

Manatee County Zoning Ordinance

PDMU-21-14(Z)(P) – ELAN CASTO NET LEASE PROPERTIES, LLC

PLN2108-0008

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 THE REZONE OF 4.76 ACRES FROM A (GENERAL AGRICULTURE) AND 15.04 ACRES FROM PDC (PLANNED DEVELOPMENT COMMERCIAL) TO THE PDMU (PLANNED DEVELOPMENT MIXED USE) ZONING DISTRICT, PART OF A 19.8 ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF SR 64 AND LORRAINE ROAD, COMMONLY KNOWN AS 14366 AND 14410 SR 64 EAST, 2610 AND 2710 LORRAINE ROAD, IN BRADENTON (MANATEE COUNTY); APPROVING A PRELIMINARY SITE PLAN FOR 64,000 SQUARE FEET OF COMMERCIAL USES, AND 240 RESIDENTIAL MULTI-FAMILY 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, Sadwin Howard (the "Applicant") filed an application to rezone approximately 4.76 acres from A (General Agriculture) zoning district and 15.04 acres from PDC (Planned Development Commercial) zoning district described in Exhibit "A", attached hereto, (the "Property") to the PDMU (Planned Development Mixed Use) zoning district, part of a 19.8-acre site; and

WHEREAS, the applicant also filed a Preliminary Site Plan for 64,000 Square Feet of Commercial Uses, and 240 Residential Multi-Family Units (the "project") on the property; and

WHEREAS, the applicant also filed a Schedule of Uses (permitted and prohibited) Exhibit "B" attached hereto; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Sections: 1) 401.5.A.2 – Building Height Compatibility to allow omission of the required wall between multi-family buildings and south property line abutting residential uses; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on December 8, 2022, to consider the rezone, Preliminary Site Plan, Schedule of Permitted and Prohibited Uses (as voluntarily proffered by the applicant) and Specific Approval applications 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 for approximately 4.76 acres from A (General Agriculture) zoning district and 15.04 acres from PDC (Planned Development Commercial) zoning district to the PDMU (Planned Development Mixed Use) zoning district, part of a 19.8-acre site.

B. The Board of County Commissioners, after due public notice, held a public hearing on December 15, 2022, 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 401.5.A.2 – Building Height Compatibility, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because there will be a significant separation between the multi-family buildings and the south property line as well as the required 15-foot perimeter buffer with required plantings to be placed in it.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 64,000 Square Feet of Commercial Uses, and 240 Residential Multi-Family Units upon the property subject to the following Stipulations:

A. DESIGN AND LAND USE

1. 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.

2. Proposed residential buildings shall be in substantial conformance with the elevations provided by the applicant as Exhibit “C” that is a part of the approval ordinance and shall meet the requirements of Land Development Code Section 401.5 (Building Height Compatibility) and a maximum height of four-stories.
3. 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.
4. The developer of the residential component of the project shall provide an amenity area in the location identified in the middle of the buildings proposed on the 15.04-acre multi-family site on the Preliminary Site Plan, to be shown and approved at Final Site Plan submittal, and which shall include some of the features listed on the PSP.
5. 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.
6. Any significant historical or archeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources, and treatment of such resources shall be determined in cooperation with the Division of Historical Resources, and the County. The final determination of significance shall be made in conjunction with the Florida Department of State, Division of Historical Resources, and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Florida Department of State, Division of Historical 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 (Offenses Concerning Dead Bodies and Graves) shall be followed.
7. 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 PDMU-21-14(Z)(P) as Exhibit “B”.

B. ENVIRONMENTAL

1. All other applicable state or federal permits shall be obtained prior to commencement of development.

2. Details of landscape materials, quantities, and species are not being approved with this Preliminary Site Plan. Staff will review and approve this detail with the Final Site Plan.
3. Mitigation for Wetland Impacts to be determined with Final Site Plan and shall be in accordance with LDC Section 706.
4. The developer shall provide EPS Staff a copy of all future mitigation monitoring reports sent to SWFWMD for Wetland mitigation.
5. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.
6. 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.

Please contact Manatee County Environmental Protection Division at 941-742-5980 for questions regarding wells.

7. 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 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 impacts (fill) within the 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	=L MOD

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. Any fill within the 100-year floodplain associated with Mill Creek Watershed 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 the Construction Plan submittal) to demonstrate no adverse drainage impacts for the mean annual, 10-year, 25-year, and 100-year design storm events to a no-rise condition.
4. 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"). In addition, a 20 feet Drainage-Maintenance Access Easement shall be provided along this tributary. Manatee County is only responsible for maintaining the free flow of drainage through this system.

D. UTILITIES

1. Connection to the County potable water and wastewater systems 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 appropriate 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) 401.5.A.2 – Building Height Compatibility to allow omission of the required wall between multi-family buildings and south property line abutting residential uses.

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, for approximately 4.76 acres from A (General Agriculture) zoning district and 15.04 acres from PDC (Planned Development Commercial) zoning district to the PDMU (Planned Development Mixed Use) zoning district, part of a 19.8-acre site 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 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.

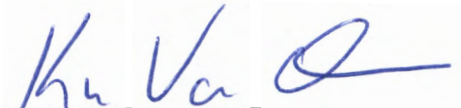
Section 7. STATE AND FEDERAL PERMITTING. The issuance of the local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed 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 15th day of December 2022.



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

BY: 
Kevin Van Ostenbridge, Chairman

**ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court**

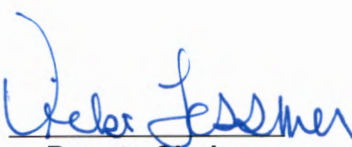
BY: 
Deputy Clerk

Exhibit "A"

Legal Description

PARCEL 1:

THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NW 1/4 OF THE NW 1/4 IN SECTION 3, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

PARCEL 2:

THAT CERTAIN PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NW CORNER OF SAID SECTION 3; THENCE S89°32'00"E, ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 1289.50 FEET; THENCE S00°16'00"W, 50.00 FEET FOR A POINT OF BEGINNING, SAID P.O.B. BEING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF S.R. #64 (A 100 FOOT WIDE R/W) AND THE WEST RIGHT-OF-WAY LINE OF LORRAINE ROAD (A 66 FOOT WIDE R/W); THENCE CONTINUE S00°16'00"W, ALONG SAID WEST RIGHT-OF-WAY LINE OF LORRAINE ROAD A DISTANCE OF 617.72 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF THE NW 1/4 OF THE NW 1/4 OF SAID SECTION 3; THENCE N89°28'55"W, ALONG SAID SOUTH LINE A DISTANCE OF 433.70 FEET; THENCE N00°16'01"E, 617.33 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF S.R. 64; THENCE S89°32'00"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 433.70 FEET TO THE POINT OF BEGINNING.

LESS LANDS CONVEYED FROM JEAN SCHMITT GENTILE F/K/A/ JEAN L. SCHMITT TO HOWARD SADWIN IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 1552, PAGE 3969 AND IN STIPULATION FOR ENTRY OF ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 2058, PAGE 3942, ALL OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED THEREIN.

PARCEL 3:

THAT CERTAIN PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NW CORNER OF SAID SECTION 3; THENCE S89°32'00"E, ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 440.83 FEET; THENCE S00°42'10"W, 33.37 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF S.R. #64 (A 100 FOOT WIDE R/W) FOR A POINT OF BEGINNING; THENCE CONTINUE S00°42'10"W, 633.58 FEET TO A POINT ON THE SOUTH LINE OF THE N 1/2 OF NW 1/4 OF NW 1/4 OF SAID SECTION 3; THENCE S89°28'55"E, ALONG SAID SOUTH LINE A DISTANCE OF 420.05 FEET; THENCE N00°16'01"E, 617.33 FEET TO A POINT ON THE AFOREMENTIONED SOUTH RIGHT-OF-WAY LINE OF S.R. #64; THENCE N89°32'00"W, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF S.R. #64, A DISTANCE OF 146.04 FEET TO

THE P.C. OF SAID SOUTH RIGHT-OF-WAY LINE; THENCE NORTHWESTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE, BEING A CURVE, CONCAVE TO THE NORTH HAVING A RADIUS OF 2198.59 FEET, AN ARC DISTANCE OF 270.62 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT THEREFROM THAT PORTION OF THE ABOVE PARCEL OF LAND DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 2081, PAGE 34, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 3; THENCE ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4; SOUTH 00°01'31" EAST A DISTANCE OF 0.35 FOOT TO THE SURVEY BASE LINE OF STATE ROAD 64; THENCE ALONG SAID SURVEY BASE LINE NORTH 89°18'25" WEST A DISTANCE OF 466.69 FEET; THENCE SOUTH 00°01'31" EAST A DISTANCE OF 50.00 FEET TO THE SOUTH EXISTING, RIGHT OF WAY LINE OF SAID STATE ROAD 64 (PER SECTION 1305-250) FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°01'31" EAST A DISTANCE OF 108.01 FEET; THENCE NORTH 89°18'25" WEST A DISTANCE OF 147.19 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 2,306.59 FEET; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 267.99 FEET THROUGH A CENTRAL ANGLE OF 06°39'25" WITH A CHORD BEARING NORTH 85°58'43" WEST TO THE END OF SAID CURVE; THENCE NORTH 00°14'47" WEST A DISTANCE OF 109.00 FEET TO SAID SOUTH EXISTING RIGHT OF WAY LINE AND TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 2,198.59 FEET; THENCE ALONG SAID SOUTH EXISTING RIGHT OF WAY LINE THE ARC OF SAID CURVE TO THE LEFT A DISTANCE OF 269.85 FEET THROUGH A CENTRAL ANGLE OF 07°01'57" WITH A CHORD BEARING SOUTH 85°47'27" EAST TO THE END OF SAID CURVE; THENCE CONTINUE ALONG SAID SOUTH EXISTING RIGHT OF WAY LINE SOUTH 89°18'25" EAST A DISTANCE OF 145.84 FEET TO THE POINT OF BEGINNING.

HAVING A COMBINED 19.803 ACRES, MORE OR LESS.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

December 16, 2022

Honorable Angelina Colonnese
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 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. PDMU-21-14(Z)(P), which was filed in this office on December 16, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/rra