

Manatee County Zoning Ordinance

Z-20-10 - PEAK DEVELOPMENT REZONE - ESTATE OF WALTER SCHMID JR; IDA SCHMID THOMAS REVOCABLE TRUST (OWNER) - SRQ 300, LLC (CONTRACT PURCHASER) - PLN2006-0021

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; GENERALLY LOCATED WEST OF US 301 FROM UNIVERSITY PARKWAY TO TALLEVAST ROAD, AND COMMONLY KNOWN AS 2400 TALLEVAST ROAD, SARASOTA, (MANATEE COUNTY); PROVIDING FOR A REZONE OF APPROXIMATELY 282.3 ACRES FROM A-1 (AGRICULTURE SUBURBAN) [226.2 ACRES] AND HM (HEAVY MANUFACTURING) [56.1 ACRES] TO THE LM (LIGHT MANUFACTURING) ZONING DISTRICT PART OF A 301.5 ACRES SITE (19.2 ACRES ARE ZONED LM); SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Estate of Walter Schmid Jr; Ida Schmid Thomas Revocable Trust (Owner) / SRQ 300, LLC (Contract Purchaser) (the "Applicants") filed an application to rezone approximately 282.3 acres described in Exhibit "A", attached hereto, (the "Property") from A-1 (Agriculture Suburban) [226.2 acres] and HM (Heavy Manufacturing) [56.1 acres] to the LM (Light Manufacturing zoning district part of a 301.5 acres site (19.2 acres are zoned LM); and

WHEREAS, the Building and Development Services staff has recommended approval of the rezone, as described in the staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held public hearings on September 10 and 24, 2020 to consider the rezone, received the staff recommendation 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 rezone 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 application.

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 of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the

Planning Commission of the County, 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 concerned the application for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit “A” of this Ordinance for approximately 282.3 acres from A-1 (Agriculture Suburban) [226.2 acres] and HM (Heavy Manufacturing) [56.1 acres] to the LM (Light Manufacturing zoning district; part of a 301.5 acres site (19.2 acres are zoned LM));.

B. The Board of County Commissioners, after due public notice, held a public hearing on October 1, 2020 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 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 the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

Section 2. 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, on approximately 282.3 acres from A-1 (Agriculture Suburban) [226.2 acres] and HM (Heavy Manufacturing) [56.1 acres] to the LM (Light Manufacturing) zoning district; part of a 301.5 acres site (19.2 acres are zoned LM); 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.

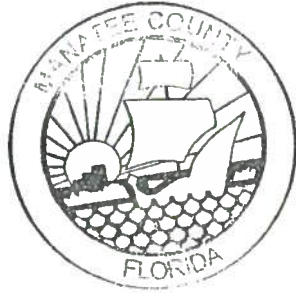
Section 3. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 4. 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 5. 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 approval 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 6. 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 1st day of October 2020.



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

BY: 
Betsy Benac, Chairman

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

BY: 
Deputy Clerk

Exhibit "A"

Legal Description

THAT PORTION OF LANDS LYING IN SECTION 31, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, AS DESCRIBED IN DEEDS RECORDED IN OFFICIAL RECORDS BOOK 989, PAGE 1148, OFFICIAL RECORDS BOOK 989, PAGE 1153, OFFICIAL RECORDS BOOK 1082, PAGE 945 AND OFFICIAL RECORDS BOOK 1082, PAGE 948, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND LYING WESTERLY OF THE WESTERLY LINE OF NEW U.S. HIGHWAY 301, (STATE ROAD 683), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 31, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N89°41'46"W, ALONG THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 1332.63 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF NORTHEAST 1/4 OF SAID SECTION 31; THENCE S00°33'29"W, 30.0 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF TALLEVAST ROAD FOR A POINT OF BEGINNING; THENCE N89°41'46"W, ALONG SAID RIGHT-OF-WAY LINE, 2054.97 FEET; THENCE S00°19'29"W, 840.0 FEET; THENCE N89°41'46"W, 560.0 FEET TO THE EAST RIGHT-OF-WAY OF SEABOARD COAST LINE RAILROAD; THENCE S00°19'29"W, ALONG SAID RIGHT-OF-WAY LINE, 4371.06 FEET OF THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301 (STATE ROAD 683); THENCE S89°15'46"E, ALONG SAID NORTH RIGHT-OF-WAY LINE, BEING PARALLEL TO AND 50.0 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 31, A DISTANCE OF 1261.8 FEET TO THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4; THENCE N00°27'59"E, ALONG SAID EAST LINE, 612.73 FEET TO THE SOUTHWEST CORNER OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SOUTHEAST 1/4 OF SAID SECTION 31; THENCE S89°18'52"E, ALONG THE SOUTH LINE OF THE NORTH 1/2 OF SOUTHWEST 1/4 OF SOUTHEAST 1/4, A DISTANCE OF 1136.43 FEET TO THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 31; THENCE S00°26'58"W, ALONG SAID EAST LINE, 572.73 FEET TO THE NORTH RIGHT-OF-WAY LINE OF U.S. 301; THENCE S89°15'46"E, ALONG SAID RIGHT-OF-WAY LINE, 50.0 FEET; THENCE N00°26'59"E, 572.97 FEET; THENCE S89°20'48"E, 300.0 FEET; THENCE S00°55'51 "W, 577.84 FEET TO THE NORTH RIGHT-OF-WAY LINE OF U.S. 301; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE, BEING A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5843.58 FEET, A DELTA ANGLE OF 2°43'39", AN ARC DISTANCE OF 278.19 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S83°22'23"E, ALONG SAID NORTH RIGHT-OF-WAY LINE, 40.63 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF NEW U.S. 301; THENCE NORTHERLY, ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 301, THE FOLLOWING COURSE AND DISTANCES: N00°30'35"E, 92.89 FEET; THENCE N20°27'33"W. 563.53 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE EAST AND HAVING A RADIUS OF 1767.02 FEET AND DELTA ANGLE OF 20°54'04"; THENCE NORTHERLY, ALONG SAID CURVE, AN ARC DISTANCE OF 644.60 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N00°26'31 "E, 370.4 FEET; THENCE N04°38'16"W 225.89 FEET; THENCE N04°36'06"E, 275. 73 FEET; THENCE N00°26'31"E, 331.25 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, RUN N67i0'45"W, 373.38 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 31; THENCE N00°33'29"E, ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 31, A DISTANCE OF 2625.66 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PART DEEDED FOR STATE ROAD 683 (U.S. 301) RIGHT-OF-WAY, AS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 993, PAGE 2684, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THAT PORTION OF THE PEARCE DRAIN WHICH LIES EASTERLY OF THE CENTERLINE OF SAID CANAL AS REFERENCED IN DEED BOOK 161, PAGE 289 AND DEED BOOK 159, PAGE 154, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THE FOLLOWING LANDS CONVEYED BY DEEDS RECORDED IN OFFICIAL RECORDS BOOK 2633, PAGE 7241 AND OFFICIAL RECORDS BOOK 2633, PAGE 7245, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SECTION 31, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N89°40'53"W, A DISTANCE OF 1332.63 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 31; THENCE S00°33'29"W, ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF 30.00 FEET TO THE INTERSECTION WITH THE SOUTH MAINTAINED RIGHT-OF-WAY LINE OF TALLEVAST ROAD PER ROAD PLAT BOOK 8, PAGE 64, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA FOR THE BEGINNING; THENCE CONTINUE S00°33'29"W. ALONG SAID EAST LINE, A DISTANCE OF 306.45 FEET; THENCE N89°26'31"W, A DISTANCE OF 5.00 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 80.00 FEET, WITH A CHORD BEARING OF N40°49'02"W, THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 82°45'03", A DISTANCE OF 115.54 FEET TO A POINT OF REVERSE CURVATURE TO THE RIGHT HAVING A RADIUS OF 114.00 FEET AND A CENTRAL ANGLE OF 82°23'17", WITH A CHORD BEARING OF N40°59'55"W; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 163.93 FEET; THENCE N00°11'43"E, A DISTANCE OF 84.04 FEET; THENCE N69°59'27"W, A DISTANCE OF 32.99 FEET; THENCE N89°40'53"W, A DISTANCE OF 181.93 FEET; THENCE N76°10'39"W, A DISTANCE OF 80.64 FEET TO THE INTERSECTION WITH SAID SOUTH MAINTAINED RIGHT-OF-WAY LINE; THENCE S89°40'56"E, ALONG SAID SOUTH MAINTAINED RIGHT-OF-WAY LINE, A DISTANCE OF 466.58 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN SECTION 31, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THE TRACT OF LAND KNOWN AS "WILLIAMS' SIDING". EXCLUDED UNDER WARRANTY DEEDS RECORDED IN DEED BOOK 159, PAGE 154, DEED BOOK 277, PAGE 571, OFFICIAL RECORDS BOOK 466, PAGE 505, OFFICIAL RECORDS BOOK 989, PAGE 1148 AND OFFICIAL RECORDS BOOK 1082, PAGE 945, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

COMMENCE AT THE NORTHEAST CORNER OF SECTION 31, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N89°40'40"W, ALONG THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 1332.42 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 31; THENCE S00°33'30"W, ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4. A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH MAINTAINED RIGHT-OF-WAY LINE OF TALLEVAST ROAD PER ROAD PLAT BOOK 8, PAGE 64, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N89°37'55"W, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 466.38 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, N89°43'29"W, 1588.84 FEET; THENCE S00°22'08"W, ALONG A LINE LYING 610.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE EAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 31, A DISTANCE OF 840.00 FEET; THENCE N89°39'06"W, ALONG A LINE LYING 870.00 FEET SOUTH OF AND

PARALLEL TO THE NORTH LINE OF THE SAID EAST ½ OF THE NORTHWEST ¼ ESTABLISHED BY HISTORICAL DEEDS, A DISTANCE OF 560.00 FEET TO A POINT OF THE EAST RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD; THENCE S00°22'08"W, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 4371.59 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF US 301 AS DESCRIBED IN OFFICIAL RECORDS BOOK 236, PAGE 223, PUBLIC RECORD OF MANATEE COUNTY, FLORIDA; THENCE S89°15'47"E, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1260.71 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 31; THENCE N00°24'23"E, ALONG SAID EAST LINE, A DISTANCE OF 612.73 FEET TO THE SOUTHWEST CORNER OF THE NORTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 31; THENCE S89°17'14"E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼. A DISTANCE OF 1336.87 FEET TO THE SOUTHEAST CORNER OF SAID NORTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼; THENCE S00°23'37"W, ALONG THE EAST LINE OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 31, A DISTANCE OF 572.73 FEET TO A POINT ON THE NORTH DEEDED AND MAINTAINED RIGHT-OF-WAY LINE OF US 301; THENCE S89°47'40"E, ALONG SAID NORTH DEEDED AND MAINTAINED RIGHT-OF-WAY LINE, A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST LINE OF THAT PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 236, PAGE 223 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N00°24'40"E, ALONG SAID WEST LINE, A DISTANCE OF 572.31 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S89°18'58"E, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 300.05 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE S00°24'59"W, ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 576.96 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 683, US 301 (SECTION 13120-2506); SAID POINT ALSO BEING ON A CURVE, WHOSE RADIUS POINT BEARS S03°00'30"W, 5843.58 FEET; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND SAID CURVE, AN ARC DISTANCE OF 278.19 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S84°15'50"E, CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 40.63 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 683, US 301; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, THE FOLLOWING COURSES AND DISTANCES; N00°30'35"E, 92.89 FEET; THENCE N20°27'30"W, 563.30 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 1767.02 FEET AND A DELTA ANGLE OF 20°54'04"; THENCE NORTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 644.60 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N00°26'35"E, 370.40 FEET; THENCE N04°38'30"W, 225.65 FEET; THENCE N04°32'40"E, 275.49 FEET; THENCE N00°32'13"E, 331.78 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, N67°10'26"W, A DISTANCE OF 373.70 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF AFOREMENTIONED SECTION 31; THENCE N00°33'30"E, ALONG THE EAST LINE OF THE WEST ½ OF THE NORTHEAST ¼ OF SAID SECTION 31, A DISTANCE OF 2319.43 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2633, PAGE 7241, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE SOUTHERLY AND WESTERLY BOUNDARY OF SAID PARCEL THE FOLLOWING COURSES AND DISTANCES: N89°26'30"W, A DISTANCE OF 5.00 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 80.00 FEET, WITH A CHORD BEARING OF N40°42'21 "W; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 82°41'27", A DISTANCE OF 115.46 FEET TO A POINT OF REVERSE CURVATURE TO THE RIGHT HAVING A RADIUS OF 114.00 FEET AND A CENTRAL ANGLE OF 82°18'40",

WITH A CHORD BEARING OF N40°59'15"W; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 163.77 FEET; THENCE N00°06'08"E, 84.04 FEET; THENCE N70°12'16"W, 32.88 FEET; THENCE N89°37'04"W, 181.92 FEET; THENCE N76°11'48"W, 80.66 FEET TO THE POINT OF BEGINNING.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

October 2, 2020

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 Z-20-10, which was filed in this office on October 2, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb