

Manatee County Zoning Ordinance

PDMU-19-21(Z)(P) – 69th STREET MIXED USE DEVELOPMENT – TAMPA ACQUISITIONS, INC. PLN1911-0024

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 38.81 ACRES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF U.S. HIGHWAY 41 AND 69TH STREET EAST AND COMMONLY KNOWN AS 2845 69TH STREET EAST, PALMETTO (MANATEE COUNTY) FROM PDC (PLANNED DEVELOPMENT COMMERCIAL) FOR 13.8 ACRES, AND PDR (PLANNED DEVELOPMENT RESIDENTIAL) FOR 24.4 ACRES, TO THE PDMU (PLANNED DEVELOPMENT MIXED USE) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR APPROXIMATELY 108,200 SQUARE FEET OF COMMERCIAL RETAIL USES, 68,100 SQUARE FEET (124 ROOMS) OF LODGINGS (HOTEL) USE AND 224 MULTI-FAMILY RESIDENTIAL UNITS; 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, Tampa Acquisitions, Inc. (the “Applicant”) filed an application to rezone approximately 38.81 acres described in Exhibit “A”, attached hereto, (the “Property”) from PDC (Planned Development Commercial) for 13.8 acres, and PDR (Planned Development Residential) for 24.4 acres, to the PDMU (Planned Development Mixed Use) zoning district; and

WHEREAS, the applicant also filed a Preliminary Site Plan for approximately 108,200 square feet of commercial retail uses, 68,100 square feet (124 rooms) of lodgings (hotel) use and 224 multi-family residential units (the “project”) on the property; and

WHEREAS, the applicant also filed a Schedule of Permitted and Prohibited Uses, as voluntarily proffered by the applicant, Exhibit “B” attached hereto; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Sections: 1) 1001.6.A.1 to allow sidewalks on only one side of the internal roadways; 2) 1005.7.G to eliminate 6-foot wide internal walkways every 200-feet for every 100 parking spaces; 3) 1005.3.A – Table 10-2 to reduce parking spaces ratio per multi-family dwelling unit from 2.0 to 1.7; and 4) 402.7.D.5 to allow reduction to the perimeter greenbelt buffer from 15 to 10 feet; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on November 10, 2021, to consider the rezone, Preliminary Site Plan, Schedule of Permitted and Prohibited Uses and Specific Approval applications, received the staff 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 PDC (Planned Development Commercial) for 13.8 acres and PDR (Planned Development Residential) for 24.4 acres to the PDMU (Planned Development Mixed Use) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on December 2, 2021, 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 LDC Section 1001.6.A.1, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the sidewalk is only being omitted on a short segment of one side of the street and additional infrastructure will be provided to allow for safe pedestrian circulation in the absence of the short segment of sidewalk.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 1005.7.G, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the buildings, parking, and circulation are designed so that there are no large expanses of parking concentrated in one area, thereby eliminating the need for this requirement.

F. 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 demand for parking as per the cited rate above.

G. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 402.7.D.5, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the separation between the residential use and the south property line far exceeds the required 15-foot wide greenbelt buffer and all the required screening material will be provided in the 10-foot wide greenbelt buffer south of the storm water pond.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for approximately 108,200 square feet of commercial retail uses, 68,100 square feet (124 rooms) of lodgings (hotel) use and 224 multi-family residential units upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE

1. All other applicable local, state or federal permits shall be obtained prior to commencement of construction.
2. A minimum of 30 percent open space for the overall project will be required and shall be tracked on each Final Site Plan for approval to ensure the minimum amount is provided after all development is approved.
3. A summary table or chart with running totals for open space as well as square footage and residential units developed, shall be included with each Final Site Plan submitted for review & approval within this project, to keep running totals developed to date.
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 with review of the building permit.
6. Proposed buildings shall be in conformance with the requirements of Land Development Code Sections 401.5 (Building Height Compatibility) and 900 (Entranceways). Building elevations shall be provided with the Final Site Plan and/or building permit for review and approval.
7. Achieving the maximum allowable residential density is contingent upon a mixed-use development including commercial or office component. At time of next site plan submittal for any property within this project, the applicant shall demonstrate and show on the site plan how mixed use will be accomplished prior to first site plan approval of the residential component. To demonstrate a mixed-use development, the site plan shall include all uses, the acreage for each use, and intensity and density of each use. If a use is proposed in a future phase, the land area and phase shall also be identified with the first site plan approval and thereafter with each site plan submittal within the project.

8. The developer of the residential component of the project shall provide an amenity area in the location identified as a 0.33-acre site on the Preliminary Site Plan and will be developed with one or more of the features listed on the note on the PSP. The amenity improvements shall be shown on and approved with a Final Site Plan for the residential component of the project.

