

**MANATEE COUNTY ZONING ORDINANCE
PDMU-16-11(Z)(P) – CCSS ENTERPRISES, LLLP / UNIVERSITY ALF
(DTS #20160225)**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 15-17, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 8.5 ACRES ON THE NORTH SIDE OF UNIVERSITY PARKWAY, WEST OF SHADE AVENUE, AND COMMONLY KNOWN AS 2355 UNIVERSITY PARKWAY, SARASOTA (MANATEE COUNTY) FROM A-1 (SUBURBAN AGRICULTURE) TO THE PDMU (PLANNED DEVELOPMENT MIXED USE) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR A 200 BED ASSISTED LIVING FACILITY AND A COMMERCIAL OUTPARCEL; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, CCSS Enterprises, LLLP (the “Applicant”) filed an application to rezone approximately 8.5 acres described in Exhibit “A”, attached hereto, (the “property”); from A-1 (Suburban Agriculture) to the PDMU (Planned Development Mixed Use) zoning district; and

WHEREAS, the applicant also filed a Preliminary Site Plan for a 200 bed assisted living facility and a commercial outparcel (the “project”) on the property; and

WHEREAS, the applicant also filed a request for Special Approval for a project in the Mixed Use Future Land Use Category; and

WHEREAS, the applicant also filed a request for Specific Approval in that the criteria for Section 402.7.D.9 building heights exceeding 35 feet in height are satisfied; and

WHEREAS, Building and Development Services staff recommended approval of the rezone, Preliminary Site Plan, Special Approval and Specific Approval applications subject to the stipulations contained in the staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on October 6, 2016 to consider the rezone, Preliminary Site Plan, Special Approval, and Specific Approval applications, 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 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-1 (Suburban Agriculture) to the PDMU (Planned Development Mixed Use) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on October 6, 2016, regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, 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 Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

D. For the purposes of granting Special Approval, the Board finds that the purpose of the Special Approval regulation is satisfied by the analysis provided in the staff report and proposed design which indicates the proposed project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

E. The Board of County Commissioners makes a Specific Finding that the proposed buildings for the Assisted Living Facility exceeding 35 feet in height are consistent with Land Development Code Section 402.7.D.9 and is not anticipated to create any external impacts that would adversely affect surrounding development, existing or proposed.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for a 200 bed assisted living facility and a commercial outparcel upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE STIPULATIONS

1. The architectural design of the buildings shall provide features in substantial compliance with those shown in the elevations provided to Staff and entered into the record at Public Hearing. Building elevations shall be provided with the Final Site Plan for review and approval.
2. The uses approved for this project are limited to those proffered by the Applicant in the Schedule of Uses attached to Zoning Ordinance PDMU-16-11(Z)(P) as Exhibit B.

B. STORMWATER ENGINEERING STIPULATIONS

1. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Pearce Drain. Modeling shall be used to determine pre- and post- development flows.
2. 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 and 25-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).

C. INFRASTRUCTURE STIPULATIONS

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.

D. ENVIRONMENTAL STIPULATIONS

1. Tree replacement shall be addressed with the Final Site Plan and may be achieved through a number of options, including replacement on-site, replacement on other property owned by the project owner or payment in lieu of.
2. The developer 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. A Management Plan, approved by the appropriate State or federal agency, shall be provided to the County for any listed species found on-site, prior to commencement of construction.
3. If wells are discovered during construction, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the County for review and approval prior to Final Site Plan approval. 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.
4. 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.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project in the Mixed Use Future Land Use Category. Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof. Specific Approval is hereby granted stating the criteria for Land Development Code Section 402.7.D.9, building heights exceeding 35 feet are satisfied. 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 classification of the property identified in Exhibit “A” herein from A-1 (Suburban Agriculture) to the PDMU (Planned Development Mixed Use) zoning district 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 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, clause, sentence, or other 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 6th day of October, 2016.

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

BY: _____
Vanessa Baugh, Chairman

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

BY: _____
 Deputy Clerk

EXHIBIT “A”

LEGAL DESCRIPTION

The East 1/2 of the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 32, Township 35 South, Range 18 East, Manatee County, Florida;

LESS AND EXCEPT the right of way of State Road 610, including the portion thereof conveyed by deed recorded in Book 964, Page 761;

ALSO LESS AND EXCEPT the portion conveyed by deed recorded in Book 986, Page 2959, Public Records of Manatee County, Florida.