

Manatee County Zoning Ordinance

PDR-23-04(Z)(P) – THE LEGACY PROJECT – SOZO MISSIONS (OWNER) – PLN2210-0018

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 0.78 ACRES GENERALLY LOCATED BETWEEN 16TH STREET COURT EAST AND 17TH STREET EAST, ALONG THE NORTH SIDE OF 32ND AVE EAST, AND COMMONLY KNOWN AS 3124 17TH STREET EAST, BRADENTON (MANATEE COUNTY) FROM RSF-6 (RESIDENTIAL SINGLE FAMILY-6) TO PDR (PLANNED DEVELOPMENT-RESIDENTIAL) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR A 11,890 SQUARE FOOT PUBLIC COMMUNITY USE; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, SOZO Missions (Owner) (the “Applicant”) filed an application to rezone approximately 0.78 acres described in Exhibit “A”, attached hereto, (the “Property”) from RSF-6 (Residential Single Family-6) to PDR (Planned Development-Residential) zoning district; and

WHEREAS, the applicant also filed a Preliminary Site Plan for a 11,890 square foot public community use (the “project”) on the property; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Sections: 1) 402.7.D.1- Alternative design to the required 20 foot roadway buffer, 2) 1005.3- Reduction of the required parking spaces, 3) 1001.6.A- Removal of required sidewalks, and 4) 402.7.D.5- Alternative design to the required 15 foot greenbelt buffer; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on September 14, 2023, to consider the rezone, Preliminary Site Plan and Specific Approval 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 RSF-6 (Residential Single Family-6) to PDR (Planned Development-Residential) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on September 28, 2023, 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 Land Development Code Section 402.7.D.1, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the reduction to the buffer width (from 20 feet to 10 feet) will be compensated by providing trees at fifteen (15) – eighteen (18) feet on center instead of the required fifty (50) feet on center, and by providing a double row of shrubs in the roadway buffers along the eastern, southern, and western property lines where feasible.

E. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 1005.3, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design due to the applicant providing a commuter assistance program for attendees of the site.

F. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 1001.6.A, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree due to an existing sidewalk being established across from the site which extends to Samoset Elementary School.

G. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 402.7.D.5, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed alternative design because the 10-foot in width screening buffer will meet LDC Section 701 landscaping requirements for the proposed community service use.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for a 11,890 square foot public community use, upon the property subject to the following Stipulations:

A. DESIGN AND LAND USE

1. The site plan submitted with this application shall be part of the approval.

2. Any new or temporary use proposed at this property, other than those approved with this application, shall be required to amend the PSP to include the new uses through Development Services-Planning & Zoning, as required by the LDC.
3. 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.
4. 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.
5. Design for the structures shall be in substantial conformance with the renderings entered into the record for this project.

B. ENVIRONMENTAL

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. If wells are encountered, 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.
3. 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. DEVELOPMENT REVIEW

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 Development Services review process for the project.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Sections: 1) 402.7.D.1- Alternative design to the required 20 foot roadway buffer, 2) 1005.3- Reduction of the required parking spaces, 3) 1001.6.A- Removal of required sidewalks, and 4) 402.7.D.5- Alternative design to the required 15 foot greenbelt buffer. 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. 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 RSF-6 (Residential Single Family-6) to PDR (Planned Development-Residential) zoning district, 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.

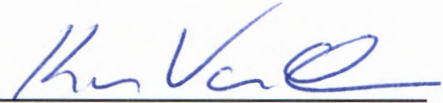
Section 7. STATE AND FEDERAL PERMITTING. The issuance of the local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed 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 28th day of September 2023.



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

BY: 
Kevin Van Ostenbridge, Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court

BY: 
Deputy Clerk

Exhibit “A”

Legal Description

LOTS 444, 445, AND 446, PINECREST SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 55, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND LOTS 12 AND 13, MCCLURE ADDITION TO MANATEE AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 56, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 28, 2023

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

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. PDR-23-04(Z)(P), which was filed in this office on September 28, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh