

Manatee County Zoning Ordinance

PDC-22-20(Z)(P) – COMMERCIAL SHOPPING CENTER AT SR 64 & UIHLEIN ROAD - NAP MCEAST LLC AND SMR NORTHEAST LLC (OWNERS) - PLN2207-0060

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 14.89 ACRES FROM A (GENERAL AGRICULTURE) TO THE PDC (PLANNED DEVELOPMENT COMMERCIAL) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN WITH A MAXIMUM SQUARE FOOTAGE ALLOWED FOR THE ENTIRE DEVELOPMENT, INCLUDING A MAIN PARCEL, FOUR (4) OUTPARCELS (OUTPARCEL 1 THROUGH OUTPARCEL 4), TWO (2) RETAIL PARCELS (RETAIL A AND RETAIL B) AND ASSOCIATED INFRASTRUCTURE, BEING LIMITED TO 80,000 SQUARE FEET OF COMMERCIAL/RETAIL USES, THE 14.89 ACRES IS LOCATED WITHIN THE MU-C/AC-1 (MIXED USE-COMMUNITY CENTER LEVEL 1) FUTURE LAND USE CATEGORY, AND IS GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SR 64 EAST (MANATEE AVENUE EAST) AND UIHLEIN ROAD, BRADENTON (MANATEE COUNTY); APPROVING A SCHEDULE OF PERMITTED AND PROHIBITED USES, AS VOLUNTARILY PROFFERED BY THE APPLICANT AND ATTACHED AS EXHIBIT "B"; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL, SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, NAP McEast, LLC and SMR Northeast LLC (Owners) (the "Applicants") filed an application to rezone approximately 14.89 acres described in Exhibit "A", attached hereto, (the "Property") from A (General Agriculture) to the PDC (Planned Development Commercial) zoning district; and

WHEREAS, the applicant also filed a Preliminary Site Plan with a maximum square footage allowed for the entire development, including a main parcel, four (4) outparcels (Outparcel 1 through Outparcel 4), two (2) retail parcels (Retail A and Retail B) and associated infrastructure, being limited to 80,000 square feet of commercial/retail uses, the 14.89 acres is located within the MU-C/AC-1 (Mixed Use-Community Center Level 1) Future Land Use Category (the "project") on the property; and

WHEREAS, the applicant also filed a Schedule of Permitted and Prohibited Uses Exhibit "B" attached hereto; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on October 12, 2023, to consider the rezone, Schedule of Permitted and Prohibited Uses, as voluntarily proffered by the applicant and Preliminary Site Plan 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 (General Agriculture) to the PDC (Planned Development Commercial) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on November 2, 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.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved with a maximum square footage allowed for the entire development, including a main parcel, four (4) outparcels (Outparcel 1 through Outparcel 4), two (2) retail parcels (Retail A and Retail B) and associated infrastructure, being limited to 80,000 square feet of commercial/retail uses, the 14.89 acres is located within the MU-C/AC-1 (Mixed Use-Community Center Level 1) Future Land Use Category upon the property subject to the following Stipulations:

A. DESIGN AND LAND USE STIPULATIONS

1. All other applicable state or federal permits shall be obtained before commencement of the development.
2. The uses approved for this project shall be limited to those voluntarily proffered by the applicant in the Schedule of Uses attached to the Zoning Ordinance PDC-22-20(Z)(P) as Exhibit "B".
3. 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.

4. At the time of Final Site Plan, the applicant shall provide the parking ratios based on the proposed uses as provided for under *Table 10-2: Parking Ratios* of Section 1005.3., *Number of Vehicular Parking Spaces Required.*, of the Land Development Code.
5. At the time of Final Site Plan, the applicant shall adhere to all specific use criteria as provided for under Section 531., *Standards for Specific Uses.*, of the Land Development Code.

B. DEVELOPMENT REVIEW STIPULATIONS

1. Connection to the County water and wastewater system 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 applicable 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. Potable water, wastewater, and reclaimed water infrastructure at or above ground level (i.e. water meters, fire hydrants, blow-off assemblies, backflow devices, sewer cleanouts, manholes, lift stations) dedicated to Manatee County shall be elevated to a minimum of 1-foot above the existing effective map for Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. The above minimum required infrastructure elevation compliance shall be demonstrated through the construction plan and Final Site Plan (FSP) submittal to Manatee County Public Works Department for approval.

C. ENVIRONMENTAL STIPULATIONS

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. There are no impacts to jurisdictional wetlands or wetland buffers being approved by the adoption of this Ordinance.
3. Pursuant to the November 2021 Environmental Assessment Report, prepared by Bio-Tech Consulting, Inc., ninety (90) days prior to construction and land clearing, a 100% survey of suitable habitat for gopher tortoises shall be conducted as recommended. If evidence of gopher tortoises is found, an FFWC (Florida Fish and Wildlife Conservation Commission) permit shall be obtained prior to commencement of development.
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 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.
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.

D. 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 subsequent Final Site Plan submittal and associated Drainage Modeling shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to 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 | 6 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 |

The comparison of existing pre-development condition versus the proposed post-development development condition shall include results in terms of runoff and staging.