B. ENVIRONMENTAL

1. An Environmental Resource Permit (ERP) approved by Southwest Florida Water Management District (SWFWMD) shall be provided to the Environmental Review Section (ERS) for review prior to Commencement of Construction.
2. All other applicable state or federal permits shall be obtained prior to commencement of construction.
3. 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.
4. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the County for review and approval prior to Final Site Plan approval. 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 and 802 of the Land Development Code 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 FEMA 2014 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	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 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 McMullen Creek Watershed.
3. Any fill within the 100-year floodplain with respect to the rainfall component of flooding shall be compensated by the creation of an equal or greater storage volume above seasonal high-water table. 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation). Alternatively, the applicant can utilize drainage modeling (submitted for review to the Public Works Department with subsequent Final Site Plan and/or Construction Plan submittal) to demonstrate no adverse drainage impacts are created for design storm frequency events to a no-rise condition.

D. TRANSPORTATION

1. Development minimum and maximums for the project shall be per the Land Use Equivalency Matrix (LUEM) included as Exhibit "C". Residential multi-family units may be exchanged with other approved types of uses per the Land Use Equivalency Matrix (LUEM) including other residential use (ALF) and non-residential uses (commercial retail, light industrial, and offices).

E. UTILITIES

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.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Sections: 1) 1001.6.A.1 to allow sidewalks on only one side of the internal roadways; 2) 1005.7.G to eliminate 6-foot-wide internal walkways every 200-feet for every 100 parking spaces; 3) 1005.3.A – Table 10-2 to reduce parking spaces ratio per multi-family dwelling unit from 2.0 to 1.7; and 4) 402.7.D.5 to allow reduction to the perimeter greenbelt buffer from 15 to 10 feet. 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. 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 PDC (Planned Development Commercial) for 13.8 acres and PDR (Planned Development Residential) for 24.4 acres 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 Building and 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 4th day of November 2021. (correct adoption date is 12/2/21)



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

BY: 
George Kruse, 1st Vice Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court

BY: 
Deputy Clerk

Exhibit "A"

Legal Description

THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY FLORIDA, LYING EAST OF U.S. HIGHWAY 41 (STATE ROAD 45).

AND

A PARCEL OF LAND IN SECTION 30, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A CONCRETE MONUMENT AT THE CENTER OF SECTION 30, AS A POINT OF REFERENCE, RUN THENCE S 00 DEG 14 MIN 01 SEC W ALONG W LINE OF NW 1/4 OF SE 1/4 16 FEET TO A POINT ON SOUTHERLY R/W LINE OF ERIE RD FOR A **POB**; THENCE ALONG SAID SOUTHERLY & WESTERLY R/W LINE OF SAID ERIE RD S 89 DEG 49 MIN 15 SEC E 1195.55 FEET; THENCE S 83 DEG 17 MIN 21 SEC E 50 FEET; THENCE S 66 DEG 35 MIN 22 SEC E 50.02 FEET; THENCE S 05 DEG 11 MIN 28 SEC E 50 FEET; THENCE S 00 DEG 12 MIN 26 SEC W 1266.19 FEET TO A POINT ON S LINE OF NW 1/4 OF SE 1/4; THENCE N 89 DEG 23 MIN W ALONG SAID S LINE 1296.56 FEET TO SW CORNER OF NW 1/4 OF SE 1/4; THENCE N 00 DEG 14 MIN 01 SEC E ALONG W LINE OF SAID NW 1/4 OF SE 1/4 1331.49 FEET TO THE **POB** AS DESCRIBED IN OR BOOK 1078 PAGE 1506;

LESS THAT PART FOR ROAD R/W INCLUDED IN THE FOLLOWING DESCRIBED PARCEL:

FROM CENTER OF SECTION 30 RUN N 89 DEG 31 MIN 46 SEC W, ALONG N LINE OF NE 1/4 OF SW 1/4 OF SAID SECTION 30, A DISTANCE OF 0.19 FEET TO POINT ON ARC OF CURVE TO LEFT WHOSE RADIUS POINT BEARS N 89 DEG 05 MIN 54 SEC W, AT A DISTANCE OF 5861.58 FEET, SAID POINT BEING ON THE R/W OF U.S. HWY 41 & **POB**; THENCE ALONG SAID R/W LINE THE FOLLOWING TWO COURSES: NLY ALONG ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 00 DEG 14 MIN 28 SEC, A DISTANCE OF 24.67 FEET TO P.T. OF SAID CURVE; THENCE N 00 DEG 39 MIN 38 SEC E, A DISTANCE OF 37.09 FEET; THENCE S 89 DEG 57 MIN 39 SEC E, A DISTANCE OF 748.52 FEET TO THE P.C. OF CURVE TO RIGHT HAVING A RADIUS OF 625 FEET; THENCE SELY ALONG ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 90 DEG 14 MIN 03 SEC, A DISTANCE OF 984.30 FEET TO P.T. OF SAID CURVE; THENCE S 00 DEG 16 MIN 25 SEC W, A DISTANCE OF 196.83 FEET TO P.C. OF CURVE TO THE LEFT HAVING A RADIUS OF 515 FEET; THENCE SLY ALONG ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 29 DEG 07 MIN 09 SEC, A DISTANCE OF 261.74 FEET TO P.C.C. OF A CURVE TO LEFT HAVING A RADIUS OF 540.60 FEET; THENCE SELY ALONG ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 60 DEG 31 MIN 00 SEC, A DISTANCE OF 570.99 FEET TO P.T. OF SAID CURVE; THENCE S 89 DEG 21 MIN 44 SEC E, A DISTANCE OF 748.04 FEET TO W LINE OF SW 1/4 OF SECTION 29; THENCE S 88 DEG 12 MIN 25 SEC E, A DISTANCE OF 1355.62 FEET TO W R/W LINE OF ELLENTON- GILLETTE RD (S.R. 683); THENCE S 01 DEG 45 MIN 08 SEC W, ALONG SAID W R/W LINE, A DISTANCE 42.01 FEET TO S LINE OF NE 1/4 OF SAID SW 1/4; THENCE N 89 DEG 32 MIN 54 SEC W, ALONG SAID S LINE OF NE 1/4 OF SW 1/4 & S LINE OF NW 1/4 OF SAID SW 1/4, A DISTANCE OF 1354.98 FEET TO SW CORNER OF NW 1/4 OF SW 1/4 SECTION 29; THENCE N 89 DEG 22 MIN 35 SEC W, A DISTANCE OF 901.39 FEET TO PT ON ARC OF CURVE TO RIGHT WHOSE RADIUS PT BEARS N 11 DEG 08 MIN 16 SEC E, AT A DISTANCE OF 599.40 FEET; THENCE NWLY ALONG ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 50 DEG 00 MIN 59 SEC, A DISTANCE OF 523.25 FEET TO E R/W LINE OF ERIE RD & THE P.C.C. OF CURVE TO RIGHT HAVING A RADIUS

OF 625 FEET; THENCE NLY ALONG ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 29 DEG 07 MIN 09 SEC, A DISTANCE OF 317.64 FEET TO THE P.T. OF SAID CURVE; THENCE N 00 DEG 16 MIN 25 SEC E, A DISTANCE OF 196.83 FEET TO P.C. OF CURVE TO LEFT HAVING A RADIUS OF 515 FEET; THENCE NWLY ALONG ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 90 DEG 14 MIN 03 SEC, A DISTANCE OF 811.07 FEET TO THE P.T. OF SAID CURVE; THENCE N 89 DEG 57 MIN 39 SEC W, A DISTANCE OF 750.17 FEET TO PT ON THE ARC OF CURVE TO THE LEFT WHOSE RADIUS PT BEARS N 88 DEG 37 MIN 36 SEC W, AT A DISTANCE OF 5861.58 FEET, SAID PT BEING ON AFOREMENTIONED E R/W LINE OF U.S. HWY 41; THENCE NLY ALONG ARC OF SAID CURVE & SAID E R/W LINE THRU A CENTRAL ANGLE OF 00 DEG 28 MIN 18 SEC, A DISTANCE OF 48.26 FEET TO THE **POB** AS DESCRIBED IN OR BOOK 1196 PAGE 2033, TOGETHER WITH THAT PORTION OF ERIE RD, VACATED IN OR BOOK 1294 PAGE 1470, LYING WITHIN SAID PROPERTY;

ALSO LESS THAT PART INCLUDED IN GULF COAST CORPORATE PARK, PHASE 1, A COMMERCIAL SUBDIVISION AS DESCRIBED IN PB 32 PAGES 152-156 DESCRIBED AS FOLLOWS:

BEGIN AT THE SW CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 29; THENCE S 89 DEG 40 MIN 01 SEC E ALONG THE S LINE OF SAID SW 1/4 OF THE NW 1/4 A DISTANCE OF 30.00 FEET; THENCE N 01 DEG 02 MIN 26 SEC E ALONG A LINE 30.00 FEET E OF AND PARALLEL WITH THE W LINE OF SAID SW 1/4 OF THE NW 1/4, A DISTANCE OF 601.90 FEET; THENCE S 61 DEG 16 MIN 39 SEC W A DISTANCE OF 365.73 FEET TO A PT ON A CURVE TO THE LEFT, THE RADIUS PT OF WHICH LIES S 61 DEG 16 MIN 39 SEC W, A RADIAL DISTANCE OF 150.00 FEET; THENCE ALONG THE ARC OF SAID CURVE IN A NWLY DIRECTION PASSING THROUGH A CENTRAL ANGLE OF 61 DEG 14 MIN 18 SEC A DISTANCE OF 160.32 FEET; THENCE N 89 DEG 57 MIN 39 SEC W, A DISTANCE OF 722.51 FEET; THENCE S 00 DEG 02 MIN 21 SEC W, A DISTANCE OF 50.00 FEET.

CONTAINING AN OVERALL AREA OF 38.81 ACRES, MORE OR LESS.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 6, 2021

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

Attention: Quantana Acevedo

Dear Ms. Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. PDMU-19-21(Z)(P), which was filed in this office on December 6, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb