities downstream of the master meter and all sanitary sewer facilities within the development shall be privately owned and maintained. Furthermore, the applicant shall adhere to any special construction requirements for utilities within the costal high hazard area that are in place at the time of construction. Such special construction requirements may include but are not limited to installation of leak proof manhole covers or controlling the elevation that any at or above grade potable water, reclaimed water or sanitary sewer facility or appurtenance is installed.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Section(s): 1) 531.31.B - reducing the required twenty (20) foot setback to any property line with a variable setback between ten (10) and twenty (20) feet along the east property line for mini-warehouse/self-storage uses; 2) 402.11.D.3 - reducing the required thirty-five (35) foot front yard setback along local roadways (85th Street E.) to thirty (30) feet, the required thirty (30) foot setback along thoroughfare roadways (U.S. 41) to twenty (20) feet, and the required side yard setback from fifteen (15) feet to a minimum ten (10) foot setback along the east property line; 3) 900.5.C.4 – Entranceway-reducing the requirement of preserving seventy-five percent (75%) of all trees exceeding twenty-four (24) inch diameter at breast height (DBH) to providing thirty-three percent (33%). The Specific Approval shall continue in effect and shall expire concurrent with the Revised 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. 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, A-1 (Agricultural Suburban) to the PDC (Planned Development Commercial) 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.

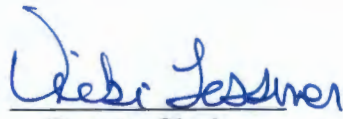
PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County,
Florida on the 20th day of April 2023.



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

BY: 
Kevin Van Ostenbridge, Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court

BY: 
Deputy Clerk

STATE OF FLORIDA
COUNTY OF MANATEE

IN RE: ESTATE OF
JAMES EARL RAY, JR.
DECEASED



[Signature]
JAMES EARL RAY, JR.
DECEASED

ATTEST:
CLERK OF THE COURT

[Signature]
JAMES EARL RAY, JR.
DECEASED

Exhibit "A"

Legal Description

PARECEL ID: :638700509

DESCRIPTION: (Per Title Commitment Number: 2140-2707689)

COMMENCE AT THE SW CORNER OF THE E 1/2 OF THE NW 1/4 OF THE SW 1/4 OF THE SE 1/4 OF SECTION 19, TOWNSHIP 33 SOUTH, RANGE 18 EAST, AS ESTABLISHED BY QUARTER SECTIONING FOR A POINT OF BEGINNING; THENCE RUN WEST 35 FEET; THENCE RUN SOUTH TO THE CENTERLINE OF FROG CREEK; THENCE RUN NORTHWESTERLY ALONG THE CENTERLINE OF FROG CREEK TO THE WEST LINE OF THE QUARTER SECTION; THEN RUN NORTHERLY ALONG SAID WEST LINE TO THE NW CORNER OF THE SW 1/4 OF THE SE 1/4, AS ARRIVED AT BY QUARTER SECTIONING; THENCE CONTINUE NORTH 105.84 FEET TO THE NW CORNER AS ESTABLISHED BY OCCUPATION; THENCE RUN EASTERLY ALONG THE CENTERLINE OF 85TH STREET EAST AS ESTABLISHED BY OCCUPATION TO A POINT 101.2 FEET NORTH OF THE NW CORNER OF THE EAST 1/2 OF THE NW 1/4 OF THE SW 1/4 OF THE SE 1/4 AS ESTABLISHED BY QUARTER SECTIONING; THENCE RUN SOUTHERLY TO THE POINT OF BEGINNING, LESS ROAD RIGHT-OF-WAY.



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. PDC-22-04(Z)(P), which was filed in this office on April 21, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh