

## Manatee County Zoning Ordinance

### **PDPI-19-22(Z)(G) – EAST COUNTY FACILITIES AKA PREMIER PARK - GDP – MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS – PLN1910-0111**

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 110.38 ACRES GENERALLY LOCATED NORTH OF SR 70, EAST OF POST BLVD, SOUTHEAST OF RANGELAND PKWY AND WEST OF UIHLEIN ROAD, AND COMMONLY KNOWN AS 16410 RANGELAND PARKWAY, BRADENTON (MANATEE COUNTY) FROM A/WP-E/ST (GENERAL AGRICULTURE/WATERSHED PROTECTION EVERS/SPECIAL TREATMENT OVERLAY DISTRICTS) TO THE PDPI (PLANNED DEVELOPMENT PUBLIC INTEREST) ZONING DISTRICT, RETAINING THE WP-E/ST (WATERSHED PROTECTION EVERS/SPECIAL TREATMENT) OVERLAY DISTRICTS; APPROVING A GENERAL DEVELOPMENT PLAN FOR A COUNTY PARK TO INCLUDE BUT NOT LIMITED TO COUNTY OFFICE SPACE, PUBLIC USE FACILITIES (I.E. PUBLIC LIBRARY, SHERIFF SUBSTATION, EMS STATION), AQUATIC CENTER, DOG PARK, SOFTBALL AND BASEBALL COMPLEX AND FIELDS, CONCESSIONS, PARK MAINTENANCE FACILITIES, RACQUETBALL COMPLEX, TENNIS STADIUM AND COURTS (CLAY AND/OR HARD COURTS), PICKLEBALL STADIUM AND COURTS, LOCKER ROOM FACILITIES, RESTROOMS, AND OTHER ASSOCIATED FACILITIES, GYMNASIUM AND ACCESSORY PASSIVE RECREATION (I.E. TRAILS, OUTDOOR FITNESS EQUIPMENT, FITNESS/PLAY LANDFORMS, PLAZAS, DESTINATION PLAYGROUNDS, SHADE PAVILIONS); SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Manatee County (the "Applicant") filed an application to rezone approximately 110.38 acres described in Exhibit "A", attached hereto, (the "Property") from A/WP-E/ST (General Agriculture/Watershed Protection Evers/Special Treatment Overlay Districts) to the PDPI (Planned Development Public Interest) zoning district, retaining the WP-E/ST (Watershed Protection Evers/Special Treatment) Overlay Districts; and

**WHEREAS**, the applicant also filed a General Development Plan for a County Park to include but not limited to County office space, Public Use Facilities (i.e. Public Library, Sheriff Substation, EMS Station), Aquatic Center, Dog Park, Softball and Baseball Complex and Fields, Concessions, Park Maintenance Facilities, Racquetball Complex, Tennis Stadium and Courts (Clay and/or Hard Courts), Pickleball Stadium and Courts, Locker Room Facilities, Restrooms, and other associated facilities, Gymnasium and Accessory Passive Recreation (i.e. Trails, Outdoor Fitness Equipment, Fitness/Play Landforms, Plazas, Destination Playgrounds, Shade Pavilions) (the "project") on the property; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on December 9, 2021, to consider the rezone and General Development 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/WP-E/ST (General Agriculture/Watershed Protection Evers/Special Treatment Overlay Districts) to the PDPI (Planned Development Public Interest) zoning district, retaining the WP-E/ST (Watershed Protection Evers/Special Treatment) Overlay Districts.

B. The Board of County Commissioners, after due public notice, held a public hearing on January 6, 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.

**Section 2. GENERAL DEVELOPMENT PLAN.** The General Development Plan is hereby approved for a County Park to include but not limited to County office space, Public Use Facilities (i.e. Public Library, Sheriff Substation, EMS Station), Aquatic Center, Dog Park, Softball and Baseball Complex and Fields, Concessions, Park Maintenance Facilities, Racquetball Complex, Tennis Stadium and Courts (Clay and/or Hard Courts), Pickleball Stadium and Courts, Locker Room Facilities, Restrooms, and other associated facilities, Gymnasium and Accessory Passive Recreation (i.e. Trails, Outdoor Fitness Equipment, Fitness/Play Landforms, Plazas, Destination Playgrounds, Shade Pavilions) 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. 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.
3. 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.
4. The applicant shall submit a lighting plan at the time of Final Site Plan approval.
5. 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.

### **B. ENVIRONMENTAL**

1. All other applicable state or federal permits shall be obtained prior to commencement of construction.
2. There are no impacts to jurisdictional wetlands or wetland buffers being approved by the adoption of this Ordinance.
3. Despite the wetland system and woods being along the southeast portion of the proposed project boundary, in the event vehicle circulation or parking becomes proposed adjacent to the fifty (50) foot wetland buffer, or to be located on the south project boundary of the Project, then an eight (8) foot Vehicle Use Perimeter buffer will be required at time of (FSP) Final Site Plan review.
4. The applicant shall provide an updated study, consistent with Policy 3.3.2.1 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. The Management Plan, and correspondence and permits, approved by the State (Florida Fish and Wildlife Conservation Commission) shall be submitted prior to the commencement of development for any listed species found on site.

5. If wells are encountered a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the ERS for review and approval prior to recommencing construction activities. The Well Management Plan shall include the following information:
  - o Digital photographs of the well along with nearby reference structures (if existing);
  - o GPS coordinates (latitude/longitude) of the well;
  - o The methodology used to secure the well during construction (e.g. fence, tape);
  - &
  - o The final disposition of the well - used, capped, or plugged
6. 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.
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. Comprehensive Plan Policy 3.2.1.8 prohibits the use of treated effluent within the WO Overlay District.

#### **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 100-year floodplain delineation and post-development discharge of runoff. Drainage Modeling incorporating data from the Braden River Watershed Management Plan (WMP) 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 twenty-five (25) percent for Braden River Watershed.
3. All fill within the 100-year floodplain 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).
4. 150% water quality treatment is required for Evers Watershed Protection Overlay (WP-E).

#### **D. 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. 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 A/WP-E/ST (General Agriculture/Watershed Protection Evers/Special Treatment Overlay Districts) to the PDPI (Planned Development Public Interest) zoning district, retaining the WP-E/ST (Watershed Protection Evers/Special Treatment) Overlay Districts, 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 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.

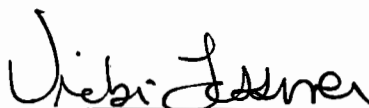
**PASSED AND DULY ADOPTED**, by the Board of County Commissioners of Manatee County, Florida on the 6<sup>th</sup> day of January 2022.



**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**

**DESCRIPTION** (as prepared by the certifying Surveyor and Mapper):

A tract of land lying in Sections 11, 14 & 15, Township 35 South, Range 19 East, Manatee County, Florida, being more particularly described as follows:

BEGIN at the "POINT OF BEGINNING" of the "LWR Sports, LLC Tract" as recorded in Official Records Book 2706, Page 2529 in the Public Records of Manatee County, Florida, said point lying on the easterly right-of-way line of Post Boulevard (120-foot wide Lakewood Ranch Stewardship District right-of-way) as recorded in Official Records Book 2746, Page 3274 in said Public Records, said point also being the point of curvature of a non-tangent curve to the left, having a radius of 2,143.00 feet and a central angle of 05°39'54"; thence along the easterly right-of-way of Post Boulevard for the following three (3) calls: (1) thence northerly along the arc of said curve, a distance of 211.88 feet, said curve having a chord bearing and distance of N.18°10'33"W., 211.80 feet, to the point of tangency of said curve; (2) thence N.21°00'29"W., a distance of 81.82 feet to the point of curvature of a curve to the right having a radius of 50.00 feet and a central angle of 87°38'20"; (3) thence along the arc of said curve a distance of 76.48 feet to the point of reverse curvature of curve to the left, having a radius of 3,060.00 feet and a central angle of 15°37'19", said point also being on the southerly right-of-way line of Rangeland Parkway (120-foot wide Lakewood Ranch Stewardship District right-of-way) also recorded in said Official Records Book 2746, Page 3274, in said Public Records; thence along said southerly right-of-way line for the following seven (7) calls: (1) thence northeasterly along the arc of said curve, a distance of 834.33 feet to the point of tangency of said curve; (2) thence N.51°00'32"E., a distance of 1,748.68 feet to the point of curvature of a curve to the right having a radius of 2,040.00 feet and a central angle of 38°43'30"; (3) thence easterly along the arc of said curve, a distance of 1,378.79 feet to the point of tangency of said curve; (4) thence N.89°44'02"E., a distance of 58.68 feet; (5) thence S.00°15'58"E., a distance of 12.00 feet; (6) thence N.89°44'02"E., a distance of 476.32 feet to the point of curvature of a curve to the right having a radius of 25.00 feet and a central angle of 89°54'29"; (7) thence southeasterly along the arc of said curve, a distance of 39.23 feet to the point of tangency of said curve, said point also being on the westerly right-of-way line of Uihlien Road (120-foot wide Lakewood Ranch Stewardship District right-of-way) also recorded in said Official Records Book 2746, Page 3274, in said Public Records; thence along said westerly right-of-way line for the following three (3) calls: (1) thence S.00°15'58"E., a distance of 103.77 feet to the point of curvature of a curve to the left having a radius of 1,590.00 feet and a central angle of 18°12'16"; (2) thence southerly along the arc of said curve, a distance of 505.19 feet to the point of reverse curvature of a curve to the right having a radius of 1,470.00 feet and a central angle of 15°46'10"; (3) thence southerly along the arc of said curve, a distance of 404.59 feet to the end of said curve; thence N.82°26'37"W., non-tangent to the last stated curve, a distance of 60.19 feet; thence N.73°55'19"W., a distance of 94.17 feet; thence S.76°36'17"W., a distance of 69.52 feet; thence S.86°08'24"W., a distance of 55.82 feet; thence S.84°53'10"W., a distance of 45.43 feet; thence S.89°59'19"W., a distance of



49.18 feet; thence S.80°56'15"W., a distance of 130.41 feet; thence N.89°24'52"W., a distance of 74.45 feet; thence S.66°51'11"W., a distance of 102.83 feet; thence S.36°38'52"W., a distance of 109.09 feet; thence S.32°12'48"W., a distance of 45.10 feet; thence N.65°05'27"W., a distance of 7.08 feet; thence S.56°20'38"W., a distance of 508.26 feet; thence S.22°53'29"W., a distance of 62.68 feet; thence S.40°46'15"E., a distance of 30.18 feet; thence S.26°12'57"W., a distance of 74.38 feet; thence S.53°31'58"W., a distance of 34.37 feet; thence S.46°08'23"W., a distance of 60.38 feet; thence S.45°11'05"W., a distance of 28.65 feet; thence S.86°37'33"W., a distance of 13.10 feet; thence N.55°35'40"W., a distance of 124.61 feet; thence S.62°52'28"W., a distance of 104.51 feet; thence S.31°09'11"W., a distance of 49.11 feet; thence S.72°21'55"W., a distance of 67.78 feet; thence S.48°30'31"E., a distance of 39.55 feet; thence S.40°27'05"W., a distance of 182.51 feet to the point of curvature of a curve to the left having a radius of 367.67 feet and a central angle of 43°16'50"; thence southerly along the arc of said curve, a distance of 277.73 feet to the point of tangency of said curve; thence S.02°49'45"E., a distance of 111.19 feet; thence S.19°16'43"W., a distance of 46.54 feet; thence N.89°50'50"W., a distance of 2,194.55 feet to the POINT OF BEGINNING.

Said tract contains 4,785,351 square feet or 109.856543 acres, more or less.



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

January 7, 2022

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

Attention: Vicki Tessmer

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. PDPI-19-22(Z)(G), which was filed in this office on January 6, 2022.

Sincerely,

Anya Owens  
Program Administrator

AO/lb