

MANATEE COUNTY ORDINANCE
PDMU-17-30(P) - 423 SUWANEE AVENUE (F.K.A. 423 PARTNERS LLC)
(DTS20170558)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR A MIXED USE REDEVELOPMENT ON AN APPROXIMATELY 0.5096-ACRE SITE IN THE ROR (RETAIL/OFFICE/RESIDENTIAL) FUTURE LAND USE CATEGORY, WITHIN THE PDMU (PLANNED DEVELOPMENT MIXED-USE) ZONING DISTRICT, AND GENERALLY LOCATED AT THE NORTHEAST CORNER OF SUWANEE AVENUE AND PINEHURST STREET AT 423 SUWANEE AVENUE, SARASOTA (MANATEE COUNTY); SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; APPROVING A SCHEDULE OF USES VOLUNTARILY PROFFERED BY THE APPLICANT AND ATTACHED AS EXHIBIT B; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 423 Partners, LLC (the “Applicant”) filed an application for a Preliminary Site Plan for a mixed-use redevelopment on an approximately 0.5096-acre site as described in Exhibit “A”, attached hereto, (the “Property”) and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to the Land Development Code Sections 1001.6.A (Elimination of the requirement to construct a sidewalk along the north side of Suwanee Avenue); 700, 701, and 900 (Relief from requirement to landscape the eastern portion of the site); and 402.11.D.3 (Adjustment of front and side setbacks established for PDC zoning districts to GC zoning districts): and

WHEREAS, the applicant also filed a Schedule of Uses (permitted and prohibited) Exhibit “B” attached hereto; and

WHEREAS, the Building and Development Services Department staff recommended approval of the Preliminary Site Plan, Specific Approval and Scheduled of Uses (permitted and prohibited) Exhibit “B” 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 March 8, 2018 to consider the Preliminary Site Plan, Specific Approval and Schedule of Uses (permitted and prohibited) Exhibit “B” 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 Preliminary Site Plan, Specific Approval and Schedule of Uses (permitted and prohibited) Exhibit “B” applications consistent with the Manatee County Comprehensive Plan, and the Manatee County Land Development Code, recommended approval 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, 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 a Preliminary Site Plan, Specific Approval and Schedule of Uses (permitted and prohibited) Exhibit “B” as it relates to the real property described in Exhibit “A” of this Ordinance.
- B. The Board of County Commissioners held a duly noticed public hearing on April 5, 2018 regarding the proposed Ordinance described herein in accordance with the requirements of the Manatee County Land Development Code and has further considered the information received at the public hearing.
- C. The proposed Ordinance regarding the property described in Exhibit “A” herein is found to be consistent with the requirements of the Manatee County Comprehensive Plan.
- D. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Sections 1001.6.A, the Board finds that the purpose of the Land Development Code regulation is satisfied to an equivalent degree by the proposed elimination of the sidewalk along the north side of Suwanee Avenue.
- E. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Sections 700, 701, and 900, the Board finds that the purpose of the Land Development Code regulation is satisfied to an equivalent degree by the proposed design because roadway views will not be impacted.
- F. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 402.11.D.3, the Board finds that the purpose of the Land Development Code regulation is satisfied to an equivalent degree by the proposed alteration of the setbacks established for PDC (Planning Development Commercial) zoning districts.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for a mixed-use redevelopment project, subject to the following Stipulations:

STIPULATIONS

A. Design and Land Use Conditions:

1. Compliance with all applicable regulations of the Land Development Code shall be demonstrated at time of Preliminary/Final Site Plan, except for those requirements in which Specific Approval is granted with this request.
2. All other applicable state or federal permits shall be obtained before commencement of the development.
3. All roof mounted HVAC equipment shall be screened from view from Suwanee Avenue, Pinehurst Street, US 41, and adjacent properties. Screening shall consist of building materials matching those used for the principal structure, or an opaque fence. Details of screening shall be submitted and approved with the Preliminary/Final Site Plan.
4. Dumpsters or compactors shall be screened from view from principal buildings, adjacent properties, and internal driveways. Screening shall consist of building materials and colors matching the principal structure.
5. All signs shall meet the requirements of LDC Chapter 6 – Signs and LDC Section 900.6.C (Entranceway Standards for Development). All signs will be reviewed at time of Final Site Plan review and Building Permit issuance.
6. The uses for this redevelopment are limited to those voluntarily proffered by the applicant in the schedule of uses attached to Zoning Ordinance PDMU-17-30(P) as Exhibit B.

B. Environmental:

1. Irrigation for landscaping shall use the lowest water quality source available, (plans indicate a private well), which shall be identified on the Final Site Plan on the cover sheet and the required irrigation plan sheet. Use of Manatee County public potable water supply shall be prohibited. A Water Well Construction Permit must be obtained prior to the construction of any proposed well(s).
2. Landscape plant material details including species and quantities, shown on the Preliminary Site Plan, are not approved at this time and shall be reviewed for consistency with the LDC at the time of Final Site Plan.
3. Since this project is within an Entranceway, foundation landscaping increases to 40 sq. ft per 1,000 sq. ft of gross floor area with at least 60% located along foundations visible from entranceway roadways. Buffer landscaping requires 1 canopy tree planted every 25' and hedge/shrubs shall achieve 60% opacity at a height of 5 feet.

C. Utility Engineering:

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.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to the Land Development Code Sections 1001.6.A (Elimination of the requirement to construct a sidewalk along the north side of Suwanee Avenue); 700, 701, and 900 (Relief from requirement to landscape the eastern portion of the site); and 402.11.D.3 (Adjustment of front and side setbacks established for PDC zoning districts to GC zoning districts) Special 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. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or 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 5. 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 6. STATE AND FEDERAL PERMITTING. The issuance of this 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 7. 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 5th day of April, 2018.

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

**BY: _____
Priscilla Trace, Chairman**

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

**BY: _____
Deputy Clerk**

EXHIBIT "A"
LEGAL DESCRIPTION

LOTS 4 AND 5, BLOCK 13, BALLENTINE MANOR, BAY HEIGHTS SECTION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 24, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.