

## Manatee County Ordinance

### **PDC-22-12(Z)(P)– STORE SPACE ELLENTON PSP REZONE/STORAGE CAP ELLENTON JV LP/ (OWNER) – PLN2204-0006**

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; PROVIDING FOR A REZONE OF APPROXIMATELY 3.62 ACRES GENERALLY LOCATED APPROXIMATELY 300 FEET NORTH OF US HIGHWAY 301 AND 72ND AVENUE EAST (VICTORY ROAD) AND COMMONLY KNOWN AS 2704 72<sup>ND</sup> AVENUE EAST, ELLENTON (MANATEE COUNTY) FROM NEIGHBORHOOD COMMERCIAL-MEDIUM (NC-M) TO PLANNED DEVELOPMENT COMMERCIAL (PD-C) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR A MINI-WAREHOUSE/SELF-STORAGE FACILITY, LIMITED TO A MAXIMUM 120,600 SQUARE FEET; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Storage CAP Ellenton JV LP (the “Applicant”) filed an application for a Preliminary Site Plan for a mini-warehouse/self-storage facility, limited to a maximum 120,600 square feet on approximately 3.62 acres as described in Exhibit “A”, attached hereto, (the “Property”); and

**WHEREAS**, the applicant also filed a request for Specific Approval for an alternative to Land Development Code Section 1005.3.A – Table 10-2 reducing the parking spaces ratio from 1 parking space per 5,000 square feet of gross floor area plus 2 spaces at manager’s office (26 total spaces) to 1 parking space per 12,060 square feet of gross floor area plus 2 spaces at manager’s office (12 total spaces); and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on May 11, 2023, to consider the 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 Preliminary Site Plan and Specific Approval 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 subject to the stipulations 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, 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 a Preliminary Site Plan and Specific Approval as it relates to the real property described in Exhibit “A” of this Ordinance.

B. The Board of County Commissioners, after due public notice, held a public hearing on May 24, 2023, regarding the proposed Ordinance 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 Ordinance 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 1005.3.A – Table 10-2, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because there will likely be a reduced the number of parking spaces, according to the ITE Parking Generation Manual, 5<sup>th</sup> Edition Standards for a total of 12 parking spaces.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved for a mini-warehouse/self-storage facility, limited to a maximum 120,600 square feet , upon the property subject to the following Stipulations:

**A. DESIGN AND LAND USE**

1. All other applicable local, state or federal permits shall be obtained prior to commencement of construction.
2. As voluntarily proffered by the Applicant, the following uses are the only permitted uses as described on this Preliminary Site Plan: mini-warehouse / self-storage.
3. At time of the Final Site Plan, the project shall be subject to meet all applicable requirements of LDC Section 531.31 (mini-warehouses/self-storage), and the project shall be consistent with the Preliminary Site Plan.
4. 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 building permit.
5. 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). Compliance shall be verified at time of submittal of a Preliminary Site Plan/ Final Site Plan and review of the building permit.

6. 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.

## **B. ENVIRONMENTAL**

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 353.3 of the LDC.
3. 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:
  - 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.
4. 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 Construction 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 North County Watershed Management Plan (WMP), the FEMA August 10, 2021, effective FIRM, 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.

2. 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 North County Watershed Management Plan) shall be submitted to demonstrate compliance prior to commencement of construction.

**Section 3. SPECIFIC APPROVAL.** Specific Approval is hereby granted for alternatives to Land Development Code Section 1005.3.A – Table 10-2 reducing the parking spaces ratio from 1 parking space per 5,000 square feet of gross floor area plus 2 spaces at manager's office (26 total spaces) to 1 parking space per 12,060 square feet of gross floor area plus 2 spaces at manager's office (12 total spaces). 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. 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 5. 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 6. 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 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 24<sup>th</sup> day of May 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**

COMMENCE 222.8 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 34 SOUTH, RANGE 18 EAST; THENCE NORTH 790 FEET; THENCE WEST 180 FEET, MORE OR LESS, TO THE EAST SIDE OF COUNTY ROAD; THE SOUTH END OF SAID ROAD BEING 269.6 FEET, MORE OR LESS, WEST OF THE SOUTHEAST CORNER OF SAID NORTHWEST 1/4; THENCE SOUTHERLY 790 FEET, MORE OR LESS, ALONG THE EAST SIDE OF SAID COUNTY ROAD TO A POINT DUE WEST OF THE POINT OF BEGINNING; THENCE EAST TO THE POINT OF BEGINNING.



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

May 25, 2023

Honorable Angelina Colonnese  
Clerk of the Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, FL 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-22-12(Z)(P), which was filed in this office on May 25, 2023.

Sincerely,

Anya Owens  
Administrative Code and Register Director

ACO/wlh