

ALL CITY RECORD
B. D. SHORE

2007 SEP 26 11:03:00

Clerk of the Court
MANATEE CO. FLORIDA

**MANATEE COUNTY ZONING ORDINANCE
PDI-05-18(Z)(P) – CLIMATIZED SELF STORAGE**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 90-01 (THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF APPROXIMATELY 2.99 ACRES GENERALLY ON THE EAST SIDE OF GEORGIA STREET AT THE NORTHWEST CORNER OF FLORIDA STREET AND UNIVERSITY PARKWAY, ± 1/4 MILE EAST OF U.S. 301 AT 8440 FLORIDA STREET, BRADENTON FROM THE LM (LIGHT MANUFACTURING) ZONING DISTRICT TO THE PDI (PLANNED DEVELOPMENT INDUSTRIAL) ZONING DISTRICT, APPROVING A PRELIMINARY SITE PLAN FOR A 99,500 SQUARE FOOT MINI-WAREHOUSE BUILDING; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Richard B. Beavers (the "Applicant") has filed a rezone application to rezone approximately 2.99 acres described in Exhibit "A", attached hereto, (the "Property") from LM (Light Manufacturing) zoning district to the PDI (Planned Development Industrial) zoning district; and

WHEREAS, the Applicant has also filed a Preliminary Site Plan application for a 99,500 square foot mini-warehouse building, (the "Project") to be located upon the Property; and

WHEREAS, the Applicant has also filed a request for Special Approval for a project in the Mixed Use Future Land Use Category and a project in an Entranceway; and

WHEREAS, the Applicant has also filed a request for Specific Approval for an alternative to Section 710.1.6 of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the rezone, Preliminary Site Plan, Special Approval, and Specific Approval applications, subject to the stipulations contained in the Planning Staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on June 14, 2007 to consider the rezone, Preliminary Site Plan, Special Approval, and Specific Approval applications, received the Planning Staff's recommendations 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 rezone and Preliminary Site Plan 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 Planning staff report, the granting of the Special Approvals for a project in the Mixed Use Future Land Use Category and in the Entranceway, and granting the Specific Approval for an alternative to Section 710.1.6 of the Land Development Code.

THIS IS A CORRECTIVE DOCUMENT

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 of said County, 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 the LM (Light Manufacturing) zoning district to the PDI (Planned Development Industrial) zoning district.
- B. The Board of County Commissioners held a duly noticed public hearing on August 2, 2007, regarding said 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 2020 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 regulations is satisfied to an equivalent degree by the proposed design because adequate parking is provided and 50 feet of right-of-way is acquired for Broadway Ave.
- E. The Board hereby finds that the Project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

Section 2. PRELIMINARY SITE PLAN The Preliminary Site Plan is hereby approved for a 99,500 square foot mini-warehouse building and a 1,032 square foot office upon the Property subject to the following Stipulations:

STIPULATIONS

1. A Well Management Plan for the proper rehabilitation or abandonment of existing wells shall be submitted to the EMD for review and approval prior to Final Site Plan approval.
2. All trees within the area proposed for construction activities that are to be preserved shall have protective barricades constructed at their driplines prior to commencement of construction. No improvements, fill, grade changes or compaction of soil due to heavy machinery will be permitted within the dripline of trees proposed to be preserved.
3. Trees located on this site are subject to Entranceway requirements as stated in LDC Section 737.4. The Final Site Plan shall be designed in compliance with this Section.

4. If burning of trees and or branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans and Construction Plans are approved.
5. Prior to Final Site Plan approval, the applicant shall provide a detailed methodology for the transplanting of trees on-site. The methodology is subject to Planning Department review and approval.
6. The roadway shall be above the 100-year floodplain.
7. This project lies within the Pearce Drain Watershed, an area prone to flooding. Therefore, subject to 50% reduction in allowable peak discharge.
8. Any fill within the 25-year or 100-year floodplains of the Pearce Drain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year and 25-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
9. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.
10. Flood Study Information determining the Base Flood and Flood Protection Elevations shall be approved by the Manatee County Building Official prior to Final Site Plan approval.
11. The applicant shall enter into an agreement with Manatee County prior to the approval of the Final Site Plan to reserve additional right-of-way along the north property line to accommodate a 42-foot wide half section. The agreement shall also provide for the applicant to dedicate the property within the reserved area to the County for the future extension of Broadway Avenue within 30 days after inclusion of the subject road improvement in the adopted County CIP Work Program. This agreement shall be reviewed as to form and substance by the County Attorney and in proper recordable form and shall be recorded by the applicant in the Public Records of Manatee County prior to Final Site Plan approval.
12. The right in, right out only from Florida Street onto University Parkway shall be utilized only until such time that Broadway Avenue is constructed to provide another legal means of access. When Broadway Avenue is constructed and opened as a public right-of-way, the connection at Florida Street shall be removed and no access shall be taken to University Parkway, unless such access is permitted to exist by amendment to the Land Development Code or Interlocal Agreement.
13. Subject to approval pursuant to any sign regulations then in effect, freestanding signs shall be limited to one ground sign with a maximum height of 8 feet and shall include decorative elements reflecting the finish, building materials, colors, and architectural details.
14. All building facades shall include landscaping and design features which reduce the mass, scale, and uniform monolithic appearance of large unadorned walls. Exterior building materials shall consist of block, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar

materials. Painted or exposed standard concrete block, or corrugated metal shall not be permitted. Architectural metals or standard concrete block with stucco type finish, in conjunction with other permitted building materials may be allowed, provided that at least fifty percent (50%) of the building face is constructed from other permitted materials.

In order to ensure that the building does not project a massive blank wall, blank walls shall be no longer than 20 feet in length. Design elements including prominently visible architectural details (e.g., bumpouts, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.) shall be applied to the proposed building. Building elevations shall be approved with the Final Site Plan by the Planning Department ensuring compliance with this condition.

15. Roof mounted HVAC equipment shall be screened from view from adjacent roadways and residences. Screening shall be provided by materials consistent with the construction of the structure.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project: 1) in the MU future land use category; and 2) in the Entranceway. This Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the Project approved pursuant to Section 2 hereof. Specific Approval is hereby granted for an alternative to Section 710.1.6 of the Land Development Code.

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 district classification of the Property identified in Exhibit "A" herein from the LM (Light Manufacturing) zoning district to the PDI (Planned Development Industrial) zoning 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 said 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 2nd day of August, 2007, as amended on the 11th day of September 2007.

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

BY: *Gary Stein*
Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

BY: *Susan B. Shore*
Deputy Clerk



THIS IS A CORRECTIVE DOCUMENT

EXHIBIT "A"

LEGAL DESCRIPTION

LOTS 1 THROUGH 16, LOTS 19 THROUGH 48 BLOCK 5, NORTH SARASOTA, RECORDED IN PLAT BOOK 2, PAGE 51, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. TOGETHER WITH THE EAST 1/2 OF THAT PART OF GEORGIA AVENUE, VACATED PER RESOLUTION RECORDED IN OFFICIAL RECORDS BOOK 1089, PAGE 1994, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LYING ADJACENT TO SAID LOTS 1 THROUGH 16 AND THAT PART OF BROADWAY STREET, ALSO VACATED PER SAID RESOLUTION, LYING EASTERLY OF THE CENTER OF SAID GEORGIA AVENUE AND WESTERLY OF THE EAST LINE OF SAID LOTS 29 THROUGH 45, EXTENDED.

THIS IS A CORRECTIVE DOCUMENT



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 12th day of

September, 2007.

R.B. SHORE
Clerk of Circuit Court

By: [Signature] D.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

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2007 SEP 24 AM 10:09

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

KURT S. BROWNING
Secretary of State

September 17, 2007

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

Attention: Vicki Jarratt, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated September 12, 2007 and certified copies of Manatee County Ordinance No. PDI-05-18(Z)(P), which was filed in this office on September 17, 2007.

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

Sincerely,

Liz Cloud
Program Administrator

LC/lbh
Enclosure

DIRECTOR'S OFFICE

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