

Manatee County Zoning Ordinance

Z-23-02– BENNETT GROUP & NORTH RIVER INVESTMENT GROUP REZONE (F.K.A CAR WASH REZONE)/ BENNETT GROUP LLC (OWNER); NORTH RIVER INVESTMENT GROUP LLLP (OWNER); TOMMY’S EXPRESS HOLDINGS, INC. (CONTRACT PURCHASER) – PLN2210-0095

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 2.51 ACRES GENERALLY LOCATED NORTH OF THE INTERSECTION OF STATE ROAD 64 EAST AND 57TH STREET EAST (MORGAN JOHNSON ROAD) AND EXTENDED EAST APPROXIMATELY 290 FEET IN BRADENTON (MANATEE COUNTY) FROM A-1 (SUBURBAN AGRICULTURE) AND A-1/CHH (SUBURBAN AGRICULTURE/COASTAL HIGH HAZARD OVERLAY DISTRICT) TO THE GC (GENERAL COMMERCIAL) ZONING DISTRICT, RETAINING THE CHH (COASTAL HIGH HAZARD) OVERLAY DISTRICT; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Bennett Group LLC (Owner); North River Investment Group LLLP (Owner); Tommy’s Express Holdings, Inc. (Contract Purchaser) (the “Applicants”) filed an application to rezone approximately 2.51 acres described in Exhibit “A”, attached hereto, (the “Property”) from A-1 (Suburban Agriculture) and A-1/CHH (Suburban Agriculture/Coastal High Hazard Overlay District) to the GC (General Commercial) zoning district, retaining the CHH (Coastal High Hazard) Overlay District; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on June 8, 2023, to consider the rezone application, received the Staff Report 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 from A-1 (Suburban Agriculture) and A-1/CHH (Suburban Agriculture/Coastal High Hazard Overlay District) to the GC (General Commercial) zoning district, retaining the CHH (Coastal High Hazard) Overlay District.

B. The Board of County Commissioners, after due public notice, held a public hearing on June 15, 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 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, from A-1 (Suburban Agriculture) and A-1/CHH (Suburban Agriculture/Coastal High Hazard Overlay District) to the GC (General Commercial) zoning district, retaining the CHH (Coastal High Hazard) Overlay 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.

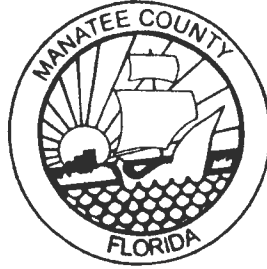
Section 3. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall 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 15th day of June 2023.



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

BY: 
Kevin Van Ostenbridge, Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court

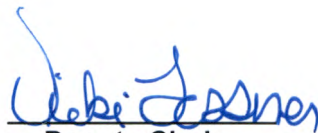
BY: 
Deputy Clerk

Exhibit "A"

Legal Description

PARCEL I

LOTS 9, 10, 11, 12, 13 AND 14, BLOCK 2, FLORIANA COURT, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 162, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

PARCEL A

LOTS 19 THROUGH 27, INCLUSIVE BLOCK 2, FLORIANA COURT, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 162, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA

LESS THAT PORTION OF LOTS 18, 19 & 20, BLOCK 2 FLORIANA COURT SUBDIVISION IN SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2 PAGE 162 AS PER PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA

LYING WITHIN 158.00 FEET NORTHERLY OF THE SURVEY LINE OF STATE ROAD 64 (ARCADIA ROAD) SECTION 1305 SAID SURVEY LINE BEING DESCRIBED AS FOLLOWS

BEGIN ON THE WEST LINE OF SAID SECTION 27 AT A POINT 1037.83 FEET SOUTH 0°05'08" WEST OF A 1/2" IRON PIPE MARKING THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 27, SAID POINT BEING ON SAID SURVEY LINE. THENCE SOUTH 61°44'52" EAST 402.28 FEET ALONG SAID SURVEY LINE TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHERLY HAVING A RADIUS OF 2864.79 FEET. THENCE SOUTHEASTERLY ALONG SAID CURVE 1130.83 FEET THROUGH A CENTRAL ANGLE OF 22°37'00" TO THE END OF SAID CURVE, THENCE SOUTH 84°21'52" EAST 2662.57 FEET ALONG SAID SURVEY LINE TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHERLY HAVING A RADIUS OF 5729.58 FEET, THENCE SOUTHEASTERLY ALONG SAID CURVE 1021.67 FEET THRU A CENTRAL ANGLE OF 10°13'00" TO THE END OF SAID CURVE, THENCE SOUTH 74°08'52" EAST 323.26 FEET ALONG SAID SURVEY LINE TO THE EAST LINE OF SAID SECTION 27, AT A POINT 601.98 FEET NORTH 00°15'08" EAST OF A 3/4" IRON PIPE MARKING THE SOUTHEAST CORNER OF SAID SECTION 27

PARCEL B

LOT 18, BLOCK 2, FLORIANA COURT, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 162 OF THE PUBLIC RECORDS OF MANATEE COUNTY FLORIDA.

LESS AND EXCEPT THE RIGHT OF WAY TAKEN FOR HIGHWAY 64 DESCRIBED AS FOLLOWS. BEGIN ON THE WEST BOUNDARY OF SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST AT A POINT 1037.83 FEET SOUTH OF A 4" X 4" LIGHTWOOD HUB LOCATING THE NW CORNER OF THE SW 1/4 OF SAID SECTION 27, SAID POINT BEING ALSO DESIGNATED AS STATION NO 231+30.81 ON THE SURVEY LINE OF STATE ROAD NO. 64, SECTION 1305, RUN THENCE SOUTH 62°00' EAST 402.28 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, WITH A RADIUS OF 2864.79 FEET, THENCE ALONG SAID CURVE 1130.83 FEET THROUGH A TOTAL CENTRAL ANGLE OF 22°37' TO THE END OF SAID CURVE, THENCE SOUTH 84°37' EAST 2662.57 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 5729.58 FEET, THENCE ALONG SAID CURVE 1021.67 FEET, THROUGH A TOTAL CENTRAL ANGLE OF 10°13' TO THE END OF SAID CURVE, THENCE SOUTH 74°24' EAST A DISTANCE OF 323.26 FEET TO A POINT DESIGNATED AS STATION 286+71.42 ON SURVEY LINE OF STATE ROAD NO. 64, SECTION 1305, SAID POINT ALSO BEING ON THE EAST BOUNDARY OF SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST 601.52 FEET NORTH OF A 3/4" IRON PIPE LOCATING THE SE CORNER OF SAID SECTION 27

THE LANDS SURVEYED, SHOWN AND DESCRIBED HEREON ARE THE SAME LANDS AS DESCRIBED IN THE TITLE COMMITMENT PROVIDED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO. 22113621 DH, DATED 08/15/2022 @ 8:00 AM



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

June 16, 2023

Honorable Angelina Colonnese
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, FL 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. Z-23-02, which was filed in this office on June 16, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh