



**AMENDED NOTICE OF FILING AND NOTICE OF PUBLIC MEDIATION  
DISPUTE RESOLUTION PROCEEDING**  
**Application No. PDMU-24-05(P)**  
**Case No. DR-25-03**

**Re: Notice of Request for Relief and Dispute Resolution under the Florida Land Use and Environmental Dispute Resolution Act pursuant to Section 70.51, Florida Statutes, regarding approximately 9.09± acres located at 5529, 5605, and No Number Assigned, 53<sup>rd</sup> Avenue East, Bradenton, (Manatee County), Florida.**

The Request for Relief was filed on November 3, 2025 by Attorney Mark P. Barnebey, Blalock Walters, P.A., representing Palm One, LLC., a Florida limited liability company, (the "Petitioner"). The Request for Relief states that Palm One, LLC is the fee simple owner of the real property. The Petitioner filed an application for approval of a preliminary site plan for 36 multi-family dwelling units and 100,000 square feet mini-warehouse zoned Planned Development Mixed Use (PDMU) within the coastal overlay districts. The application was denied by the Board of County Commissioners on October 9, 2025, by the adoption of Resolution No. R-25-063. The subject real property is zoned PDMU (Planned Development Mixed Use) and is in the RES-3 (Residential- 3)/ROR (Retail/Office/Residential) Future Land Use designation.

Attached to this Amended Notice is a copy of the Request for Relief with all exhibits.

The Special Magistrate will hold a public mediation in the dispute resolution proceeding as follows:

**Date:** May 1, 2026  
**Time:** Beginning at 9:30 a.m.  
**Location:** Manatee County Administration Building  
Manatee Room, 5<sup>th</sup> Floor.  
1112 Manatee Avenue West  
Bradenton, Florida 34205

The process for citizens to participate in the dispute resolution session is detailed in the Manatee County Code, Part II, Article III, Sections 2-25-30 through 2-25-44. The Requests to Participate, if any, previously filed for the canceled February 2, 2026 mediation before the Special Magistrate, will be carried forward to this rescheduled May 1, 2026 mediation. The contact person, if you have questions, is:

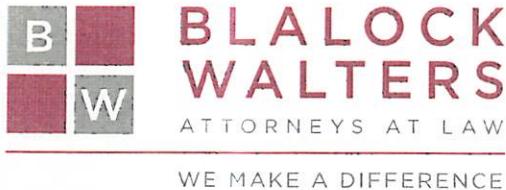
**Bobbi Roy, Supervisor, Planning and Zoning – Agenda Division**  
**Manatee County Government**  
**Development Services Department**  
**Post Office Box 1000**  
**Bradenton, Florida 34206**  
**(941) 748-4501 Extension 6878**  
**[bobbi.roy@mymanatee.org](mailto:bobbi.roy@mymanatee.org)**

The mediation and dispute resolution sessions being held before the Special Magistrate are pursuant to Section 70.51, Florida Statutes, and the process is detailed in the Manatee County Code, Part II, Article III, Sections 2-25-30 through 2-25-44. The hearing may be continued from time to time.

**Americans with Disabilities:** The Board of County Commissioners does not discriminate upon the basis of any individual's disability. Manatee County is committed to providing full access to facilities, programs, and services to all, as well as supporting the employment of qualified individuals with disabilities in its workforce in accordance with federal and state laws and regulations, including the Americans with Disabilities Act of 1990 (ADA) and as amended ("ADAA"), and 503 and 504 of the Rehabilitation Act of 1973. Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act (ADA), or assistance with accessing any of these documents, should contact Carmine DeMilio, ADA Compliance Coordinator, at (941) 792-4501 ext. 6016 or [carmine.demilio@mymanatee.org](mailto:carmine.demilio@mymanatee.org), as least 3 business days prior to the scheduled meeting. If you are deaf/hard of hearing and require the services of an interpreter, please contact the Florida Relay Service at 711.

Date Amended Notice of Filing Posted: February 4, 2026

Date Amended Notice of Public Mediation Posted on Bulletin Board, County Administration Building: February 5, 2026



November 3, 2025

Received By  
Manatee County Attorney's  
Office

Date 11/3/25  
Time 2:00PM  
 Rec'd By Mail  
 Rec'd By Hand-Delivery  
 Rec'd By Fax  
Time Sensitive  Y  N  U

**VIA EMAIL AND HAND DELIVERY**

Honorable George W. Kruse, Chairperson  
Board of County Commissioners  
Manatee County Government  
1112 Manatee Avenue West, 9<sup>th</sup> Floor  
Bradenton, Florida 34205

Charlie Bishop  
County Administrator  
Manatee County Government  
1112 Manatee Avenue West, 9<sup>th</sup> Floor  
Bradenton, Florida 34205

RE: Request for Relief under Section 70.51, *Florida Statutes*  
Manatee County Board of County Commissioners  
Denial of Application PDMU-24-05(P)/PLN2402-0146

Dear Chairperson Kruse and Mr. Bishop:

This Firm has been retained to represent Palm One, LLC (“Palm One” or “Owner”). By this letter, Palm One hereby petitions for relief pursuant to the provisions of Section 70.51, *Florida Statutes*, the Florida Land Use and Environmental Dispute Resolution Act (“FLUEDRA” or the “Act”) from the denial of Application PDMU-24-05(P)/PLN2402-0146 (the “Application”) memorialized in Resolution No. R-25-189 issued by the Manatee County Board of County Commissioners (the “Board”) on October 9<sup>th</sup>, 2025, and attached hereto as Exhibit “A” (the “Denial Order”). The Owner received written notice of the Denial Order sent by certified mail dated October 16, 2025.

The Owner is the fee simple owner of the property that was the subject of the Application, located at 5605 and 5529 53<sup>rd</sup> Avenue East, Bradenton, Florida (approximately 0.51 miles west of the intersection of SR 70 East and 63<sup>rd</sup> Street East), comprised of three contiguous parcels (PID# 1728310002, 1728400001 and 1734700159) totaling approximately 9.09 acres (collectively, the “Property”). Palm One has owned the Property since May of 2022. Pursuant to the Act, Palm One qualifies as an *owner* and has standing to petition for the relief requested herein.

Pursuant to Section 70.51(3), *Florida Statutes*, it is the Owner’s position that the Board’s adoption of the Denial Order, denying the Application is unreasonable and unfairly burdens the use of the Property.

[imbarnebey@blalockwalters.com](mailto:imbarnebey@blalockwalters.com)

5381002v1

**BRADENTON:** 802 11th Street West, Bradenton, FL 34205

941.748.0100 tel

941.745.2093 fax

**SARASOTA:** 2 North Tamiami Trail Suite 400, Sarasota, FL 34236

**BlalockWalters.com**

Board of County Commission

RE: Request for Relief under Section 70.51, *Florida Statutes*  
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**BRIEF STATEMENT OF PALM ONE'S PROPOSED USE OF THE PROPERTY AND  
SUMMARY OF THE DEVELOPMENT ORDER**

**Property Background**

The Property has an existing zoning of Planned Development Mixed Use (“PDMU”) and future land use designations of Residential/Office/Retail (“ROR”) and Residential-3 (“RES-3”). There are also three Coastal Overlays.

The ROR category identifies areas exhibiting a broad range of commercial, office, and residential uses, and to prohibit the intrusion of new industrial uses into these areas. ROR is one of the most intensive zoning categories under the Manatee County Land Development Code. ROR areas are generally found at major community or region-serving nodes, or along major collector roadways, and are encouraged to develop with horizontal or vertical integration of uses, internal trip capture, and an overall high-quality environment for living, working, or visiting. The ROR category generally allows residential density of 9.0 dwelling units per acre on properties within the Coastal Overlays. The RES-3 category identifies areas to provide for residences in a suburban environment at low to medium densities to accommodate residential support uses and to protect these areas from the encroachment of incompatible uses. Non-residential uses, including commercial uses, are also allowed in this category. The Coastal Overlay Districts are designed to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas.

The Property is currently zoned as PDMU which requires a combination of uses, such as those proposed with this project. The area surrounding the Property has undergone significant residential and commercial development in recent years and this would be clearly an infill development. There have been thousands of residential units approved or constructed within a three-mile radius of the Property. Additionally, there have been extensive commercial development approvals along SR 70, a six lane arterial roadway. Located to the south of the Property, residential uses are located on a similar peninsula into the Braden River.

**Owner's Proposed Use of the Property**

The Application calls for an appeal a preliminary site plan for a mixed use development with a maximum of 36 multifamily units and a maximum of 100,000 square feet of mini storage (“Project”). The requested plan approval would provide a limited number of high-end residential

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units and promote community-serving commercial development. The proposed density is 3.96 dwelling units per acre and the proposed Floor Area Ratio for the non-residential development is 0.25. It is consistent with the Comprehensive Plan designations and the PDMU zoning. In fact, the proposed development is well below the densities and intensities allowed under the Comprehensive Plan.

As detailed in the materials presented at the public hearing on September 4, 2025 (the “Presentation Materials”), attached hereto as Exhibit “B”, the proposed uses are consistent with the existing uses in the area.

### The Application

The Owner submitted the Application in March, 2024, and the Application went before the Planning Commission on July 10, 2025. The Planning Commission found the proposed preliminary site plan consistent with the Comprehensive Plan, the PDMU and in compliance with the applicable standards of review in the Land Development Code. Accordingly, the Planning Commission unanimously recommended approval of the Application, subject to certain stipulations.

The Application was heard before the Manatee County Board of County Commissioners (the “Board”) on September 4, 2025, wherein the Application was denied. At the September 4<sup>th</sup> public hearing, the Board directed Staff and the County Attorney to prepare written findings to support the denial of the Application for the October 6, 2025, meeting of the Board.

There was only one speaker in public comment and Palm One understands that she now supports the Project. The primary concern expressed by the Board members voting in opposition was that approval of the Application were related to flooding concerns, based upon the opinions expressed by lay testimony during public comment and unknown sources. However, even in the most recent 2024 hurricanes, the developable areas of the Property experienced no flooding based on inspection of the Property at the time.

In regard to traffic, the opening of 44<sup>th</sup> Avenue and the extension across the Braden River and I-75 will have a significant impact on SR 70 traffic and thus, the relatively minimal traffic impacts are anticipated to be mitigated by this significant addition to the County east-west transportation system.

Board of County Commission

RE: Request for Relief under Section 70.51, *Florida Statutes*  
Denial of Application PDMU-24-05(P)/PLN2402-0146

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**Statement of Impact of the Development Order  
on Palm One's Proposed Use of the Property**

The Florida Supreme Court has held that once a landowner in a quasi-judicial proceeding, such as a hearing for a site plan review, has satisfied the initial burden of proof that the request is consistent with the Comprehensive Plan and complies with the relevant zoning ordinance, the burden shifts to the government to demonstrate that the status quo accomplishes a legitimate public purpose, and that the denial is not arbitrary, discriminatory, or unreasonable. See, *Bd. Of County Comm'r's v. Snyder*, 627 So.2d 469, 475 (Fla. 1993). Any decision must be supported by competent, substantial evidence. *City of Deerfield Beach v. Vaillant*, 419 So.2d 624 (Fla. 1982). Further, Florida courts have held that lay opinions and speculation on general unfavorable impacts of a proposed land use are not competent, substantial evidence. *Katherine's Bay, LLC v. Fagan*, 52 So. 3d 19, 30 (Fla. 1<sup>st</sup> DCA 1982) (See also: *Pinellas County v. Richmond Group of Florida, Inc.*, 253 So.3d 662 (Fla. 2d 2017) holding that unless motivated by legitimate concerns, neighborhood opposition is not a valid basis for denying a land use application).

The Application was supported by Palm One's professional staff, the County's professional staff and received a unanimous recommendation for approval from the Planning Commission, any of which can be sufficient competent, substantial evidence under longstanding Florida law to support approval of the Application. Competent, substantial evidence to support flooding concerns is noticeably absent from the record. Any flooding concerns raised in the Denial Order were addressed in the application through stormwater design and shall be finalized with the engineering detail of the Final Site Plan. Further, the traffic concerns to which the Denial Order briefly alluded are similarly unsupported by the record.

The densities and intensities of the proposed development are consistent with (and in some cases, significantly lower than) development in the surrounding area. Further, the property is separated from nearby properties by significant water bodies to the north, east and west and a six lane arterial roadway to the south.

The Denial Order's impact is to unreasonably and unfairly burden the Property by depriving the Owner of the right to develop in a reasonable manner consistent with other similarly situated properties or in the manner contemplated under the Comprehensive Plan and Land Development Code.

Board of County Commission

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**Request for Relief**

Palm One hereby requests the County forward this Request for Relief to a Special Magistrate to be mutually agreed upon within ten (10) days of this Request to initiate the hearing procedure pursuant to Section 70.51, *Florida Statutes*. Palm One requests that the Application be approved, as it is consistent with the Comprehensive Plan and meets the requirements of the Land Development Code, along with such further relief as may be deemed appropriate. However, Palm One will mediate in good faith to resolve the matter as part of the dispute resolution process. The initiation of this proceeding serves to toll all appeal periods pending pursuant to Section 70.51(10)(a), *Florida Statutes*. See, *Peninsular Properties Braden River, LLC v. City of Bradenton, Florida*, 965 So.2d 160 (Fla. 2<sup>nd</sup> DCA 2007).

Very truly yours,

Mark P. Barnebey

*Board Certified City, County, and Local Government Law*

cc: Mr. Albert Luper  
Mr. Tim Tyrrell

Board of County Commission

RE: Request for Relief under Section 70.51, *Florida Statutes*  
Denial of Application PDMU-24-05(P)/PLN2402-0146

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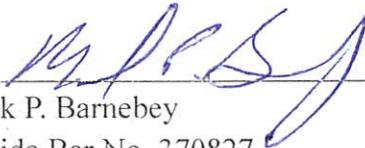
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**Certificate of Service**

I hereby certify that, in addition to hand-delivering the foregoing to the addressees, a true and correct copy of the foregoing has also been furnished via hand delivery to Pamela D'Agostino, County Attorney, and Sarah A. Schenk, Chief Assistant County Attorney, at 1112 Manatee Avenue West, 9<sup>th</sup> Floor, Bradenton, Florida 34205, on November 3, 2025.

**Blalock Walters, P.A.**

By: A handwritten signature in blue ink, appearing to read "M. P. Barnebey".

Mark P. Barnebey

Florida Bar No. 370827

802 11<sup>th</sup> Street West

Bradenton, Florida 34205

Tel: (941) 748-0100

Fax: (941) 745-2093

[mbarnebey@blalockwalters.com](mailto:mbarnebey@blalockwalters.com)

*Attorney for Owner*

**RESOLUTION NO. R-25-189**

**A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF MANATEE COUNTY, FLORIDA,  
REGARDING LAND DEVELOPMENT; DENYING APPLICATION  
NO. PDMU-24-05(P) REQUESTING THE APPROVAL OF A  
PRELIMINARY SITE PLAN FOR 36 MULTI-FAMILY DWELLING  
UNITS AND 100,000 SQUARE FOOT MINI-WAREHOUSE ON  
APPROXIMATELY 9.09 ACRES ZONED PDMU (PLANNED  
DEVELOPMENT MIXED USE) WITHIN THE COASTAL OVERLAY  
DISTRICTS AND GENERALLY LOCATED APPROXIMATELY  
0.51 MILES WEST OF THE INTERSECTION OF SR 70 EAST AND  
63RD STREET EAST, AND COMMONLY KNOWN AS 5529, 5605,  
AND NO NUMBER ASSIGNED, 53RD AVENUE EAST,  
BRADENTON (MANATEE COUNTY); SETTING FORTH  
FINDINGS; SETTING FORTH CONCLUSIONS OF LAW;  
PROVIDING FOR A LEGAL DESCRIPTION; PROVIDING FOR  
SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Palm One Development, LLC ("Owner")/Cavoli Engineering ("Agent") (collectively the "Applicant") filed an Application No. PDMU-24-05(P) (the "Application") to approve a Preliminary Site Plan (the "PSP") proposing the development of 36 multi-family dwelling units and 100,000 square foot mini-warehouse (the "Project"); and

**WHEREAS**, the Project is proposed on approximately 9.09 acres described in Exhibit "A," attached hereto (the "Property"), also being located within the Coastal High Hazard Area (the "CHHA"), the Coastal Evacuation Area (the "CEA"), and the Coastal Planning Area (the "CPA") (collectively the "Coastal Overlay Districts"); and

**WHEREAS**, the Manatee County Planning Commission (the "Planning Commission") has been duly designated in Section 301.1.A., Land Development Code (the "LDC") as the Local Planning Agency of the County; and

**WHEREAS**, the Planning Commission, after due public notice, held public hearing on July 10, 2025, and as the County's Local Planning Agency pursuant to Section 163.3174, Florida Statutes, found the proposed PSP consistent with the Comprehensive Plan and in compliance with the applicable standards of review in the Land Development Code (LDC), and recommended approval of the Application by a vote of 4-0, with three commissioners absent; and

**WHEREAS**, the Manatee County Board of County Commissioners (the "Board") held a duly noticed public hearing on proposed Zoning Ordinance No. PDMU-24-05(P) encompassing the proposed PSP on September 4, 2025, and it directed Staff and the County Attorney to prepare written findings to support the denial of Application No. PDMU-24-05(P) for the October 9, 2025 Land Use meeting of the Board, by a vote of 6-0 with one commissioner absent, in accordance with Section 125.022(3), Florida Statutes.

**NOW THEREFORE, BE IT RESOLVED** 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. The Board after considering the testimony, evidence, documentation, and the record of the Planning Commission public hearing, as well as all other matters presented to the Board at the public hearing dates hereinafter referenced, hereby makes the following additional findings of fact:

- A. This Resolution pertains to the Property as described in Exhibit "A", a copy of which is attached hereto and made a part hereof by reference.
- B. The term "Comprehensive Plan" shall mean the version of the Manatee County Comprehensive Plan in effect on and up to September 4, 2025.
- C. The term "Land Development Code" or "LDC" shall mean the version of the Manatee County Land Development Code in effect on and up to September 4, 2025.
- D. The terms "Project" or "Project Area" shall mean and encompass the parcels or tracts of land subject to the proposed PSP requesting approval of 36 multi-family dwelling units and 100,000 square foot mini-warehouse on various parcels consisting of approximately 9.09 acres.
- E. The Board is the approving authority for the Application as contained in proposed Zoning Ordinance No. PDMU-24-05(P).
- F. The Property has a Future Land Use Categories (FLUCs) of  $3.76\pm$  acres Residential – 3 (RES-3) and  $5.33\pm$  acres Retail/Office/Residential (ROR) in the Comprehensive Plan.
- G. The existing zoning of the property is Planned Development Mixed Use (PDMU).
- H. The Property is also located within the Coastal Evacuation Area/Coastal Planning Area/Coastal High Hazard Area Overlay Districts (CEA/CPA/CHHA) (collectively the "Coastal Overlay Districts").
- I. The Project Area is located within the Lower Braden River Watershed. The Project is in a Flood Prone Area that is subject to rainfall flooding. The Project is also located within in the 1% Annual chance flood hazard area per FEMA FIRM Floodway (Flood Zone "AE") Panel #12081C0328F, effective August 10, 2021. See Staff Report, page 7, September 4, 2025, Board Agenda.

- J. The maximum development potential of the Project would be reduced due to the proposed wetland buffer impacts. See Staff Report, page 6, June 19, 2025, Board Agenda.
- K. SR 70 (the "Road") is an existing six-lane road with a 50-mph posted speed. It is designated as a six-lane arterial roadway in the Comprehensive Plan's Future Traffic Circulation Plan with a planned right-of-way width determined by Florida Department of Transportation ("FDOT"). The Applicant's traffic study indicated that the impacted roadway segments are operating below the adopted level of service ("LOS") D. The Road would be expected to operate at or above the LOS D, *if* the Road were to be expanded to eight lanes. The expansion of SR-70 to eight lanes would also be inconsistent with Comp. Plan Table 5-1 (Manatee County Peak Hour Level of Service Standards 20-Year Roadway Requirements/Right-of-Way Needs) and Map Series C (2045 Future Traffic Circulation Right-of-Way Protection and Reservation) and D (2045 Future Traffic Circulation Number of Lanes). All proposed Project access points will be evaluated to determine if any site and safety related improvements will be required for the Project Site at a subsequent stage of development. It is unknown if FDOT intends to widen the Road to eight lanes, and there is no timetable for FDOT to schedule or fund any proposed road widening.

A Multimodal Site Access and Safety Analysis (MSASA) (herein "Multimodal Analysis") was submitted by the Applicant. The Board did not find the mere inclusion of a bicycle rack in the PSP, as described in the Multimodal Analysis, probative to support the conclusion that the proposed PSP modification would substantially decrease the Project's trip generation.

See Staff Report, pages 8 and 9, Staff PowerPoint presentation, slide 9, and Board Hearing Discussion, September 4, 2025, Board Agenda.

- L. There are no other multi-family developments near the Property. To the immediate North, that parcel is zoned "Agricultural Suburban (A-1)" and is vacant. To the West, is county-owned property that is zoned "Recreation/Open Space (R/OS)" and Braden River Park recreation open space across Braden River Conservation. To the immediate South, the Marshall's Landing subdivision is comprised almost entirely of single-family detached residences, with two parcels available for commercial use. To the East, is an RV Park. See Staff Report, pages 5 & 13, September 4, 2025, Board Agenda.
- M. According to the Staff Report, page 10, September 4, 2025, Board Agenda, the Applicant's Environmental Narrative indicates locating floodplain compensation areas within the 30-foot wetland buffers and regrading the same to a lower elevation for a total of 51,457 square feet of temporary wetland buffer encroachments.

N. The Applicant's Environmental Narrative also states that there are four (4) acres of wetlands on-site. See Staff Report, page 12, September 4, 2025, Board Agenda.

O. The Project proposes a multi-family density of 3.96 dwelling units per gross acre (DU/GA) and a Floor Area Ratio (FAR) of .25 or 100,000 square feet of mini-warehouse use. See Staff Report, page 3, September 4, 2025, Board Agenda.

P. The Project is located in the 1% Annual chance flood hazard per FEMA FIRM Floodway. See Staff Report, page 7, September 4, 2025, Board Agenda.

Q. The Project proposes a three (3) story Multi-Family over parking residential use and a four (4) story Mini-Warehouse. The Mini-Warehouse is proposed to be 100,000 square feet and will have 0.25 FAR. Pursuant to the provisions of the Comprehensive Plan, development potential is restricted in accordance with the underlying FLUC (Future Land Use Category), if the subject site is within the Coastal Overlay. With the consideration of the underlying FLUC development restriction pertaining to the Coastal Overlay and the applied Wetland Density/Intensity Transfer, the maximum potential intensity is 0.63 FAR. *Applicant is proposing the maximum potential for intensity.* See Staff Report, pages 15 & 17, September 4, 2025, Board Agenda.

R. The following provisions are relevant to the analysis of the consistency of the Project with the Comprehensive Plan (Comp. Plan) and compliance with the applicable standards for review with the LDC:

1. Policy 2.1.2.7, Element 2 – Future Land Use, Comp. Plan, states: "Review all proposed development for compatibility and appropriate timing of development. This analysis shall include the following:
  - ***Consideration of existing development patterns;***
  - ***Types of land uses;***
  - Transition between land uses;
  - ***Density and intensity of land uses;***
  - ***Natural features;***
  - ***Approved development in the area;***
  - ***Availability of adequate roadways;***
  - Adequate centralized water and sewer facilities;

- Other necessary infrastructure and services;
- Limiting urban sprawl;
- Applicable specific area plans;”

...

***Emphasis added.***

2. Policy 2.2.1.6, Element 2 – Future Land Use, Comp. Plan, states: “The land development regulations may restrict development potential to less than the maximum provided for in this Comprehensive Plan, to address land use compatibility, public facility and natural resource considerations as identified in this Comprehensive Plan. Furthermore, nothing in this Comprehensive Plan shall guarantee the achievement of maximum development potential, noted in this element and the Future Land Use Map.”
3. Objective 2.9.1, Element 2 – Future Land Use, Comp. Plan, states: “Create and maintain communities which are characterized by their:
  - ***Connection, integration, and compatibility with surrounding land uses;***
  - Community spaces and focal points;
  - ***Protection of the natural environment;***
  - Connection and integration of pedestrian, bicycle, and vehicular systems;
  - Usable open spaces, and public access to water features;
  - Unifying design elements and features;
  - Variety of housing stock;
  - Pedestrian oriented structures, and pedestrian friendly design; and
  - Connection to recreational facilities, schools, adjacent neighborhoods, employment opportunities and commercial uses.

***Emphasis added.***

4. Policy 5.3.3.1, Element 5 – Transportation, Traffic Sub-Element, Comp. Plan, states: “**Improve public health and safety**, active mobility and environmental quality ***by creating and maintaining an integrated network of multi-modal roadways*** for users of all ages

and abilities through the Complete Street design, where applicable.  
***Emphasis added.***

5. Policy 2.3.3.1, Element 2 – Future Land Use, Flood Plain Management Sub-Element, Comp. Plan, states: "Prohibit any new development (but not redevelopment) within the floodway of any perennial stream, except for water-dependent uses and except for projects which generally would not result in an increase in flood levels in the community during the occurrence of the base (one hundred (100) years) flood discharge."
6. Objective 2.14.1, Element 2 – Future Land Use, Comp. Plan, states: "Establish specific policies restricting the location and intensity of certain developments in order to preserve and protect neighborhoods from encroachment by incompatible uses and intensities, ensure adequate provision of infrastructure, and other reasons the Board of County Commissioners may decide to warrant a specific area policy."
7. Policy 5.1.2.4, Element 5 – Transportation, Comp. Plan. States: "Implement a peak hour level of service standard for each functionally-classified roadway segment as shown in Table 5-1 under a separate tab at the end of this Sub Element. At least once a year, the Board of County Commissioners of Manatee County shall reevaluate the peak hour LOS standard for each functionally-classified roadway segment and shall amend, where appropriate, such peak hour level of service standards through a Comprehensive Plan Amendment. This evaluation may include revisions to Table 5-1 of the Traffic Circulation Sub-Element. Changes to roadway functional classification also shall be reflected in the form of appropriate changes to Table 5-1 of the Traffic Circulation Sub-Element. Level of Service Compliance review conducted using service volumes developed pursuant to this policy shall not substitute for a more detailed traffic analysis, where such analysis is required by Manatee County. Detailed traffic analysis may also be required or provided to determine project impacts on intersections, using appropriate standards from the latest edition of the 'Highway Capacity Manual'."
8. Policy 5.2.2.2, Element 5 – Transportation, Comp. Plan. States: "Maintain adopted minimum standards for the spacing and location of local streets and driveways onto County and State roadways, and minimum standards for the spacing and location of median cuts on County and State roadways. These standards shall be used to ensure safe access to proposed developments, and to limit impediments to traffic flow on County and State roadways. These minimum standards shall be consistent with Florida Department of

Transportation Rule Ch. 14-97, F.A.C. State Highway System Access Management Classification System and Standards, December, 1990, as amended, or with other appropriate State policy. No Development Order shall be issued for any project unless such project is consistent with requirements developed pursuant to this policy."

9. Comp. Plan Table 5-1 (PA-21-04)  
**MANATEE COUNTY PEAK HOUR LEVEL OF SERVICE STANDARDS**

**TWENTY YEAR ROADWAY REQUIREMENTS/RIGHT-OF-WAY NEEDS**

Facility Adopted: 01/06/2022 Effective:	Limits	Jur	Current Year LOS Std	Five Year LOS Std	Twenty Year LOS Std	Twenty Year Functional Classification	Twenty Year # of Lanes	Twenty Year ROW Needs (width in ft)*
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State Rd 70	US 41— 301 Blvd	ST	D	D	D	Arterial	4	*
	301 Blvd— US 301	ST	D	D	D	Arterial	6	*
	US 301— Braden River	ST	D	D	D	Arterial	6	*
	Braden River—I- 75	ST	D	D	D	Arterial	6	*
	I-75— Lakewood Ranch Blvd	ST	C	C	C	Arterial	6	200+ *
	Lakewood Ranch Blvd—	ST	C	C	C	Arterial	6	200+ *

Lorraine Rd							
Lorraine Rd—De Soto County Line	\$T	B	B	B	Arterial	4	200+ *

**Emphasis added.**

10. Element 1 – Definitions, Comp. Plan, defines “Compatible” to mean: “A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.”
11. Element 1 – Definitions, Comp. Plan, defines “Coastal Area,” “Coastal Evacuation Area (CEA),” Coastal High Hazard Area (CHHA),” and “Coastal Planning Area (CPA)” to mean the following:

**Coastal Area:** The combined area delineated by the two overlays: Coastal High Hazard Area (CHHA) and Coastal Planning Area (CPA).

**Coastal Evacuation Area (CEA):** The evacuation Level A for a Category 1 hurricane as established in the regional hurricane evacuation study applicable to Manatee County, as updated on a periodic basis.

**Coastal High Hazard Area (CHHA):** The geographic area below the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, pursuant to applicable law, as updated on a periodic basis.

**Coastal Planning Area (CPA):** Those portions of Manatee County which lie within the Hurricane Vulnerability Area (evacuation levels A, B, and C) as updated on a periodic basis. This area shall also include water and submerged lands of oceanic water bodies or estuarine water bodies; shorelines adjacent to such water bodies; coastal barriers; living marine resources, marine wetlands; water-dependent or water-related facilities on oceanic or estuarine waters; public access facilities to oceanic beaches or estuarine shorelines; and all lands adjacent to such occurrences where development

activities would impact the integrity of the above mentioned land or water body.

12. Policy 2.2.2.4.1, Element 2 – Future Land Use, Comp. Plan States, “The purpose of the CEA Overlay District policies is to minimize the effect of development on the evacuation of population from Zone A during a Category 1 hurricane, which is the first area subject to evacuation in an event of potential high storm surge.”
13. Policy 2.2.2.4.2, Element 2 – Future Land Use, Comp. Plan States in relevant part, “The County shall adopt rules and regulations to:
  - (a) Limit population in the CEA Overlay District.
  - (b) Limit the amount of infrastructure, both private and public, within the CEA Overlay District and thereby limit magnitude of public loss and involvement in mitigating for loss of private infrastructure to Manatee County residents.”

\* \* \*

14. Policy 2.2.2.4.3, Element 2 – Future Land Use, Comp. Plan States in relevant part, “Compliance with all goals, objectives, and policies listed in this subsection, and with other applicable goals, objectives, policies, and development regulations is required for all activity within the CEA Overlay District.”
15. Objective 4.3.1, Element 4 – Coastal Management, Comp. Plan mandates that the County “Limit development type, density and intensity within the Coastal Planning Area and direct population and development to areas outside of the Coastal High Hazard Area to mitigate the potential negative impacts of natural hazards in this area.”
16. Policy 4.3.1.1, Element 4 – Coastal Management, Comp. Plan requires the County to “Direct population concentrations away from the Coastal Evacuation Area (CEA).”
17. Policy 4.3.1.3, Element 4 – Coastal Management, Comp. Plan provides, “Require that non-industrial redevelopment activities within the [FEMA FIRM Velocity-Zone] Zones V be limited to the density/intensity in existence for the development site prior to the effective date of the Comprehensive Plan; or be limited to three (3) dwelling units per gross acre or the maximum Floor Area Ratio associated with the Future Land Use designation(s) on the project site, whichever is less.”

18. Policy 4.4.2.3, Element 4 – Coastal Management, Comp. Plan provides, “Minimize the location of development and redevelopment within areas of the CHHA which have sustained recurring hurricane related damage by providing strategies for the acquisition of repetitive loss and suitable environmentally sensitive properties and techniques to reduce risks of property loss due to disaster events.”

19. Policy 2.2.1.1, Element 2 – Future Land Use, establishes “. . . the following land use categories comprising, in aggregate, a part of the Future Land Use Classification System, which shall be utilized to prepare the Future Land Use Map required by § 163.3177(6)(a), F.S. No land shall be designated on the Future Land Use Map using any future land use category or overlay district other than those listed in Table 2-1 as part of the Future Land Use Classification System. The future land use categories and overlays listed in this summary table are more completely defined and described in other policies contained within this Element.

TABLE 2-1

SUMMARY OF FUTURE LAND USE CLASSIFICATION SYSTEM

PART I: FUTURE LAND USE DISTRICTS

Future Land Use Category	Map Symbol	Purpose	Range of Potential Uses Primary Secondary	Maximum Gross Potential Density* (DU/GA) <sup>1</sup>	Maximum Net Density <sup>2</sup> (DU/NA) <sup>1</sup>	Maximum Potential Intensity* (FAR) <sup>1</sup>	Commercial Size Limitation (Policy 2.10.2.2)
* Refer to the more detailed description under each Future Land Use Category for limitations on the use of/or reliance on the information contained in this summary table. "Density Bonus" and "FAR Bonus" are defined and described in further detail in the Land Development Code.							
1 DU/GA = Gross Dwelling Units per Gross Acre; DU/NA = Dwelling Units per Net Acre; FAR = Floor Area Ratio; UIRA = Urban Infill Redevelopment Area; "Activity Nodes" refer to developments that meet the Commercial Locational Criteria (see Land Use Operative Provisions, Comprehensive Plan).							
2 Developments along the designated Urban Corridors are not subject to the maximum "net" densities listed in this table.							
3 Gross densities listed above the base density of the FLUC shall not be used within the Coastal Evacuation Area (CEA) or the Coastal High Hazard Area (CHHA).							

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5) Residential- 3.0	RES-3	Areas of primarily low density suburb an residential character and support uses.	Low density residential Short-term agriculture Medium density clustered residential Neighborhood commercial Public/semi-public, recreation & schools	3 6 for affordable housing <sup>3</sup> 2.5 min. for affordable housing in the UIRA	6 9 for affordable housing <sup>3</sup>	0.35 1.0 in the UIRA	Medium
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13) Retail/Office/ Residential	ROR	Areas exhibiting a broad range of commercial, office, and residential. Typically planned with an integrated approach to mixed-use development	Commercial (including lodging and office but not intensive commercial) Medium density residential High density clustered residential Public/semi-public, recreation & schools	16 (9 if located within the CEA and/or CHHA) 32 along Urban Corridors (40 max. if a density bonus is approved), for affordable housing, and/or mixed-use development <sup>3</sup> 7.0 min. for affordable	20 36 for affordable housing and/or mixed-use development <sup>3</sup>	0.5 1.0 for Hotels, the UIRA, mixed-use, and along Urban Corridors (2.0 if an FAR bonus is approved)	NA
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		<p>pment, especially at major community or region-serving nodes resulting in horizontal or vertical integration of uses, internal trip capture, and an overall high quality environment for living, working, or visiting.</p>	<p>housing in the UIRA</p>				
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20. As it relates to the establishment of the ROR FLUC, Policies 2.2.1.17.1 and 2.2.1.17.2, Element 2 – Future Land Use provide the following regarding the intent of this FLUC and Range of Potential Uses:

**Policy 2.2.1.17.1. Intent:** To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas exhibiting a broad range of commercial, office, and residential uses and to prohibit the intrusion of new industrial uses into these ROR areas. ROR areas are especially found at major

community or region-serving nodes and are encouraged to develop with horizontal or vertical integration of uses, internal trip capture, and an overall high quality environment for living, working, or visiting.

Policy 2.2.1.17.2. Range of Potential Uses (see Policy 2.2.1.5): Neighborhood, community and regional serving commercial uses, mixed with medium and high density residential, lodging, office, public/semi-public, schools, and recreational uses (see also Objective 4.2.1).

21. As it relates to the establishment of the RES-3 FLUC, Policies 2.2.1.10.1 & 2.2.1.10.2, Element 2 – Future Land Use provide the following regarding the intent of this FLUC and Range of Potential Uses:

Policy 2.2.1.10.1. Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas primarily developed with low density suburban uses, preferably clustered to protect the environment, preserve open space, and/or to allow the continued operation of short-term agricultural activities.

Policy 2.2.1.10.2. Range of Potential Uses (see Policies 2.2.1.5, 2.1.2.3—2.1.2.7): Primarily low density suburban residential and short-term agriculture uses, with support neighborhood commercial, public/semi-public, recreation and school uses.

22. Section 200, Definitions, LDC, defines "Compatibility" to mean: "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."
23. Section 322, Preliminary Site Plans (PSP), LDC, provides generally that, "Preliminary Site Plans shall be designed to show the location and nature of a project at a greater detail, to allow analysis of the arrangement of land uses and improvements on the site in relation to each other, existing conditions, and surrounding property."
24. Section 343.4, Transportation Impact Review Requirements, LDC, provides in relevant part that:
  - A. Projects that are not exempted pursuant to subsection 343.3 shall submit to Manatee County a Transportation Impact Review (for each phase at time of detailed approval of that phase, if applicable) describing and analyzing total project traffic and the impact of that traffic on at least those roadways shown on the current Roadway Functional Classification Map. The required transportation review

must address all such roadways on which project traffic is projected to be equal to or greater than five (5) percent of the adopted p.m. peak hour two-way Level of Service "Standard" capacity of the roadway ("Study Area"). The Level of Service Standard for a roadway shall be that level of service set forth in Table 5-1 of the Comprehensive Plan. The latest available version of the Link Sheet prepared by Manatee County Staff shall be utilized in the Traffic Study to determine operational levels.

\* \* \*

E. The required transportation review shall be considered by the Manatee County Board of County Commissioners to evaluate the consistency of development approvals with adopted transportation Level of Service Standards, the capital improvements element, and other goals, objectives, and policies in the Comprehensive Plan.

F. When a required transportation review indicates that the development project's traffic is expected to degrade adopted Level of Service Standards, the Board of County Commissioners may consider the following with respect to evaluating the development approval's consistency with the Comprehensive Plan:

- 1. Change in permitted land uses, density/intensity, or magnitude of the proposed development.***
2. Approval of a local government development agreement to ensure the provision of additional roadways or roadway improvements by the applicant, the County, or both parties to alleviate any level of service exceedances.
3. Phasing of the proposed project and implementing a phased development order approval process contingent on roadway improvements.
4. Reduction in the adopted Level of Service Standard for the roadway(s) on which an exceedance was projected, through the plan amendment process.

