

## Manatee County Zoning Ordinance

### PDMU-19-02(Z)(G) - TRAVEL IMAGINATION LLC REZONE AND GENERAL DEVELOPMENT PLAN PLN1812-0053

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE NO. 15-17, THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 5.00 ACRES FROM A/WP-E/ST (GENERAL AGRICULTURE-ONE DWELLING PER FIVE ACRES/EVERS RESERVOIR WATERSHED PROTECTION/SPECIAL TREATMENT OVERLAY DISTRICTS) TO THE PDMU (PLANNED DEVELOPMENT MIXED USE) ZONING DISTRICT, RETAINING THE WP-E (EVERS RESERVOIR WATERSHED PROTECTION) AND ST (SPECIAL TREATMENT) OVERLAY DISTRICTS; GENERALLY LOCATED EAST OF LORRAINE ROAD, NORTH OF THE FUTURE RANGELAND PARKWAY AND APPROXIMATELY ONE HALF (1/2) MILE NORTH OF THE INTERSECTION OF SR 70 AND LORRAINE ROAD, AT 5517 LORRAINE ROAD, BRADENTON (MANATEE COUNTY); APPROVING A GENERAL DEVELOPMENT PLAN TO ALLOW AN EXISTING RV AND BOAT STORAGE FACILITY (OUTDOOR STORAGE), RESIDENCE, AND AGRICULTURE; APPROVING A SCHEDULE OF USES, AS VOLUNTARILY PROFFERED BY THE APPLICANT AND ATTACHED AS EXHIBIT B; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING A LEGAL DESCRIPTION, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Travel Imagination, LLC (Rolf Nielsen) (the "Applicant") filed an application to rezone approximately 5.00 acres described in Exhibit "A", attached hereto, (the "Property") from A/WP-E/ST (General Agriculture-one dwelling unit per five acres/Evers Reservoir Watershed Protection/Special Treatment Overlay Districts) to the PDMU (Planned Development Mixed Use) zoning district, retaining the WP-E (Evers Reservoir Watershed Protection) and ST (Special Treatment) Overlay Districts; and

**WHEREAS**, the applicant also filed a General Development Plan to allow an existing RV and boat storage facility (outdoor storage), residence, and agriculture (the "project") on the property; and

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

**WHEREAS**, the Building and Development Services staff recommended approval of the rezone and General Development Plan 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 July 11, 2019 to consider the rezone and General Development Plan applications,

received the staff recommendation and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

**WHEREAS**, the Manatee County Planning Commission, as the County's Local Planning Agency, found the applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval of the applications subject to the stipulations contained in the staff report.

**NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA;**

**Section 1. FINDINGS OF FACT.** The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit "A" of this Ordinance from A/WP-E/ST (General Agriculture-one dwelling unit per five acres/Evers Reservoir Watershed Protection/Special Treatment Overlay Districts) to the PDMU (Planned Development Mixed Use) zoning district, retaining the WP-E (Evers Reservoir Watershed Protection) and ST (Special Treatment) Overlay Districts.

B. The Board of County Commissioners, after due public notice, held a public hearing on August 1, 2019 regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of the Manatee County Land Development Code and has further considered the information received at said public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

**Section 2. GENERAL DEVELOPMENT PLAN.** The General Development Plan is hereby approved to allow an existing RV and boat storage facility (outdoor storage), residence, and agriculture upon the property subject to the following Stipulations:

**STIPULATIONS**

**A. Design and Land Use**

1. Any significant historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource-disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes shall be followed.

2. The uses approved for this project are limited to those proffered by the Applicant in the Schedule of Uses attached to Zoning Ordinance PDMU-19-02(Z)(G) as Exhibit B.
3. All roof mounted HVAC equipment, loading zones, and dumpsters shall be screened from view of existing roadways and surrounding properties. Screening shall be approved at the Final Site Plan stage.
4. Commercial delivery and truck loading and unloading between the hours of 10:00 p.m. and 5:00 a.m. shall be prohibited.

## **B. Environmental Planning**

1. The developer shall provide an updated study, consistent with Policy 3.3.2.1 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. The Management Plan, and correspondence and permits, approved by the State (Florida Fish and Wildlife Conservation Commission) shall be submitted prior to the commencement of development for any listed species found on site. Evaluation of the proposed development site shall contain dates of field review, name and qualifications of individual(s) conducting the field review – including authorized Gopher Tortoise Agents, a statement of the methodology used to conduct the habitat assessment and biological survey, a map indicating where listed species (or nests or burrows) were observed on the site, a list of all species observed on site, and a habitat management plan describing measures proposed by the applicant to ensure non-disturbance, relocation or other acceptable mitigative measures.
2. A well has been identified on site. Applicant has stated the well may be used for irrigation. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the County for review and approval prior to Final Site Plan approval. The Well Management Plan shall include the following information:
  - Digital photographs of the well along with nearby reference structures (if existing).
  - GPS coordinates (latitude/longitude) of the well.
  - The methodology used to secure the well during construction (e.g. fence, tape).
  - The final disposition of the well - used, capped, or plugged.

## **C. Utilities**

1. Connection to the County water 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 applicable County Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by the County Engineer through the construction plans review process for the project.

## **D. Transportation**

1. Concurrent with the opening of Rangeland Parkway from Lorraine Road to the site access approximately 900 feet east of Lorraine Road (“New Access”), the New Access

shall serve as the primary access to the site. Motorized vehicular access to the site via direct connection to Lorraine Road shall cease, and the Lorraine Road driveway connection shall be demolished. Any sidewalk or multi-use path providing pedestrian and bicycle access to Lorraine Road may remain.

#### **E. Stormwater Management**

1. All fill within the FEMA delineated 100-year Floodplain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table; or drainage modeling shall utilize the adopted Braden River Watershed Study to demonstrate, in post-development condition, that no adverse impacts are created to adjacent property based upon a “no rise” flood stage condition.
2. The engineer of Record (EOR) shall submit drainage modeling to demonstrate the allowable pre-development rate of discharge has been reduced by twenty-five (25) percent for Braden River/Evers Reservoir Watershed.
3. This project shall be required to provide 150% water quality treatment for Braden River/Evers Reservoir Watershed.

**Section 3. AMENDMENT OF THE OFFICIAL ZONING ATLAS.** The Official Zoning Atlas of Manatee County (Ordinance No. 15-17, the Manatee County Land Development Code) is hereby amended by changing the zoning district classification of the property described in Exhibit “A”, incorporated by reference herein, from A/WP-E/ST (General Agriculture-one dwelling unit per five acres/Evers Reservoir Watershed Protection/Special Treatment Overlay Districts) to the PDMU (Planned Development Mixed Use) zoning district, retaining the WP-E (Evers Reservoir Watershed Protection) and ST (Special Treatment) Overlay Districts, and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Building and Development Services Department, are hereby instructed to cause such amendment to the Official Zoning Atlas.

**Section 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 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 the local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

**Section 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 1<sup>st</sup> day of August 2019.

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

**BY:** \_\_\_\_\_  
**Stephen R. Jonsson, Chairman**

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

**BY:** \_\_\_\_\_  
**Deputy Clerk**

**Exhibit "A"**

**Legal Description**

**LEGAL DESCRIPTION**

PI #581910353

FROM A NAIL AT THE SW CORNER OF THE EAST 1/2 OF THE NW 1/4 SECTION 15, TOWNSHIP 35 SOUTH, RANGE 19 EAST, RUN S89°14'39"E, ALONG THE SOUTH LINE OF THE SAID EAST 1/2 OF THE NW 1/4, A DISTANCE OF 33.30 FEET TO A CONCRETE MONUMENT FOUND ON THE EAST MAINTAINED RIGHT OF WAY LINE OF LORRAINE ROAD; AND N00°09'23"E ALONG SAID MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 621.08 FEET TO A FOUND CONCRETE MONUMENT AND THE POINT OF BEGINNING; THENCE N00°09'56"E, ALONG SAID MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET, THENCE S89°14'02"E, A DISTANCE OF 695.20 FEET; THENCE N00°09'56"E, A DISTANCE OF 313.27 FEET; THENCE S89°13'38"E, A DISTANCE OF 609.82 FEET TO A FOUND CONCRETE MONUMENT ON THE EAST LINE OF THE SAID EAST 1/2 OF THE NW 1/4; THENCE S00°09'28"E. ALONG THE SAID EAST LINE, A DISTANCE OF 333.22 FEET TO A FOUND CONCRETE MONUMENT; THENCE N89°14'02"W, A DISTANCE OF 1306.90 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 15, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.