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CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

MANATEE COUNTY ZONING ORDINANCE

**PDMU-07-23(Z)(P) – PALMETTO STOR N MORE SELF STORAGE, LLC – PALMETTO
GATEWAY CENTRE (DTS #20070281)**

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR REZONING OF APPROXIMATELY 16.6 ACRES ON THE EAST SIDE OF US 41, SOUTH OF 36TH STREET COURT EAST, AND WEST OF THE RAILROAD AT 3216 & 3300 US 41 N, PALMETTO FROM PDC (PLANNED DEVELOPMENT COMMERCIAL), NC-M (NEIGHBORHOOD COMMERCIAL-MEDIUM), AND HC (HEAVY COMMERCIAL) TO THE PDMU (PLANNED DEVELOPMENT MIXED USE) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR A 15,997 SQUARE FOOT OFFICE BUILDING, 171,158 SQUARE FEET OF MINI WAREHOUSE AND RV STORAGE IN NINE BUILDINGS, A 52,164 SQUARE FOOT HOTEL, AND A 3,526 SQUARE FOOT CARWASH ON APPROXIMATELY 16.9 ACRES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE (\pm 16.6 ACRE REZONE, \pm 16.9 SITE PLAN APPROVAL).

WHEREAS, Palmetto Stor N More Self Storage, LLC (the "Applicant") filed an application to rezone approximately 16.6 acres described in Exhibit "A", attached hereto, (the "property") from PDC (Planned Development Commercial), NC-M (Neighborhood Commercial-Medium), and HC (Heavy Commercial) to the PDMU (Planned Development Mixed Use) zoning district; and

WHEREAS, the applicant filed a Preliminary Site Plan for a 15,997 square foot office building, 171,158 square feet of mini-warehouse and RV storage in nine buildings, a 52,164 square foot hotel, and a 3,526 square foot carwash on approximately 16.9 acres (the "Project") on the property; and

WHEREAS, the applicant filed a request for Special Approval for: 1) a mixed-use project in the ROR FLUC; 2) exceeding 50,000 square feet of non-residential in the ROR FLUC; and 3) exceeding an FAR of 0.25 in the ROR FLUC; and

WHEREAS, the applicant filed a request for Specific Approval for an alternative to Section 722.1.4.2 of the Land Development Code, and

WHEREAS, Planning staff recommended approval of the rezone, Preliminary Site Plan, Special Approval, and Specific Approval, 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 June 12, 2008 to consider the rezone, Preliminary Site Plan, Special Approval, and Specific Approval, received the staff recommendation, and considered the

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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 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 PDC (Planned Development Commercial), NC-M (Neighborhood Commercial-Medium), and HC (Heavy Commercial) to the PDMU (Planned Development Mixed Use) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on August 7, 2008 regarding the 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 the 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. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the Preliminary Site Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 722.1.4.2, the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree because there is limited access to 36th St. Ct. E. and no existing sidewalks or the likelihood of new sidewalks to connect with along 36th St. Ct. E.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for a 15,997 square foot office building, 171,158 square feet of mini-warehouse and RV storage in nine buildings, a 52,164 square foot hotel, and a 3,526 square foot carwash on approximately 16.9 acres subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. The buildings shall be substantial conformance with the elevation drawings entered into the record at the public hearing. Building elevations shall be provided with the Final Site Plan to ensure compliance.
2. No outdoor storage is permitted, except for RV, boat, and vehicles storage as shown on the site plan.
3. The emergency access shall be constructed as shown on the Preliminary Site Plan (i.e., stabilized grass with paved apron). A sign stating "emergency access only" shall be installed and identified on the Final Site Plan for review and approval by staff.
4. Cross access to the south shall be paved to the property line, as shown on the Preliminary Site Plan.
5. Dumpster enclosures shall be constructed of similar materials as the main buildings. The enclosures and gates or fences shall be painted a similar color to the main buildings. Elevations of the dumpster enclosure and gate or fence shall be submitted to the Planning Department for review and approval prior to each Final Site Plan.
6. HVAC equipment and mechanical equipment (including roof mounted) shall be screened from view from US 41 and adjacent residential uses. Screening shall be provided by materials and color consistent with the construction of the exterior finish of the building. Compliance shall be determined with the building elevations prior to Final Site Plan approval and field verified prior to issuance of C.O.
7. One combination pole sign shall be permitted with one monument sign for each building. A sign plan showing the locations, height, square footage, and elevations shall be provided for review and approval with the Final Site Plan.
8. The self storage building identified on the Preliminary Site Plan as "SS1" may be a maximum of 4 stories in height, provided however, that the maximum floor area shall not exceed 84,498 square feet and the building footprint for building "SS1" shall not extend beyond the building footprint as shown on the Preliminary Site Plan approved by the Board.

B. TRANSPORTATION CONDITIONS:

1. All traffic concurrency-related transportation improvements and required traffic safety and operational improvements shall be shown on the Final Site Plan(s) and Construction Plan(s).
2. At the time of Final Site Plan and Construction Plan approval for each phase of the project the developer shall be responsible for any additional on-site or off-site transportation operational and safety improvements attributable to this project, as determined by the Public Works Department, and in accordance with LDC Section 722.1.3.4., as well as any capacity improvements associated with the issuance of a Certificate of Level of Service.
3. Prior to Final Site Plan approval, the applicant shall obtain an FDOT permit for access. The applicant shall provide a copy of the required FDOT permit to Manatee County to confirm that the deceleration lane as required in the CLOS for this development can be constructed as required within FDOT's right-of-way.

C. INFRASTRUCTURE CONDITIONS:

1. No food service establishment shall be approved or allowed within this development until such time that the Final Site Plan is amended to provide the required solid waste and infrastructure amenities to support such a use.

D. STORMWATER CONDITIONS:

1. A 10' minimum Drainage or Drainage-Maintenance Access Easement shall be dedicated to Manatee County and be shown on the Final Site Plan for:
 - a. Along the north property lines of Parcels 2308900006, 238700000, 2306810009, and 2306800000.
 - b. Along the east and southeast property lines of Parcels 2306810009, 2308900006, and 238700000.

All dedicated easements shall be within the project boundaries. Drainage-Maintenance Access Easements shall be on clear and level ground and free of obstructions including landscaping. Manatee County is only responsible for maintaining the free flow of drainage through these systems.

2. Routing and modeling of the existing conditions shall be provided with the Drainage Model and Construction Plans for all natural drainage systems within and surrounding this project taking into consideration all wetland storage and ground depressions.

3. Existing storage volume in existing wetlands or drainage ditches that are proposed to be permanently impacted shall be compensated with equal or greater volume in the proposed stormwater retention pond.
4. 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.

E. BUFFERS:

1. Existing native vegetation within required landscape buffers shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.
2. At time of Final Site Plan, the applicant shall provide an elevation of the proposed wall and fence within the landscape buffers. The gate for the fence along the north property line shall be 100% opaque and be a similar color as the fence or wall.
3. Walls or fences within the buffers shall be measured from the finished grade of the adjacent roadway, drive aisle, or lot (exclusive of any swales), whichever is greater. This requirement shall be verified with a cross-section detail on the Final Site Plan.

F. ENVIRONMENTAL CONDITIONS:

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Planning Department for review prior to Final Site Plan approval.
2. Prior to Final Site Plan approval, the applicant shall provide documentation from FDEP demonstrating that no further action is needed to address remediation issues.
3. Tree barricades for trees to be preserved shall be at the drip line, unless approved by the Planning Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, unless otherwise approved by the Planning Department.
4. 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 508.3.34.7(j) of the LDC.
5. A Well Management Plan shall be submitted to the Planning Department and the Environmental Management Department for review and approval prior to Final Site Plan approval. The Well Management Plan shall include identification of which wells

are to be retained or abandoned; the timing of abandonment; wellhead protection details for those wells to remain and a copy of all Water Use Permits, if applicable.

6. 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.
7. Open burning shall be prohibited during any land clearing associated with the development of the project of this site.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for: 1) a mixed-use project in the ROR FLUC; 2) exceeding 50,000 square feet of non-residential in the ROR FLUC; and 3) exceeding an FAR of 0.25 in the ROR FLUC. The 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 722.1.4.2 of the Land Development Code. The 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. 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 PDC (Planned Development Commercial), NC-M (Neighborhood Commercial-Medium), and HC (Heavy Commercial) to the PDMU (Planned Development Mixed Use) 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 7th day of August, 2008.

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

BY: 
Chairman

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

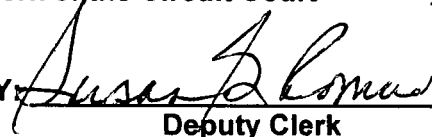
BY: 
Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL A:

LOT 21, LESS THE WESTERLY 10 FEET AND LESS THE NORTHERLY 10 FEET AND LESS THAT PART LYING EAST OF SCL. RAILROAD RIGHT OF WAY, TOGETHER WITH RIGHT OF USE OF A 50 FOOT WIDE ROAD FURTHER DESCRIBED IN OFFICIAL RECORDS BOOK 1066, PAGE 3690, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, PALMETTO GROVE AND GARDEN CO. A SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 317, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

PARCEL B:

LOT 9, ALSO THE WESTERLY 10 FEET AND THE NORTHERLY 10 FEET OF LOT 21, LESS PORTION LYING EAST OF RAILROAD AND LESS HIGHWAY RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 75, PAGE 411, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA PALMETTO GROVE AND GARDEN CO., A SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 317, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, TOGETHER WITH VACATED ALLEY DESCRIBED AS FOLLOWS: THAT PORTION OF ALLEY LYING BETWEEN LOT 9 AND LOT 21, PALMETTO GROVE AND GARDEN CO., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 317, DESCRIBED AS: BEGIN AT THE SW CORNER OF SECTION 1, TOWNSHIP-34 SOUTH, RANGE 17 EAST; THENCE NORTH 0°13'54" WEST, 25 FEET; THENCE NORTH 89°39'36" EAST, 661.50 FEET TO THE SE CORNER OF LOT 9 FOR A POINT OF BEGINNING; THENCE CONTINUE NORTH 89°39'36" EAST, 20 FEET; THENCE NORTH 0°07'36" EAST, 317.15 FEET; THENCE SOUTH 89°39'36" WEST, 20 FEET; THENCE SOUTH 0°07'36" WEST, 317.15 FEET TO THE POINT OF BEGINNING.,

PARCEL C:

BEGIN AT A POINT WHERE THE SOUTH LINE OF LOT 22, PALMETTO GROVE AND GARDEN CO. SUBDIVISION INTERSECTS THE WEST LINE OF THE ATLANTIC COASTLINE RAILROAD RIGHT OF WAY; THENCE WEST ALONG THE SOUTH LINE OF LOT 22, 125 FEET; THENCE NORTH TO THE NORTH LINE OF LOT 23; THENCE EAST TO THE NE CORNER OF LOT 23; THENCE SOUTH TO THE WEST LINE ON THE ATLANTIC COASTLINE RAILROAD RIGHT OF WAY; THENCE SW ALONG THE WEST LINE OF SAID RAILROAD RIGHT OF WAY TO THE POINT OF BEGINNING, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 317, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. ALSO KNOWN AS PARCEL NO. 77-2, 1-34-17.

ALSO:

LOT 10, CLOVER LEAF PARK, A SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 149, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LYING AND BEING IN SECTION 1, TOWNSHIP 34 SOUTH, RANGE 17 EAST.

ALSO:

BEGIN AT A POINT WHERE THE SE CORNER OF LOT 8, CLOVER LEAF PARK, A SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 149, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, INTERSECTS THE WEST LINE OF THE ATLANTIC COASTLINE RAILROAD RIGHT OF WAY; THENCE RUN WEST ALONG THE SOUTH LINES OF LOTS 8 AND 9, OF SAID CLOVER LEAF PARK, 230 FEET, MORE OR LESS, TO THE NE CORNER OF LOT 23, PALMETTO GROVE AND GARDEN CO. SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 317, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE RUN SOUTH ALONG THE EAST LINE OF LOTS 23 AND 22 OF SAID PALMETTO GROVE AND GARDEN CO. SUBDIVISION, 410 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID ATLANTIC COASTLINE RAILROAD RIGHT OF WAY; THENCE RUN NE ALONG SAID WESTERLY RIGHT OF WAY LINE, 460 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, LYING AND BEING IN SECTION 1, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA. ALSO KNOWN AS PARCEL NO. 77-4, 1-34-17

PARCEL D:

THAT PART OF LOT 8 LYING EAST OF THE RIGHT OF WAY OF STATE ROAD 45 AND 55, THAT PART OF LOT 20 LYING WEST OF THE A.C.L. RAILROAD RIGHT OF WAY OF PALMETTO GROVE AND GARDEN CO., A SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 317, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; ALL BEING AND LYING IN SECTION 12, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA. TOGETHER WITH THAT CERTAIN 20 FOOT WIDE 20 OF SAID PALMETTO GROVE AND GARDEN CO. SUBDIVISION



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 15th day of

August 2008
R.B. SHORE
Clerk of Circuit Court

By: *[Signature]* D.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

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MANATEE CO. FLORIDA

August 20, 2008

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BOARD RECORDS

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

Attention: Ms. Diane E. Vollmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 15, 2008 and certified copies of Manatee County Ordinance Nos. 08-58, PDMU-07-23(Z)(P), Z-07-12, 08-64, PDC-05-48(Z)(P), PDPI-03-21(Z)(G)(R), PDMU-91-01(G)(R4), PDMU-92-01(Z)(G)(R12) and 08-16, which were filed in this office on August 20, 2008.

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

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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