***Emphasis added.***

25. Section 402.6, General Design Requirements for all Planned Development Site Plans, LDC, provides in relevant part that, "In addition to the specific requirements stated in the following sections for each PD district, planned developments shall meet the following standards. Compliance must be demonstrated at the first site plan submittal."

\*\*\*

**C. Relation to Major Transportation Facilities.** Planned development districts, where appropriate because of the size or intensity of proposed districts, shall be so located with respect to expressways, arterial and collector streets or mass transit facilities, and shall be so designed, as to provide access to and from such districts without creating excessive traffic along minor streets in residential neighborhoods outside the district.

**D. Compatibility.** Planned development districts shall be located and designed so as to minimize the ***negative effects of external impacts resulting from factors such as traffic, noise or lights. Project control shall be accomplished through such techniques as buffering, architectural design, site design, height limitations and density or intensity limitations.***

**E. Transitions.** Planned development districts shall be responsive to the character of the area. When located in an area where land use types and/or intensities or densities vary, ***Planned Development districts shall be designed in such a manner as to provide for gradual changes in intensity and/or density.***

**F. Design Quality.** All site plans in Planned Development districts shall be designed in such a manner to address all of the standards set forth in this section and ***shall generally be superior in design to conventional development site plans,*** and consistent with other factors in this section.

**G. Relationship to Adjacent Property.** Projects in Planned Development districts shall ***include additional screening, buffering, transitional uses or other design features as necessary to adequately protect existing or probable uses of surrounding property; and shall provide functional and logical linkages to activity centers and circulation facilities on such adjacent property.***

**H. Access.** Principal vehicular access points shall be designed to encourage smoother traffic flow ***with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. . . . Pedestrian access shall, where practical, be separated from vehicular access points in order to reduce congestion, friction and hazards.***

\*\*\*

**L. Density/Intensity.** Density and/or intensity shall not exceed maximums established in the Comprehensive Plan. Planned

development district densities/intensities shall be established after consideration of the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions, and site design.

**M. Height.** Height in a specific Planned Development district shall be determined after review of the nature of surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed.

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**V. Stormwater Management.** Stormwater management facilities shall adhere to the requirements of Section 801, Stormwater Management, and the County's administrative procedures.

**W. Consistency with Comprehensive Plan.** No Planned Development shall be approved if it is inconsistent with the Comprehensive Plan.

\*\*\*

***Emphasis added.***

26. Section 402.7, PDR—Planned Development Residential, LDC, provides in relevant part that:

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**D. PDR Standards.**

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6. ***Traffic Circulation.*** Provide for inter-neighborhood ties; however, the neighborhood focal points shall not be located, when possible, along collector/connector roads.

\*\*\*

9. ***Building Height.*** Building heights above three (3) stories may be approved by the Board and, if approved, shall comply with the requirements of Section 401.5.A if the development is adjacent or directly across the street from a single family residential zoning district and Section 401.5.B.1 through 5 if adjacent to other uses. Telecommunication towers shall not exceed a maximum height of one hundred fifty (150) feet.

27. 402.11, PDC—Planned Development Commercial, LDC, provides in relevant part that:

\*\*\*

**D. PDC Standards.**

1. *Intensity.* PDC districts shall be permitted a range of floor area ratios, heights, and square footages. Review of the criteria contained in this Chapter and Chapter 3 shall provide a basis for intensity (floor area ratio, height and square footage) determinations.

\*\*\*

28. Section 402.16, PDMU—Planned Development Mixed Use, LDC, provides in relevant part that:

- A. **Intent.** Planned Development Mixed Use districts are defined for purposes of these regulations as planned development districts *for the establishment of complimentary groupings of residential, commercial, office, industrial or other uses.*

PDMU districts may hereafter be established in accordance with the general procedures, requirements, standards and criteria set forth in Section 402 and Chapter 3. *It is the intent of these regulations to provide for development of such districts at appropriate locations, in accord with the goals, objectives, policies, and locational criteria of the Comprehensive Plan, and in accord with the requirements herein.*

*It is further intended that PDMU development shall be in complexes with carefully located buildings, parking and service areas, open space and use mixtures which are scaled and balanced to reduce general traffic congestion, by providing interdependent uses and uses which are compatible with adjacent and surrounding land uses.*

*It is the intent of the PDMU district to provide developments that provide complimentary uses.* It is not the intent of the district to avoid requirements and criteria which are found in the single use Planned Districts. All requirements and criteria found in the single use Planned Districts shall apply to the PDMU district.

In the determination of what a primary use in a PDMU district is, percentage of land area, percentage of building square footage and percentage of impacts such as traffic shall be considered. Exceeding fifty-one (51) percent shall be considered to be a primary use.

Application of appropriate review criteria shall be based upon the specific facts of the proposal. The ranges of intensity controls shall generally be approved according to the guidelines set forth in the other single use PD districts corresponding to the uses in the PDMU district. In no event shall uses permitted in a PDMU district exceed the maximum intensity controls in the other single use PD districts.

\*\*\*

**D. Permitted Uses.** The uses permitted in Table 4-12 for the PDMU District shall be permitted subject to the criteria applicable to the PDR (Planned Development Residential) District and the following:

\*\*\*

2. All developments within a PDMU district must be consistent with the Comprehensive Plan permitted uses, project size, intensity, density, locational criteria and other factors.

29. Section 531.31, Mini-Warehouses/Self-Storage, LDC, provides:

**A. Lot Dimensions.** A mini-warehouse lot shall be of adequate width and depth to meet the setback requirements of the district regulations and as set forth below.

**B. Setbacks.** No main or accessory building shall be located within twenty (20) feet of any property line unless a more restrictive setback is required. Sufficient space and drive aisles shall be provided to allow emergency vehicles including fire apparatus to maneuver between and around structures without having to back up. A secondary route within the project site shall be provided to ensure that emergency vehicles and fire apparatus are able to effectively respond to an emergency, approved by the Department Director.

**C. Storage.** The storage of toxic, lethal, flammable, hazardous contraband, rubbish, explosives, animals, radioactive substances, underground storage tanks, or the like thereof shall be considered unsafe and not allowed to be stored. If,

upon inspection by an appropriate agency, it is determined that any of the above substances or material has been stored, the facility shall be immediately closed and shall not reopen until a new Certificate of Occupancy is approved by all appropriate agencies. All costs associated with the removal, evacuation, inspections and approvals shall be borne by the property owner. Any property owner of a mini-warehouse who permits such materials to be stored shall be guilty of a violation of this Code. All storage shall be completely within the buildings. Public sanitary facilities, handicap facilities, potable water, and emergency eye wash facilities with the appropriate safety signage shall be provided and readily visible in the buildings.

D. Limitation. The use of any mini-warehouse as an office space or combination office space and retail/wholesale space without specific development approvals is not allowed.

E. Screening. Screening shall be provided in accordance with [Section 701](#) and limited to the fence option. No alternative berm screening shall be allowed. Elevations of proposed screening fences shall be provided with each submittal for site plan approval. These elevations shall contain information regarding the height, design, color, opacity, lighting, and building materials to be used for the fence and shall be reviewed by the Department Director to ensure compatibility with surrounding properties. When a concrete block or masonry wall is used for the rear warehouse structure wall, this wall may serve as the opaque, decorative fence required for mini-warehouses. If there are separations between buildings, these areas shall be screened with a minimum six (6) foot high concrete block or masonry wall. All required landscaping, per [Section 701](#) shall be located within the twenty (20) foot setback area.

F. Landscaping. Foundation planting in the amount of forty (40) square feet per one thousand (1,000) feet of gross floor area shall be provided.

\*\*\*

30. Section 400.8, Future Land Use Categories and Zoning Districts, Table 4-1: Future Land Use Categories and Zoning Districts, LDC, provides the implementing zoning districts for the RES-3 and ROR FLUCs:

R/O/R (Retail/Office/ Residential)	CON, RSF-3, RSF-4.5, RSF-6, RSF-9, RSMH-6, RVP, RDD-3, RDD-4.5, RMF-6, RMF-9, RMF-12, RMF-16, NC-S, NC-M, GC, HC, MX, PR-S, PR-M, MP-I
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The following table correlates individual zoning districts with future land use categories. Not all the zoning districts shown under a future land use category, however are presumed to be appropriate for a site with that particular future land use designation. The factors listed in Section 342.3 (Rezone Criteria) need to be met in order to approve the zoning map amendment request.

\* \* \*

RES-3 (Residential-3)	CON, A-1, RSF-1, RSF-2, RSF-3, RVP, RDD-3, MP-I NC-S*, NC-M*, PR-S*, PR-M*, GC*
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\* \* \*

\* Subject to Commercial Locational Criteria. The Future Land Use Element prohibits the increase of densities in the CEA and CHHA districts. Therefore, no rezonings to higher densities are allowed within those overlay districts.

31. LDC Section 402.2.A indicates that "PD Districts are allowed within all Comprehensive Plan Future Land Use Map categories; however, the proposed PD shall be consistent with the Comprehensive Plan." PD districts are also implementing zoning districts for the RES-3 & ROR FLUCs, and the uses allowed thereto are detailed in Table 4-12 in Exhibit B.
32. Section 322, Preliminary Site Plans (PSP), LDC, provides that, "Preliminary Site Plans shall be designed to show the location and nature of a project at a greater detail, to allow analysis of the arrangement of land uses and improvements on the site in relation to each other, existing conditions, and surrounding property."
33. Section 322.2, Preliminary Site Plan Review Criteria, LDC, provides in relevant part that:  
  
"In deciding whether to recommend approval, or approval with modifications, or denial of a proposed Preliminary Site Plan, the approving authority shall consider the following factors:

\* \* \*

**B. Comprehensive Plan.** The proposed plan must be consistent with all applicable provisions of the Manatee County Comprehensive Plan.

**C. Land Development Code.** The proposed plan must be in conformance with all applicable provisions of the Land Development Code.

\*\*\*

**E. Environment.** The proposal shall not adversely impact environmentally sensitive lands or natural resources.

**F. Circulation.** Ingress and egress to the property and internal traffic patterns must be designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe.

\*\*\*

**Section 2. Conclusions of Law.** Based upon the above Findings of Fact and considering the testimony, evidence, documentation, the recommendation of the Planning Commission, the Staff Report presented and a review of the applicable provisions of the Comp. Plan and the LDC, the Board hereby makes the following Conclusions of Law:

- A. The Applicant failed to meet its burden of proving and demonstrating by competent substantial evidence that the Project proposed by the Preliminary Site Plan contained in the Application is consistent with the Comprehensive Plan and comply with the standards for approval in the applicable provisions of the LDC.
- B. The Applicant failed to meet its burden of proving and demonstrating by competent substantial evidence that the proposed Project, as detailed by the Preliminary Site Plan, is consistent and compatible with the surrounding development, infrastructure, and zoning of parcels around the proposed Project Site.
- C. The Applicant failed to meet its burden of proving and demonstrating by competent substantial evidence that the proposed stormwater and flood mitigation proposed by the Project will not adversely impact the surrounding, current development around the proposed Project Area.
- D. The Applicant failed to meet its burden of proving and demonstrating by competent substantial evidence that the additional traffic due to the

proposed Project will not adversely impact the vehicular and pedestrian safety and traffic circulation in the vicinity of the proposed Project.

- E. The specific legal and factual authorities relied upon in reaching said conclusions are set forth in the record of the proceedings before the Planning Commission on July 10, 2025 and before the Board on September 4, 2025.
- F. The Board specifically denies approval of the Preliminary Site Plan as contained in PDMU-24-05(P), which is applicable to the Property described in the legal description in Exhibit A.
- G. The existing PDMU zoning remains in full force and effect, and the Applicant may opt to request a change in use consistent with those listed under the PDMU zoning district, as detailed in Section 402.5, Schedule of Uses, Table 4-12: Schedule of Uses for PD Districts, LDC, subject to compliance with the Comprehensive Plan and LDC, Exhibit B.
- H. The Applicant may also request a General Development Plan or alternative PSP that is consistent with the PDMU zoning district
- I. The Applicant may also request a General Development Plan or PSP that is consistent with one of the implementing zoning districts and rezone thereto, consistent with the zoning districts detailed in the 5.33 acre portion of ROR FLUC, as described in section 400.8, Table 4-1, LDC, as detailed herein, subject to compliance with the Comprehensive Plan and LDC, See Section 1, paragraph 30 above.
- J. The Applicant may also request a General Development Plan or PSP that is consistent with one of the implementing zoning districts and rezone thereto, consistent with the zoning districts detailed in the 3.76 acre portion of RES-3 FLUC, as described in section 400.8, Table 4-1, LDC, as detailed herein, subject to compliance with the Comprehensive Plan and LDC, See Section 1, paragraph 30 above.

**Section 3. Severability.** It is hereby declared to be the intention of the Board that the phrases, clauses, sentences, paragraphs, and sections in this Resolution be deemed severable, and if any phrase, clause, sentence, paragraph or section hereof is declared unconstitutional or otherwise invalid by the valid judgement of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Resolution.

**Section 4. Effective Date.** The effective date of this Resolution shall be the date of adoption of this Resolution.

DULY ADOPTED, with a quorum present and voting, this 9<sup>th</sup> day of October, 2025.



BOARD OF COUNTY COMMISSIONERS  
OF  
MANATEE COUNTY, FLORIDA

By: 

Chairperson

ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: Debra Jessman

Deputy Clerk

**Exhibit A**

**The Property**

**Legal Description**

**LEGAL DESCRIPTION:**

**PARCEL A:**

**THE FOLLOWING DESCRIBED LAND LYING AND BEING IN MANATEE COUNTY, FLORIDA: COMMENCING AT THE NORTHWEST CORNER OF SECTION 15, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE RUN EAST ALONG THE NORTH LINE OF SAID SECTION 15 TO AN IRON PIPE ON THE EAST BANK OF THE BRADEN RIVER; THENCE NORTHEAST ALONG THE EAST BANK OF THE BRADEN RIVER TO ITS INTERSECTION WITH A LINE LYING 490.00 FEET NORTH OF AND PARALLEL WITH THE SAID NORTH LINE OF SECTION 15 FOR A POINT OF BEGINNING; THENCE CONTINUE NORTHEAST ALONG SAID BANK OF THE BRADEN RIVER TO ITS INTERSECTION WITH THE BANK OF A BAYOU; THENCE RUN SOUTHEAST AND SOUTHWEST ALONG SAID BANK OF BAYOU TO ITS INTERSECTION WITH THE AFOREMENTIONED PARALLEL LINE; THENCE N89°40'37"W ALONG SAID PARALLEL LINE A DISTANCE OF 450.7 FEET, MORE OR LESS TO THE POINT OF BEGINNING.**

**ALSO:**

**A 50 FOOT STRIP OF LAND, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE NORTHWEST CORNER OF SECTION 15, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE RUN EAST ALONG THE NORTH LINE OF SAID SECTION 15 TO AN IRON PIPE ON THE EAST BANK OF THE BRADEN RIVER; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 15 A DISTANCE OF 236.5 FEET FOR A POINT OF BEGINNING; THENCE N10°12'40"E, A DISTANCE OF 497.88 FEET TO A POINT WHICH IS 490 FEET NORTH OF THE NORTH**

**LINE OF SAID SECTION 15, SAID POINT BEING 222.5 FEET EAST OF AN IRON PIPE ON THE EAST BANK OF THE BRADEN RIVER.**

**ALSO:**

**A STRIP OF LAND 50 FEET IN WIDTH, LOCATED IN THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, THE CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SECTION 15; THENCE RUN EAST ALONG THE NORTH LINE OF SAID SECTION 15 TO AN IRON PIPE ON THE EAST BANK OF THE BRADEN RIVER; THENCE CONTINUE EAST A DISTANCE OF 236.5 FEET FOR A POINT OF BEGINNING; THENCE S7°47'20"E A DISTANCE OF 258.8 FEET TO THE NORTH RIGHT-OF-WAY OF STATE ROAD NO. 70.**

**LESS ANY PORTION OF THE ABOVE DESCRIBED PARCEL LYING WITHIN THE RIGHT-OF-WAY FOR STATE ROAD NO. 70 AS DESCRIBED IN OFFICIAL RECORDS BOOK 1478, PAGE 1577, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.**

**PARCEL B:**

**THE FOLLOWING DESCRIBED LAND LYING AND BEING IN MANATEE COUNTY, FLORIDA:**

**COMMENCING AT THE NORTHWEST CORNER OF SECTION 15, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE RUN EAST ALONG THE NORTH LINE OF SAID SECTION 15 TO AN IRON PIPE ON THE EAST BANK OF THE BRADEN RIVER FOR A POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG THE EAST BANK OF THE BRADEN RIVER TO AN IRON PIPE, WHICH IS 490 FEET NORTH OF THE NORTH LINE OF SAID SECTION 15; THENCE EAST AND PARALLEL TO THE NORTH LINE OF SAID SECTION 15, A DISTANCE OF 445 FEET TO AN IRON PIPE ON THE WEST BANK OF A BAYOU; THENCE SOUTHWESTERLY ALONG THE WEST BANK OF SAID BAYOU TO AN IRON PIPE ON THE NORTH LINE OF SAID SECTION 15; THENCE WEST A DISTANCE OF 473 FEET TO THE ABOVE MENTIONED POINT OF BEGINNING**

## Exhibit B

### 402.5, Schedule of Uses for PD Districts, Table 4-12: Schedule of Uses for PD Districts

#### 402.5. - Schedule of Uses for PD Districts.

Except as specifically provided in this Code, regulations governing the use of land, water and structures within the PD districts shall be as shown in the following table. Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted with approval of a General Development Plan. PD zoning in itself does not constitute approval to develop or establish a new use.

Uses of land or structures not expressly listed in the table are prohibited and shall not be established in that district.

Uses and structures which are customarily and clearly incidental to permitted principal uses and structures, shall be also permitted.

Whenever there is any uncertainty as to the classification of a use listed in the following table, the Department Director shall determine the classification, if any, within which the use falls, based on its characteristics and similarity to other uses in the district. If a use has characteristics similar to more than one (1) classification, the use shall be construed as the classification having the most similar characteristics. In the event that a particular use is determined not to be within an allowed defined use, then the particular use shall be prohibited. Notwithstanding the foregoing, if the site plan or development order for a planned development lists the specific uses permitted within such planned development, then only such listed uses shall be permitted, unless otherwise approved by the Board of County Commission at an advertised public hearing.

Table 4-12: Schedule of Uses for PD Districts

Land Use		PD R	PD O	PD C	PD RP	P DI	PD PI	PD W	PD MU	PD RV	PD MH	PD GC	PD A	PD EZ
<b>AGRICULTURAL USES</b>														
Agricultural Research Facilities	—	X	X	P	P	X	P	X	P	X	X	X	P	P
Agricultural Uses	531. 1	P	P	P	P	P	P	P	P	P	X	P	P	P

Land Use	PD R	PD O	PD C	PD RP	P DI	PD PI	PD W	PD MU	PD RV	PD MH	PD GC	PD A	PD EZ	
Agricultural Products Processing Plants	<u>531.</u> 1	X	X	X	X	P	X	X	P	X	X	X	P	P
Animal Products Processing Facility	<u>531.</u> 1	X	X	X	X	P	X	X	SP	X	X	X	P	P
Short Term Agricultural Uses	<u>531.</u> 1	P	X	P	X	X	X	X	P	X	X	X	P	P
Stables or Equestrian Centers: Private	<u>531.</u> 1	P	X	X	X	X	X	X	P	P	P	X	P	X
Stables or Equestrian Centers: Public	<u>531.</u> 1	X	X	P	X	X	P	X	P	X	X	X	P	X
Tree Farm	<u>531.</u> 1	X	X	X	X	X	P	X	P	X	X	X	P	X
Animal Services (Wild and Exotic)	<u>531.</u> 5	P	P	P	P	P	P	P	P	P	P	P	P	P
Breeding Facility (Non-Wild & Exotic)	<u>531.</u> 8	X	X	P	P	P	P	X	P	X	X	X	P	X
Farming Service Establishments	<u>531.</u> 18	X	X	P	X	X	X	X	P	X	X	X	P	P
Farm Worker Housing	<u>531.</u> 19	X	X	X	X	X	X	X	X	X	X	X	X	X
Pet Service (Kennel) Establishments	<u>531.</u> 38	X	X	P	P	X	X	X	P	X	X	X	P	X
Sawmills	<u>531.</u> 1	X	X	X	X	P	X	X	P	X	X	X	X	P
Slaughterhouses	<u>531.</u> 1	X	X	X	X	P	X	X	P	X	X	X	X	X
Stockyards and Feedlots <sup>4</sup>	<u>531.</u> 1	X	X	X	X	P	P	X	P	X	X	X	X	X

Land Use	PD R	PD O	PD C	PD RP	P DI	PD PI	PD W	PD MU	PD RV	PD MH	PD GC	PD A	PD EZ
Veterinary Hospitals	<u>531.</u> <u>58</u>	X X	P	X	P	P	X	P	X	X	X	X	X X
<b>COMMERCIAL - RETAIL</b>													
Alcoholic Beverage Establishment	<u>531.</u> <u>4</u>	X X	SP	X	SP	X	SP	SP	X	X	X	X	X X
Alcoholic Beverage Establishment - 2 COP License	<u>531.</u> <u>4</u>	X X	P	X	X X	X	P	X	X X	X X	X X	X X	
Auction Houses, Enclosed	—	X X	P	X	P	X	X	P	X	X X	X X	X X	
Auction Houses, Open	<u>531.</u> <u>6</u>	X X	P	X	P	X	X	P	X	X X	X X	X X	
Building Materials Sales Establishment	<u>531.</u> <u>9</u>	X X	P	X	X X	X	P	X	X X	X X	X X	X X	
Lumberyard	<u>531.</u> <u>9</u>	X X	X X	P	X	X	P	X	X X	X X	X X	P	
Drive-Through Establishments	<u>531.</u> <u>16</u>	X X	P P	P	P X	X P	P X	X X	X X	X X	X X	P	
Food Truck Park	<u>531.</u> <u>64</u>	X P	P P	P	P X	P P	P X	X X	X X	X X	X X	P	
Gas Pumps	<u>531.</u> <u>51</u>	X X	P P	P	P P	P P	P P	P X	X X	X X	X X	P	
Mobile Vending Park	<u>531.</u> <u>65</u>	X P	P P	P	P X	P P	P X	X X	X X	X X	X X	P	
Recreational Vehicle/Mobile Home Sales, Rental & Leasing	<u>531.</u> <u>43</u>	X X	P X	X X	X X	X P	P P	P X	X X	X X	X X	X X	
Restaurant	<u>531.</u> <u>48</u>	X P	P P	P P	P X	P P	P X	X X	X X	X X	X X	P	
Retail Sales, Neighborhood Convenience	<u>531.</u> <u>49</u>	X P	P P	P P	P X	P P	P P	P P	P X	P X	P X	P X	

Land Use		PD R	PD O	PD C	PD RP	P DI	PD PI	PD W	PD MU	PD RV	PD MH	PD GC	PD A	PD EZ
Medical Marijuana Treatment Center	531. 49	X	P	P	P	P	X	P	P	P	P	X	P	X
Dispensing Facility														
Retail Sales, General	531. 49	X	P	P	P	P	X	P	P	P	P	X	P	X
Service Station	531. 51	X	X	P	X	P	X	X	P	X	X	X	X	P
Vehicle Sales, Rental, Leasing	531. 57	X	X	P	X	P	X	X	P	X	X	X	X	X

#### COMMERCIAL - SERVICES

Bed and Breakfast	531. 7	P	X	P	X	X	X	P	P	X	X	X	P	X
Business Services	—	X	P	P	P	P	P	X	P	X	X	X	X	X
Printing, Medium	—	X	X	P	X	P	X	X	P	X	X	X	X	X
Printing, Small	—	X	P	P	X	P	X	X	P	X	X	X	X	X
Car Wash: Full Service	531. 10	X	X	P	X	P	P	X	P	X	X	X	X	X
Car Wash: Incidental	531. 10	X	X	P	X	P	P	X	P	X	X	X	X	X
Car Wash: Self-Service	531. 10	X	X	P	X	P	P	X	P	X	X	X	X	X
Clinics	—	X	P	P	X	X	P	X	P	X	X	X	X	X
Equipment sales, rental, leasing, storing and repair - heavy	531. 18	X	X	P	X	P	X	X	P	X	X	X	X	P
Construction equipment	531. 18	X	X	P	X	P	P	X	P	X	X	X	X	X
Equipment sales, rental, leasing, storing and repair - light	—	X	X	P	X	P	X	X	P	X	X	X	X	X

Land Use	PD R	PD O	PD C	PD RP	P DI	PD PI	PD W	PD MU	PD RV	PD MH	PD GC	PD A	PD EZ
Food Catering Service Establishment	<u>531.</u> <u>21</u>	X	X	P	X	P	X	P	X	X	X	X	X
Free Standing Emergency Department (FSED) <sup>5</sup>	<u>531.</u> <u>62</u>	X	X	P	X	X	X	P	X	X	X	X	X
Funeral Chapel	<u>531.</u> <u>22</u>	P	P	P	X	X	X	P	X	X	X	P	X
Funeral Home	<u>531.</u> <u>22</u>	X	P	P	X	X	X	P	X	X	X	X	X
Hospital <sup>1</sup>		X	X	X	X	X	P	X	P	X	X	X	X
Intensive Services: Exterminating and Pest Control	<u>531.</u> <u>26</u>	X	X	X	X	X	X	P	P	X	P	X	P
Intensive Services: Printing, Heavy	—	X	X	X	X	P	X	X	X	X	X	X	P
Intensive Services: Industrial Service Establishment	<u>531.</u> <u>26</u>	X	X	P	P	P	X	X	P	X	X	X	P
Intensive Services: Sign Painting Service	<u>531.</u> <u>26</u>	X	X	P	X	P	P	X	P	X	X	X	X
Intensive Services: Taxi-Cab, Limousine Service	<u>531.</u> <u>26</u>	X	X	P	X	P	X	X	P	X	X	X	X
Intensive Services: All others	<u>531.</u> <u>26</u>	X	X	P	X	P	P	X	P	X	X	X	P
Laboratories, Medical and Dental	—	X	P	P	P	P	P	X	P	X	X	X	X

Land Use	PD R	PD O	PD C	PD RP	P DI	PD PI	PD W	PD MU	PD RV	PD MH	PD GC	PD A	PD EZ
Lodging Places: Boarding House	<u>531.</u> <u>28</u>	P	X	X	X	X	X	P	X	X	X	X	X
Lodging Places: Boatel	<u>531.</u> <u>28</u>	X	X	X	X	X	X	P	P	X	X	X	X
Lodging Places: Dormitories	<u>531.</u> <u>28</u>	P	X	X	X	X	P	X	P	X	X	X	X
Lodging Places: Hospital Guest House	<u>531.</u> <u>28</u>	X	X	P	X	X	P	X	P	X	X	X	X
Lodging Places: Hotel/motel	<u>531.</u> <u>28</u>	X	X	P	P	P <sup>2</sup>	P	P	P	X	X	X	P
Office, Medical or Professional	<u>531.</u> <u>61</u>	P	P	P	P	P	P	P	P	X	X	X	X
Miscellaneous Services: Office	—	X	P	P	P	P	P	P	P	X	X	P	X
Banking: Bank	—	X	P	P	P	P	X	X	P	X	X	X	X
Banking: Bank/Drive- through	<u>531.</u> <u>16</u>	X	P	P	P	P	X	X	P	X	X	X	P
Personal Service Establishment	—	P	P	P	P	P	P	X	P	P	P	X	P
Dry Cleaners: General	—	X	P <sup>3</sup>	P	P <sup>3</sup>	P	P	X	P	X	X	X	X
Dry Cleaners: Pick-up	—	X	P	P	P	P	P	X	P	X	X	P	P
Rental Service Establishment	—	X	X	P	P	P	X	X	P	X	X	X	X
Repair Service Establishment	—	X	X	P	P	X	P	X	P	X	X	X	X
Recreational Vehicle Parks and Subdivisions	<u>531.</u> <u>42</u>	X	X	P	X	X	X	X	P	P	X	X	X
Rehabilitation Center	<u>531.</u> <u>44</u>	P	P	P	P	P	P	P	P	P	X	P	X
Vehicle Repair: Major	<u>531.</u> <u>56</u>	X	X	P	X	P	X	X	P	X	X	X	P

Land Use		PD R	PD O	PD C	PD RP	P DI	PD PI	PD W	PD MU	PD RV	PD MH	PD GC	PD A	PD EZ
Vehicle Repair: Community Serving	—	X	X	P	X	P	X	X	P	X	X	X	X	X
Vehicle Repair: Neighborhood Serving	—	X	X	P	X	P	X	X	P	X	X	X	X	X
Veterinary Clinic	<u>531.</u> <u>58</u>	X	P	P	P	X	X	X	P	X	X	X	P	X
Wholesale Trade Establishment		X	X	P	P	P	X	X	P	X	X	X	X	X
<b>INDUSTRIAL</b>														
Asphalt/Concrete Processing, Manufacturing, or Recycling Plants <sup>4</sup>	—	X	X	X	X	P	X	X	X	X	X	X	X	X
Industrial, Heavy	<u>531.</u> <u>25</u>	X	X	X	X	P	X	X	P	X	X	X	X	P
Firework/Sparkler Manufacture	<u>531.</u> <u>25</u>	X	X	X	X	P	X	X	X	X	X	X	X	X
Industrial, Light	<u>531.</u> <u>25</u>	X	X	X	P	P	P	X	P	X	X	X	X	P
Research and Development Activities	—	X	X	X	P	P	P	X	P	X	X	X	X	P
<b>COMMUNITY SERVICE USES</b>														
Civic, Social, and Fraternal Organizations/Clubs	<u>531.</u> <u>14</u>	P/S P	P	X	X	X	X	P	P	P	P	X	P	X
Correctional Facilities: Community	—	X	X	X	X	X	P	X	P	X	X	X	X	X
Correctional Facilities: Major	—	X	X	X	X	X	P	X	P	X	X	X	X	X

Land Use		PD R	PD O	PD C	PD RP	P DI	PD PI	PD W	PD MU	PD RV	PD MH	PD GC	PD A	PD EZ
Cultural Facilities	<u>531.15</u>	P	P	P	P	P	P	P	P	X	X	X	P	P
Emergency Shelters	<u>531.44</u>	P	P	P	X	X	X	P	P	X	P	X	P	X
Emergency Shelter Home	<u>531.44</u>	P	P	P	X	X	X	P	P	X	P	X	P	X
Personal Wireless Service Facilities	<u>531.37</u>	See Section <u>531.37</u>												
Public Community Uses	<u>531.39</u>	P	P	P	P	P	P	P	P	P	P	X	P	P
Public Use Facilities	<u>531.40</u>	P	P	P	P	P	P	P	P	P	P	X	P	P
Post Offices	—	P	P	P	P	P	P	P	P	P	P	X	P	P
Radio, TV, Communications, Microwave Facilities	—	X	X	P	P	P	P	X	P	X	X	X	X	P
Utility Use	<u>531.54</u>	P	P	P	P	P	P	P	P	P	P	P	P	P
Alternative Energy Generation Facility	<u>531.54</u>	X	X	X	X	P	P	X	X	X	X	X	X	P
Utility Use, Heavy	<u>531.54</u>	X	X	X	X	P	X	X	P	X	X	X	X	X
<b>MISCELLANEOUS USES</b>														
Flea Markets: Enclosed	<u>531.20</u>	X	X	P	X	X	X	X	P	X	X	X	X	X
Flea Markets: Open	<u>531.20</u>	X	X	P	X	X	X	X	P	X	X	X	X	X
Intensive Services: Towing Service and Storage Establishment	<u>531.26</u>	X	X	P	X	P	X	X	P	X	X	X	X	P

Land Use		PD R	PD O	PD C	PD RP	P DI	PD PI	PD W	PD MU	PD RV	PD MH	PD GC	PD A	PD EZ
Outdoor Advertising Signs	—	X	X	P	X	P	X	X	X	P	X	X	X	P
Outdoor Storage (Principal Use)	<u>531.</u> <u>36</u>	X	X	P	X	P	X	X	P	X	X	X	X	P
Parking, Commercial (Principal Use)	—	X	P	P	P	P	P	P	P	X	X	X	X	X
Sexually Oriented Businesses	<u>531.</u> <u>52</u>	See Section <u>531.52</u>												
Water Dependent Uses	<u>531.</u> <u>60</u>	X	X	X	X	X	X	P	P	X	X	X	X	X
<b>OPEN USE OF LAND - LIGHT</b>														
Cemetery: Human and Pet	<u>531.</u> <u>11</u>	X	X	P	X	X	P	X	P	X	X	X	X	X
Earthmoving, Minor	702	P	P	P	P	P	P	P	P	P	X	P	P	P
Game Preserve	—	X	X	P	X	X	P	X	P	X	X	X	X	X
<b>OPEN USE OF LAND - HEAVY</b>														
Earthmoving, Major	702	X	X	X	X	X	X	X	X	X	X	X	X	P
Junkyards	<u>531.</u> <u>27</u>	X	X	X	X	X	X	X	P	X	X	X	X	X
Mining	<u>531.</u> <u>30</u>	X	X	X	X	X	P	X	X	X	X	X	X	X
Solid Waste Management Facilities	<u>531.</u> <u>53</u>	X	X	P	X	P	P	X	P	X	X	X	X	X
Landfills	<u>531.</u> <u>53</u>	X	X	X	X	X	P	X	X	X	X	X	X	X
<b>RECREATION USES</b>														
Environmental Land Preserves, Public and Private	<u>531.</u> <u>17</u>	P	P	P	P	P	P	P	P	P	X	X	P	X

Land Use		PD R	PD O	PD C	PD RP	P DI	PD PI	PD W	PD MU	PD RV	PD MH	PD GC	PD A	PD EZ
Recreation, High Intensity	<u>531.</u> <u>41</u>	X	X	P	X	X	P	P	P	X	X	X	X	X
Recreation, Low Intensity	<u>531.</u> <u>41</u>	P	P	P	P	P	P	P	P	P	P	P	P	X
Recreation, Medium Intensity	<u>531.</u> <u>41</u>	X	X	P	X	X	P	P	P	X	X	X	X	X
Recreation, Passive	<u>531.</u> <u>41</u>	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreation, Rural	<u>531.</u> <u>41</u>	X	X	X	X	P	P	X	X	X	X	X	X	X
<b>RESIDENTIAL USES</b>														
Accessory Dwelling Unit <sup>6</sup>	<u>511.</u> <u>18</u>	P	X	X	X	X	X	X	P	X	X	X	P	X
Assisted Living Facility, Large <sup>1</sup>	<u>531.</u> <u>45</u>	P	P	P	X	X	P	X	P	X	X	X	P	X
Assisted Living Facility, Small <sup>1</sup>	<u>531.</u> <u>45</u>	P	P	P	X	X	P	X	P	X	X	X	P	X
Community Residential Homes	<u>531.</u> <u>44</u>	P	X	X	X	X	P	X	P	P	P	X	P	X
Group Housing	<u>531.</u> <u>23</u>	X	X	X	X	X	P	X	P	X	X	X	X	X
Mobile Homes, Individual	<u>531.</u> <u>32</u>	X	X	X	X	X	X	X	X	X	P	X	X	X
Mobile Home Parks	—	X	X	X	X	X	X	X	P	X	P	X	X	X
Mobile Home Subdivisions	—	X	X	X	X	X	X	X	P	X	P	X	X	X
Nursing Homes <sup>1</sup>	<u>531.</u> <u>35</u>	X	P	P	X	X	P	X	P	X	X	X	X	X
Recovery Home, Large	<u>531.</u> <u>45</u>	X	P	P	X	X	P	X	P	X	X	X	X	X
Recovery Home, Small	<u>531.</u> <u>45</u>	P	P	P	X	X	P	X	P	P	P	X	P	X

Land Use		PD R	PD O	PD C	PD RP	P DI	PD PI	PD W	PD MU	PD RV	PD MH	PD GC	PD A	PD EZ
Residential Treatment Facilities	<u>531.</u> <u>46</u>	P	X	X	X	X	P	X	P	X	X	X	P	X
Residential Use: Duplexes	<u>531.</u> <u>47</u>	P	X	X	X	X	P	X	P	X	X	X	X	X
Residential Use: Multiple Family Dwellings	<u>531.</u> <u>47</u>	P	X	X	X	X	P	P	P	X	X	X	X	X
Residential Use: Single Family, Attached Dwellings (3 to 9 units)	<u>531.</u> <u>47</u>	P	X	X	X	X	P	P	P	X	X	X	X	X
Residential Use: Single Family, Detached Dwellings	<u>531.</u> <u>47</u>	P	X	X	X	X	P	P	P	X	X	X	P	X
Residential Use: Single Family, Semi-Detached Dwellings	<u>531.</u> <u>47</u>	P	X	X	X	X	P	X	P	X	X	X	X	X
Residential Use: Triplex and Quadruplex Dwellings (Multifamily, four (4) units maximum)	<u>531.</u> <u>47</u>	P	X	X	X	X	X	P	P	X	X	X	X	X
Residential Use: Waterfront Structures (Residential)	<u>531.</u> <u>47</u>	P	X	X	X	X	X	P	P	P	P	X	P	X
Residential Use: Waterfront Structures, Multi-Family	<u>531.</u> <u>47</u>	P	X	X	X	X	X	P	P	X	X	X	P	X
<b>RESIDENTIAL SUPPORT USES</b>														
Adult Day Care Center	—	P	P	P	X	X	X	P	P	X	P	X	P	X

Land Use		PD R	PD O	PD C	PD RP	P DI	PD PI	PD W	PD MU	PD RV	PD MH	PD GC	PD A	PD EZ
Child Care Center, Accessory	<u>531.</u> <u>12</u>	P	P	P	P	P	P	P	P	P	P	X	P	P
Child Care Center, Large	<u>531.</u> <u>12</u>	P	P	P	P	P	P	X	P	X	X	X	P	X
Child Care Center, Small	<u>531.</u> <u>12</u>	P	P	P	X	P	P	X	P	P	P	X	P	X
Churches/Places of Worship	<u>531.</u> <u>13</u>	P	P	P	X	X	X	X	P	P	P	X	P	X
Environmental Education Facilities	—	P	X	X	X	X	P	X	P	X	X	X	P	X
Family Day Care Home	—	P	X	X	X	X	P	X	P	P	P	X	P	X
Schools, College/Universities	<u>531.</u> <u>50</u>	X	X	X	X	X	P	X	P	X	X	X	X	X
Schools, Elementary	<u>531.</u> <u>50</u>	P	P	X	P	X	P	X	P	X	X	X	P	X
Schools, High and Middle	<u>531.</u> <u>50</u>	P	P	X	P	X	P	X	P	X	X	X	P	X
Schools of Special Education	<u>531.</u> <u>50</u>	P	P	P	P	X	P	X	P	X	X	X	P	X
Schools, Public	<u>531.</u> <u>50</u>	P	P	P	P	P	P	P	P	P	P	P	P	P

#### TRANSPORTATION USES

Aircraft Landing Field	<u>531.</u> <u>2</u>	X	X	X	X	X	P	X	P	X	X	X	X	X
Airport, Commercial	<u>531.</u> <u>3</u>	X	X	X	X	X	P	X	P	X	X	X	X	X
Airport, Private or Public	<u>531.</u> <u>3</u>	X	X	X	X	P	P	X	P	X	X	X	X	P
Bus and Train Passenger Station	—	P	X	P	P	P	P	X	P	X	X	X	P	P

Land Use	PD R	PD O	PD C	PD RP	P DI	PD PI	PD W	PD MU	PD RV	PD MH	PD GC	PD A	PD EZ
Hazardous Waste Transfer Facility	—	X X	X X	P	P	X	P	X	X	X	X	X X	
Heliport	<u>531.</u> <u>24</u>	X	X	P	X	P	P	X	P	X	X	X	P
Helistop	<u>531.</u> <u>24</u>	P	P	P	P	P	P	P	X	X	X	P	P
Intensive Services: Motor Pool Facilities	<u>531.</u> <u>26</u>	X	X	X	X	P	P	X	P	X	X	X	P
Intermodal Terminal	—	X X	X X	X	P	P	X	P	X	X	X	X	P
Motor Freight Terminal/Maintenance	<u>531.</u> <u>34</u>	X X	X X	X	P	X	X	P	X	X	X	X	P
Bus RR/Maintenance Facility	<u>531.</u> <u>34</u>	X X	X X	X	P	P	X	P	X	X	X	X X	
Railroad Switching/Classification Yard	—	X X	X X	X	P	P	X	X	X	X	X	X	P

#### WAREHOUSING

Mini Warehouses, Self-storage	<u>531.</u> <u>31</u>	X X	P	X	P	X	X	P	X	X	X	X X	
Warehouses	<u>531.</u> <u>59</u>	X X	X	P	P	P	X	P	X	X	X	P P	

P = Permitted (see [Section 315](#)); SP = Special Permit (see [Section 316](#)), P = Permitted, X = Not Permitted; P/SP = Administrative Permit required as specified in [Chapter 3](#) or elsewhere in this Code.

<sup>1</sup> Acute medical facilities are not allowed within the Coastal Evacuation Area, as defined in the Comprehensive Plan.

<sup>2</sup> Hotels are allowed only where the underlying Future Land Use category is Industrial-Light (IL).

<sup>3</sup> Limited to three thousand (3,000) square feet in gross floor area.

<sup>4</sup> Asphalt/Concrete Processing, Manufacturing, or Recycling Plants are prohibited from locating on property within the Watershed Protection Overlay District.

<sup>5</sup> FSEDs are required to be located within the Retail/Office/Residential (ROR) or the Mixed Use (MU) Future Land Use Categories.

<sup>6</sup> If expressly approved in the zoning ordinance and the site plan approving the planned development project; if expressly approved as an amendment to an existing planned development zoning ordinance and the applicable site plan; or if the lot is no longer included in the site plan approving the planned development project, and the lot is developed for a residential, single-family use.

NOTES:

- Uses identified as "Permitted Uses" in all Planned Development Districts may be permitted in conjunction with a PD approval. PD zoning in itself does not constitute approval to develop.
- Uses may be further restricted or modified by the overlay district regulations.

(Ord. No. [16-31](#), § 3(Exh. A), 11-13-16; Ord. No. [16-06](#), § 3(Exh. A-3), 11-15-16; Ord. No. [16-24](#), § 3(Exh. A-4); 11-15-16; Ord. No. [17-30](#), § 4(Exh. B), 9-7-17; Ord. No. [17-47](#), § 3(Exh. A-2), 9-7-17; Ord. No. [18-22](#), § 3(Exh. A-2), 6-7-18; Ord. No. [18-18](#), § 3(Exh. A-2), 8-23-18; Ord. No. [19-03](#), § 3(Exh. A-4), 3-21-19; [Ord. No. 20-05](#), § 3(Exh. A-2), 6-4-20; [Ord. No. 20-34](#), § 3(Exh. A), 10-1-20; [Ord. No. 21-11](#), § 3(Exh. 2), 8-21-21/Amd. 10-12-21; [Ord. No. 22-87](#), §3(Exh. A), 11-3-22; [Ord. No. 24-07](#), § 3(Exh. A), 5-2-24; [Ord. No. 25-11](#), § 3(Exh. A), 2-6-25)

# The Point

An Infill Development by:  
Palm One Development LLC  
PDMU-24-05(P)/PLN2402-0146

# Project Ownership & Consultant Team

- ❖ Owner – Palm One Development LLC
- ❖ Civil Engineer – John Cavoli P.E., Cavoli Engineering, Inc.
- ❖ Environmental Consultant – Kerri MacNutt – Monarch Ecology Group
- ❖ Traffic Engineer – Alex Anaya, PR, PTOE – ESRP Corporation
- ❖ Landscape Architect – Kurt R. Crist, ASLA – Landscape Architecture, Inc.
- ❖ Surveyor – Leo Mills, Jr – Leo Mills & Associates, Inc.



## Property Location, Size & Zoning

- ▶ Location – 0.51 miles west of I-75 on State Road 70. The property is a peninsula with the Braden River on all sides but the southern property line which is SR70 and serves as the entrance.
- ▶ Land Size:
  - 9.09 Acres – Gross Area
  - 4.41 Acres Wetlands and Surface Waters (48.5%)
  - 4.68 Acres Uplands (13%)
  - 3.5 Acres Net Acreage for Development (38.5%)
- ▶ Zoning – PD-MU

# Aerial Location Map



# Compatibility

## ▶ The Point – Site Context:

- *The Point* is naturally isolated from neighboring properties by two significant geographical features:
  1. The Braden River, which forms the western, northern and eastern boundaries of the site
  2. State Road 70 (SR70), a major six-lane State Highway that defines the southern property line.

## ▶ Nearby Neighborhoods:

- Marshall's Landing: A 37-unit residential neighborhood located across SR70
- Horseshoe Cove: An RV Park situated across the Braden River

## ▶ Land Use Compatibility:

- The existing Mixed-Use zoning is ideal for this location.
  - SR70 is a major State Road that provides direct access to I-75 and is already lined on both sides with established commercial properties.
  - This corridor context supports the planned mini-storage facility along the SR70 frontage.
  - The northern portion of The Point is designated for residential use, with 36 multi-family units that align with the scale and character of the nearby Marshall's Landing subdivision.

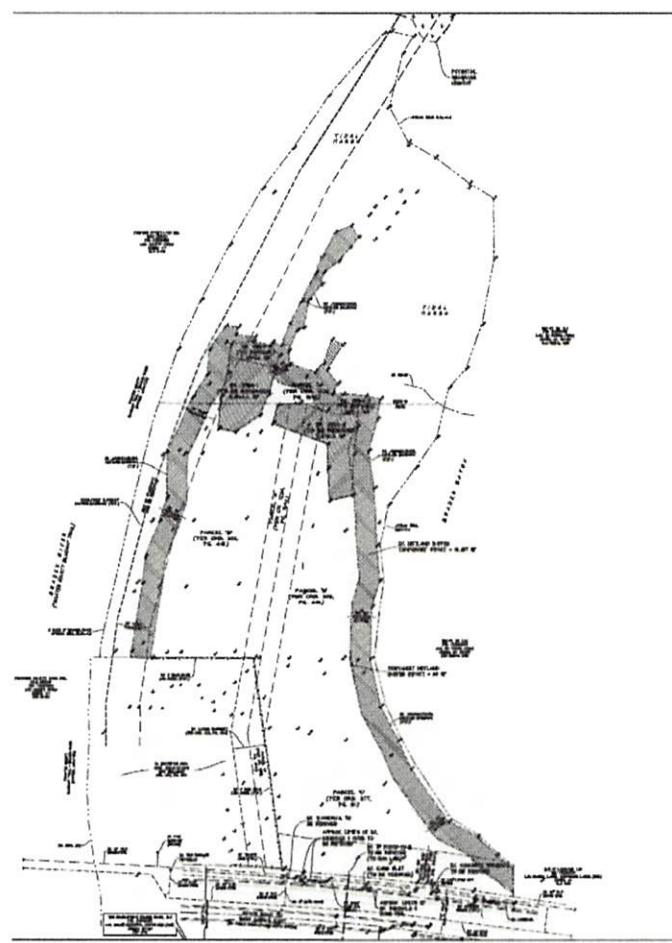
## ▶ Compatibility Enhancements:

- The site design incorporates setbacks and enhanced landscape buffers, which provide appropriate transitions and help ensure that The Point integrates smoothly with its neighbors.

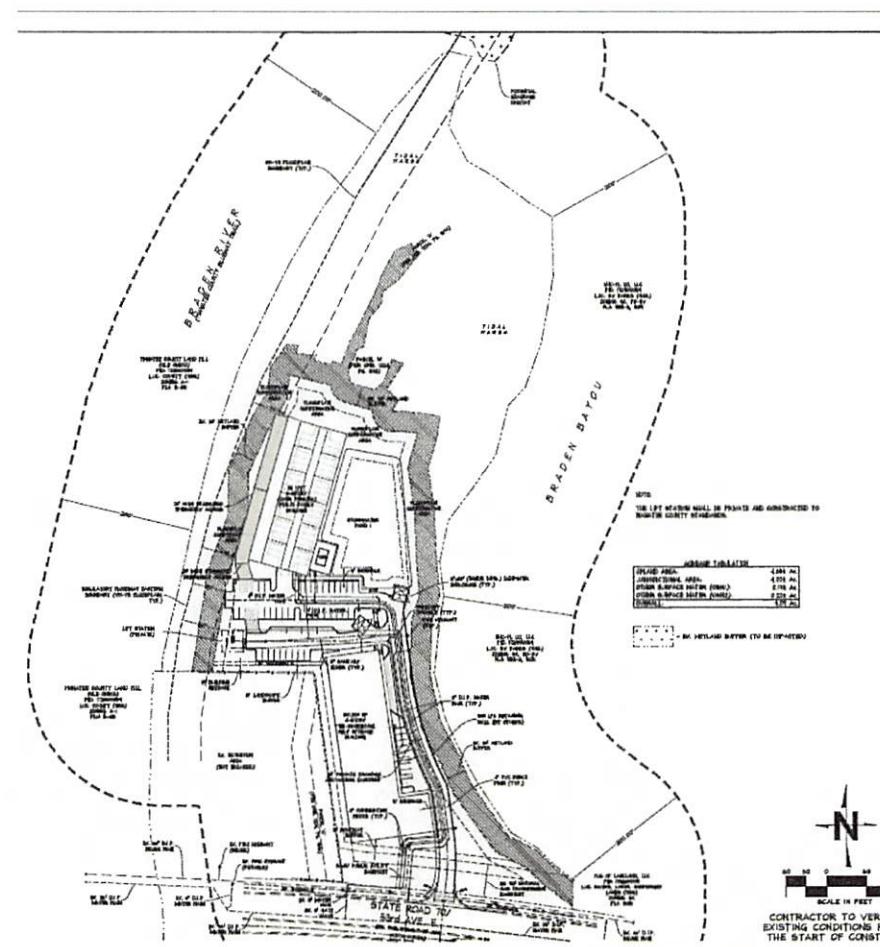
# Aerial Site Plan



# Existing Conditions



# Overall Site Plan

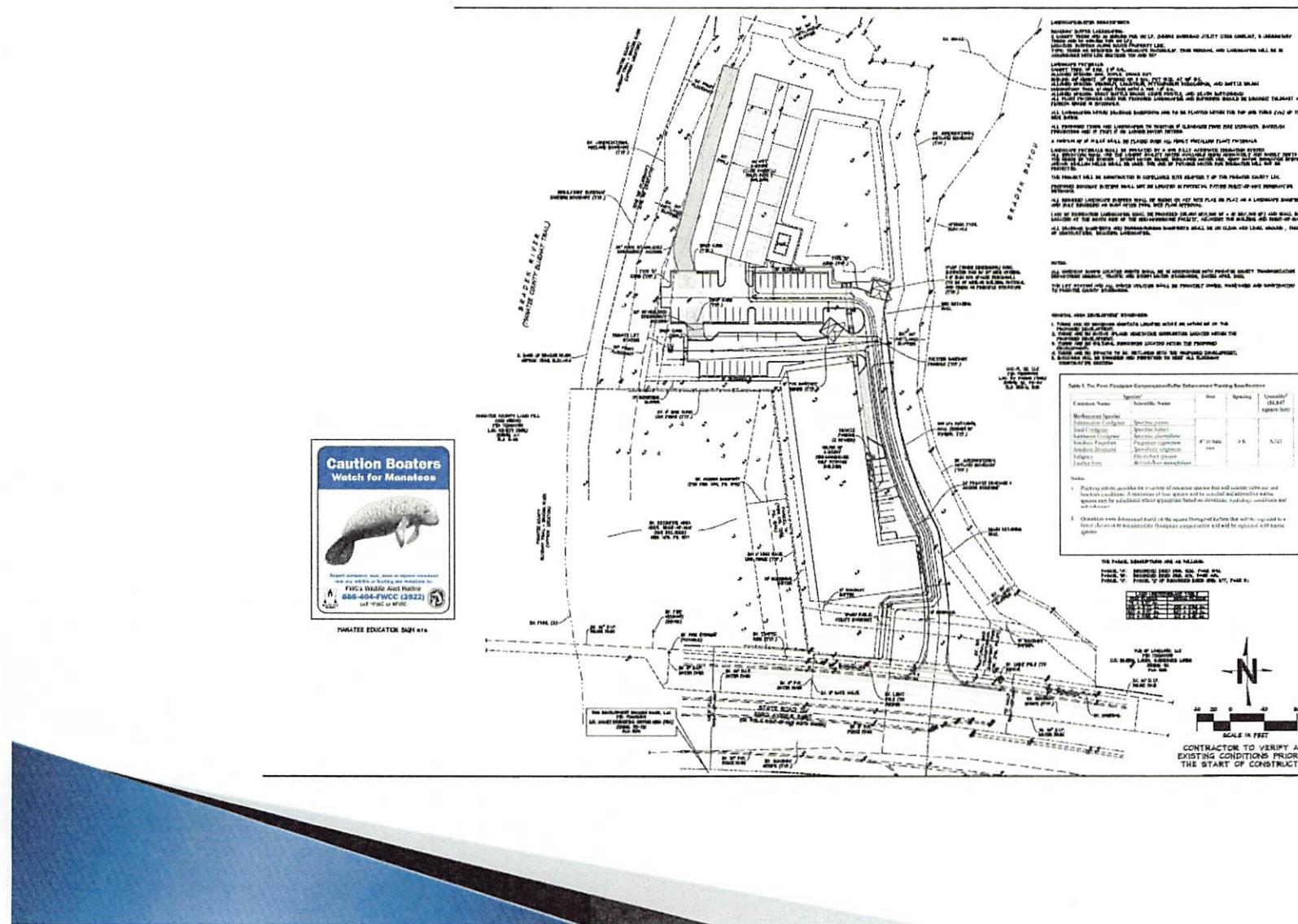


# Environmental Conditions

- ▶ 4.41 acres of wetlands and surface waters
  - 4 acres wetlands
  - 0.41 acres of surface waters
- ▶ 4.68 acres of uplands



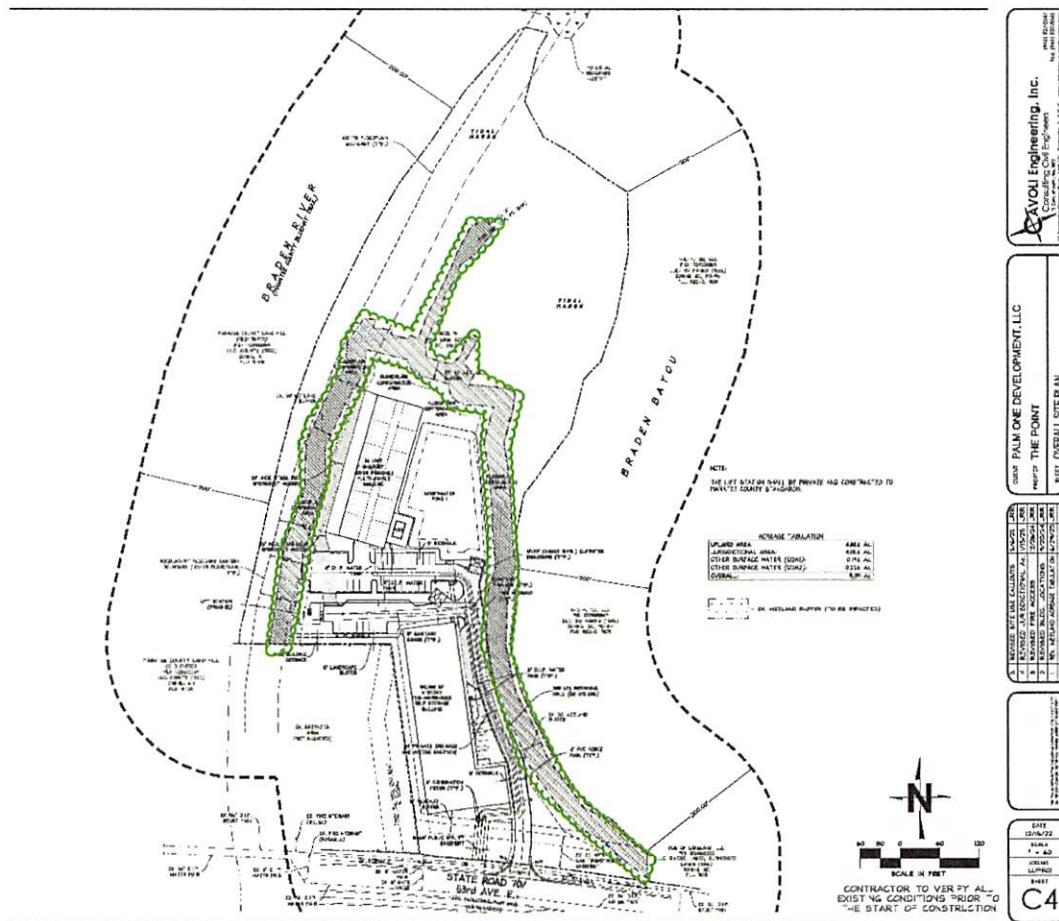
# Preliminary Site Plan



# Environmental Consideration

- ▶ All wetlands will be preserved (no wetland impacts).
- ▶ Impacts limited to surface waters (OSWs) only – 0.32 acres of OSW impacts
- ▶ 30-foot buffers will be maintained/preserved as native habitat consistent with Manatee County LDC and Comprehensive Plan Policy 3.3.1.
- ▶ Buffers will also be used as floodplain compensation. Areas will be regraded to lower elevation and replanted with wetland vegetation.

# Buffers/Floodplain Compensation



# Buffers/Floodplain Compensation

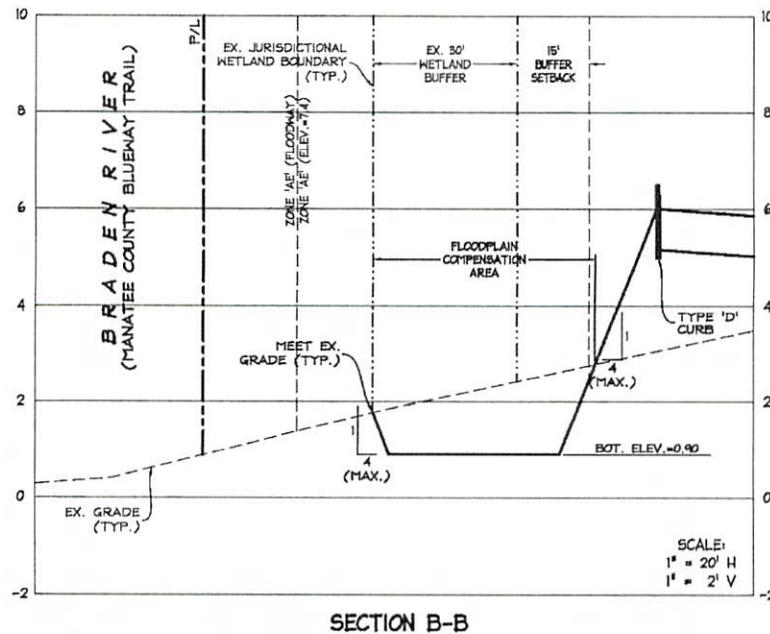


Table 1. The Point Floodplain Compensation/Buffer Enhancement Planting Specifications

Species <sup>1</sup>		Size	Spacing	Quantity <sup>2</sup> (51,547 square feet)
Common Name	Scientific Name			
<b>Herbaceous Species</b>				
Saltmeadow Cordgrass	<i>Spartina patens</i>	4" or bare root	3 ft.	5,727
Sand Cordgrass	<i>Spartina bakeri</i>			
Saltmarsh Cordgrass	<i>Spartina alterniflora</i>			
Seashore Paspalum	<i>Paspalum vaginatum</i>			
Seashore Dropseed	<i>Sporobolus virginicus</i>			
Saltgrass	<i>Distichlis spicata</i>			
Leather Fern	<i>Acrostichum danaefolium</i>			

Notes:

1. Planting palette provides for a variety of estuarine species that will tolerate saltwater and brackish conditions. A minimum of four species will be selected and alternative native species may be substituted where appropriate based on elevations, hydrology conditions and salt tolerance.
2. Quantities were determined based on the square footage of buffers that will be regraded to a lower elevation to accommodate floodplain compensation and will be replanted with native species.

# Existing Upland Buffers

(to be enhanced)



# Stormwater Considerations

- ▶ Stormwater will be treated and managed on-site in a manner designed to meet or exceed SWFWMD (State) and County requirements.
- ▶ Floodplain compensation will also meet or exceed SWFWMD (State) and County requirements.
- ▶ Property is surrounded by river and does not directly abut any other lands. No concerns for offsite flooding.

# Master Utilities Plan



# Public Facilities & Infrastructure

- **Fully Served:**
  - All necessary utilities and infrastructure are already located along the southern property line. Existing systems have ample capacity to serve *The Point* without any upgrades or additional off-site improvements.
- **No Burden on County Services:**
  - *The Point* will have no impact on SR70 and no impact on any County-maintained roads or facilities.
- **Privately Maintained:**
  - All on-site improvements, utilities, and surface roads will be privately maintained, ensuring that no ongoing maintenance responsibility falls to the County.

# Traffic Impact

- ▶ Conclusion of the Traffic Study Revision by ESRP Corporation:
- ▶ The Applicant prepared a Traffic Study to determine the impacts to the segments of SR 70 adjacent to the project site. This initial study started under transportation concurrency conditions and did not explore any multimodal approach. This project generates one trip above the minimum threshold (50 PM Peak Hour or 600 Daily trips) for a waiver traffic study.
- ▶ After discussions during the Planning Commission, the applicant submitted a Multimodal Analysis to substantiate the reduction of 1 ingress and 1 egress vehicular trips with the implementation of bicycle parking facilities as part of a multimodal approach. With the motorized (vehicular) trip reduction, the new proposed generation will be lower than the minimum threshold and consequently the impacts on the roadway network can be considered negligible

# Neighborhood Meeting Compliance

- ▶ Palm One Development LLC has completed the neighborhood meeting in full compliance with Manatee County procedures. The meeting was held after the Planning Commission hearing and before the Board of Commissioners meeting.
- ▶ Attendees at the meeting fully supported *The Point* project and raised no objections to it moving forward.

# Conclusion

- ❖ The Point Project Summary:
  - ❖ Unanimously supported by the Planning Commission (4-0)
  - ❖ Fully complies with the Manatee County Comprehensive Plan, Land Development Code, and other governing agency requirements
  - ❖ Provides compatible infill development
  - ❖ Protects and improves environmentally sensitive areas
  - ❖ Creates no negative impact on County public services or traffic
  - ❖ Designed fully within applicable codes and requirements — no variances or concessions requested
- ❖ Accordingly, the Applicant respectfully requests Board of County Commissioners approval for The Point Infill Development as presented.

# Questions?

»» Our Team is here to answer  
any questions you may have.