

**MANATEE COUNTY ORDINANCE
PDI-17-25(G) – GEARTZ OFFICE 20170519**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A GENERAL DEVELOPMENT PLAN FOR THE DEVELOPMENT OF WAREHOUSE/OFFICE SPACE CONSISTING OF TWO BUILDINGS: BUILDING ONE IS APPROXIMATELY 4,500 SQUARE FEET OF WAREHOUSE; BUILDING TWO IS APPROXIMATELY 1,536 SQUARE FEET OF OFFICE SPACE AND APPROXIMATELY 5,000 SQUARE FEET OF WAREHOUSE SPACE; ON APPROXIMATELY 1.18 ACRES LOCATED NORTH OF 49TH STREET EAST (EXPERIMENTAL FARM ROAD), EAST OF U.S. 41, AND WEST OF THE PALMETTO CSX LINE; IN THE PDI (PLANNED DEVELOPMENT INDUSTRIAL) ZONING DISTRICT; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Kathie J. Geartz & Kent W. Geartz (the “Applicants”) filed an application for a General Development Plan for the development of warehouse/office space consisting of two buildings: building one is approximately 4,500 square feet of warehouse; building two is approximately 1,536 square feet of office space and approximately 5,000 square feet of warehouse space on approximately 1.18 acres as described in Exhibit “A”, attached hereto, (the “Property”) and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Sections 402.13 (a non-residential project reducing the setback on the West side of the property) and 701.3 (removal of a landscape island); and

WHEREAS, the Building and Development Services Department staff recommended approval of the General Development Plan and Specific Approval applications subject to the stipulations contained in the staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on September 13, 2018 to consider the General Development Plan and Specific Approval applications, received the staff recommendation, and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

WHEREAS, the Manatee County Planning Commission, as the County’s Local Planning Agency, found the General Development Plan and Specific Approval 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 General Development Plan and Specific Approval 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 October 4, 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 Section 402.13.D.3, the Board finds the purpose of the LDC regulation is satisfied to an equivalent degree because the reduction does not impact surrounding industrial properties and adequate driveway widths and alignment are maintained.
- E. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Figure 7-1, the board finds the purpose of the LDC regulation is satisfied to an equivalent degree because the required number of parking spaces are being provided along with additional landscaping throughout the site.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for the development of warehouse/office space consisting of two buildings: building one is approximately 4,500 square feet of warehouse; building two is approximately 1,536 square feet of office space and approximately 5,000 square feet of warehouse space, subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE STIPULATIONS:

- 1. Compliance with all applicable regulations of the Land Development Code shall be demonstrated at time of Preliminary/Final Site Plan, with the exception of those requirements in which Specific Approval is granted with this request.
- 2. No new detention or retention ponds shall be constructed within landscape buffers.
- 3. All other applicable state permits shall be obtained before commencement of the development.

4. All roof mounted HVAC equipment shall be screened from view from 49TH Street E (Experimental Farm Road) and adjacent properties. Screening shall consist of buildings materials matching the buildings on site, or opaque fence. Details of screening shall be submitted and approved with Preliminary/Final Site Plan.
5. Location of dumpsters or compactors and details of screening shall be submitted at Preliminary/Final Site Plan. Dumpsters or compactors shall be screening from view from adjacent properties, and internal driveways. Screening shall consist of building materials and colors matching buildings on site.

B. INFRASTRUCTURE STIPULATIONS:

1. Connection to the County wastewater system 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 County's Wastewater System 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.

C. ENVIRONMENTAL STIPULATIONS:

1. The developer shall provide an updated study and narrative, conducted by a qualified Environmental professional, consistent with Policy 3.3.2.1 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Preliminary Site Plan/Final Site Plan approval. Correspondence to and from Florida Fish and Wildlife Conservation Commission, if species, burrows, or nests are found, shall be forwarded to ERS. The Management Plan approved by the State shall be submitted prior to the commencement of development for any listed species found on site.
2. The developer shall address wetland and upland habitat, and determine whether either exists prior to PSP/FSP approval. Wetland and upland determinations will need to be done by a qualified Environmental professional. Development of this parcel may be subject to delays or revisions based on the conclusion of wetland and upland habitat determinations.
3. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Preliminary Site Plan/Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.
4. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the ERS 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.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Sections 402.13 (a non-residential project reducing the setback on the West side of the property) and 701.3 (removal of a landscape island).

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 4th day of October, 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

FROM THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 33 SOUTH, RANGE 17 EAST, OF MANATEE COUNTY, FLORIDA, RUN EAST 375 FEET AND N15°25'30"E, 25.93 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EXPERIMENTAL FARM ROAD FOR A POINT OF BEGINNING; RUN THENCE N15°25'30"E, 265 FEET, MORE OF LESS, TO A POINT WHICH IS DUE EAST OF THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 443, PAGE 493, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE WEST, 195.82 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 443, PAGE 493, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S19°07'15"W 265.0 FEET TO THE NORTH RIGHT-OF-WAY LINE OF EXPERIMENTAL FARM ROAD; THENCE EAST ALONG NORTH RIGHT-OF-WAY LINE OF EXPERIMENTAL FARM ROAD, 195.82 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.