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 Mill Creek Watershed.
3. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan for Mill Creek Tributary (County designated Maintained Drainage System "E-104"). Manatee County is only responsible for maintaining the free flow of drainage through this system.

E. TRAFFIC ENGINEERING STIPULATIONS

1. The design of the State Road 64/Uihlein Road roundabout conceptually shown on the plans is subject to FDOT review and approval. Any changes required for the design of the roundabout need to be reflected on the future Final Site Plan application. Significant changes to the design of the proposed roundabout that impact access points previously approved by Manatee County or turn lane improvements shall cause such access points/turn lane improvements to be subject to review and approval by the County.

Section 3. 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 A (General Agriculture) 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 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 2nd day of November 2023, and as amended on the 5th day of December 2023.



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

BY: 
Kevin Van Ostenbridge, Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court

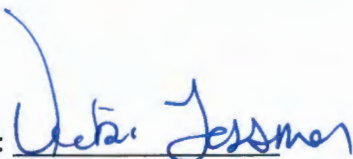
BY: 
Deputy Clerk

Exhibit "A"

Legal Description

PARCEL 1

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA. BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE N89°17'03"W, A DISTANCE OF 1325.60 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER S00°00'31"E, A DISTANCE OF 48.95 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 64 AS RECORDED IN FLORIDA DEPARTMENT OF TRANSPORTATION SECTION 1305-250 AND TO THE POINT OF BEGINNING; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE S89°20'23"E, A DISTANCE OF 128.71 FEET TO A POINT IN THE WEST RIGHT OF WAY OF UIHLEIN ROAD PER O.R. BOOK 2762, PAGE 2026, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE WITH A RADIUS OF 50.00 FEET, CHORD BEARING OF S44°38'58"E AND A CHORD DISTANCE OF 70.28 FEET; THENCE ALONG THE SAID WEST RIGHT OF WAY OF AND ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 89°17'55", A DISTANCE OF 77.93 FEET TO THE POINT OF TANGENCY; THENCE CONTINUING WITH SAID RIGHT OF WAY, S00°00'00"E, A DISTANCE OF 1220.82 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2143.00 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 00°11'52", A DISTANCE OF 7.40 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH HALF OF SAID NORTHEAST QUARTER; THENCE LEAVING SAID UIHLEIN ROAD RIGHT OF WAY AND ALONG THE SOUTH LINE OF SAID NORTH HALF N89°22'06"W, A DISTANCE OF 177.90 FEET TO THE INTERSECTION OF THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER N00°00'31"W, A DISTANCE OF 1277.74 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.21 ACRES, MORE OR LESS.

PARCEL 2

THE EAST 330 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA LESS ROAD RIGHT OF WAY ON NORTH (STATE ROAD 64), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA. BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE N89°17'03"W, A DISTANCE OF 1325.60 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER

S00°00'31"E, A DISTANCE OF 48.95 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 64 AS RECORDED IN FLORIDA DEPARTMENT OF TRANSPORTATION SECTION 1305-250 AND TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER S00°00'31"E, A DISTANCE OF 1277.74 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH HALF OF SAID NORTHEAST QUARTER; THENCE ALONG THE SOUTH LINE OF SAID NORTH HALF N89°22'06"W, A DISTANCE OF 330.02 FEET; THENCE N00°00'31"W, A DISTANCE OF 1277.90 FEET TO AN INTERSECTION WITH SAID SOUTHERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE S89°20'23"E, A DISTANCE OF 330.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.68 ACRES, MORE OR LESS.

OVERALL DESCRIPTION OF PARCEL 1 AND PARCEL 2 COMBINED

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA. BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE N89°17'03"W, A DISTANCE OF 1325.60 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER S00°00'31"E, A DISTANCE OF 48.95 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 64 AS RECORDED IN FLORIDA DEPARTMENT OF TRANSPORTATION SECTION 1305-250 AND TO THE POINT OF BEGINNING; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE S89°20'23"E, A DISTANCE OF 128.71 FEET TO A POINT IN THE WEST RIGHT OF WAY OF UIHLEIN ROAD PER O.R. BOOK 2762, PAGE 2026, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE WITH A RADIUS OF 50.00 FEET, CHORD BEARING OF S44°38'58"E AND A CHORD DISTANCE OF 70.28 FEET; THENCE ALONG THE SAID WEST RIGHT OF WAY OF AND ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 89°17'55", A DISTANCE OF 77.93 FEET TO THE POINT OF TANGENCY; THENCE CONTINUING WITH SAID RIGHT OF WAY, S00°00'00"E, A DISTANCE OF 1220.82 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2143.00 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 00°11'52", A DISTANCE OF 7.40 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH HALF OF SAID NORTHEAST QUARTER; THENCE LEAVING SAID UIHLEIN ROAD RIGHT OF WAY AND ALONG THE SOUTH LINE OF SAID NORTH HALF N89°22'06"W, A DISTANCE OF 507.92 FEET; THENCE N00°00'31"W, A DISTANCE OF 1277.90 FEET TO AN INTERSECTION WITH SAID SOUTHERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE S89°20'23"E, A DISTANCE OF 330.02 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 14.89 ACRES, MORE OR LESS.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

December 20, 2023

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

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-22-20(Z)(P), which was filed in this office on December 13, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh