

**MANATEE COUNTY ZONING ORDINANCE
PDMU-17-04(Z)(G) – ELLENTON COMMERCE PARK (DTS20170112)**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 15-17, THE MANATEE LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 116.9 ACRES OF A TOTAL 187.8± ACRE SITE (70.9± ACRES ALREADY ZONED PDMU) LOCATED IN THE NORTHWEST CORNER OF US 301 AND I-75, JUST NORTH OF 17TH STREET EAST (MEMPHIS RD), ELLENTON (MANATEE COUNTY) FROM PDR (PLANNED DEVELOPMENT RESIDENTIAL), PDC (PLANNED DEVELOPMENT COMMERCIAL) AND A-1 (AGRICULTURAL SUBURBAN) TO THE PDMU (PLANNED DEVELOPMENT MIXED USE) ZONING DISTRICT; APPROVING A GENERAL DEVELOPMENT PLAN FOR A MIXED USE PROJECT CONSISTING OF 500,000 SQUARE FEET OF WAREHOUSE AND 20,500 SQUARE FEET OF OFFICE; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 7978 Associates III, LLC (the “Applicant”) filed an application to rezone approximately 116.9 acres of a total 187.8± acre site (70.9± acres already zoned PDMU) located in the northwest corner of US 301 and I-75, just north of 17th Street East (Memphis Rd), Ellenton (Manatee County) described in Exhibit “A”, attached hereto, (the “property”) from PDR (Planned Development Residential), PDC (Planned Development Commercial) and A-1 (Agricultural Suburban) to the PDMU (Planned Development Mixed Use) zoning district; and

WHEREAS, the applicant also filed a General Development Plan for a mixed use project consisting of 500,000 square feet of warehouse and 20,500 square feet of office (the “project”) on the property; and

WHEREAS, the applicant also filed a request for Special Approval for: 1) a project in the MU FLUC (Policy 2.2.1.21.4); 2) a project adjacent to a perennial stream (Policy 3.2.2.1.) and 3) for a project in an Entranceway; 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, General Development Plan, Specific Approval, and Schedule of Uses (permitted and prohibited) 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 14, 2017 to consider the rezone, General Development Plan, Schedule of Uses (permitted and prohibited) and Specific Approval applications, received the staff recommendation and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

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

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 PDR (Planned Development Residential), PDC (Planned Development Commercial) and A-1 (Agricultural Suburban) to the PDMU (Planned Development Mixed Use) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on October 5, 2017 regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements 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.

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

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for a mixed use project consisting of 500,000 square feet of warehouse and 20,500 square feet of office upon the property subject to the following Stipulations:

STIPULATIONS

A. STORMWATER ENGINEERING STIPULATIONS

1. All fill within the 25- and 100-Year Floodplain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 25- and 100-year compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation), except as provided below. The applicant must demonstrate either:

- For 100-year floodplain, the available storage volume within proposed retention ponds

above the 25-Year Design High Water Level of any attenuation requirement

-or-

- Provide a stormwater routing model that utilizes reverse flow into the on-site retention ponds during the 25- and 100-year, 24-hour storm event. The volume of stormwater that backfeeds into the on-site retention ponds will be credited as floodplain compensation volume

-or-

- Provide a stormwater routing model which utilizes 25- and 100-year drainage modeling to demonstrate, in post-development condition, that no adverse impacts are created within the watershed with respect to flood stages, volume, or flow rates associated with the 25- and 100-year storm event.

It would appear that the 25-year and 100-year floodplain delineation is outside of the General Development Plan Boundary. Please identify the 25-year floodplain boundary on the plan to confirm the location of the floodplain with respect to the General Development Plan boundary.

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 County Engineer through the construction plans review process for the project.

C. ENVIRONMENTAL STIPULATIONS

1. A Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers and upland preservation areas for wetland mitigation purposes, shall be dedicated to the County prior to or concurrent with Final Plat approval.

2. Prior to Preliminary Site Plan/Final Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (i.e., historical cattle dipping vats, underground/above ground storage tanks, or buried drums) by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation/mitigated measures. Sec.542.7.J (formerly Sec. 723.3.7.10)

3. 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 approved by the State shall be submitted prior to the commencement of development for any listed species found on site.

4. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 355 (519) of the LDC.

5. If wells are encountered during construction activities, 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.

6. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited. Comprehensive Plan Policy 3.2.1.8 prohibits the use of treated effluent within the WO Overlay District.

D. CONCURRENCY MANAGEMENT STIPULATIONS

1. A detailed traffic analysis will be required prior to final site plan approval depending on type and size of development.
2. A solid waste and waste water report addressing generation rate(s) and disposal method(s) may be required as the property is developed.
3. Additional on-site and/or off-site improvements **may** be required as the property is developed.

E. LAND USE AND DESIGN STIPULATIONS

1. Final Site Plan review and approval is required.
2. All applicable design standards found within Section 900 of the LDC for Entranceway criteria shall apply.
3. Development within the MU Future Land Use Category requires development percentages. When determining development percentages, as required by Comprehensive Plan Policy 2.2.1.21.4.C, roadways shall not satisfy as a public/semi-public use and retention ponds shall not satisfy recreation/ open space requirements.
4. Elevations of the proposed warehouse shall be provided with Final Site Plan submittal to ensure compliance with Entranceway LDC Section 900.
5. Cross access easements for commercial subdivisions shall be clearly indicated on all Preliminary Plats/Final Plats and/or Final Site Plans.
6. The uses approved for this project are limited to those proffered by the Applicant in the Schedule of Uses attached to Zoning Ordinance PDMU-17-04(Z)(G) as Exhibit B.
7. The maximum height for commercial structures shall be limited to 35 feet. The maximum height for industrial structures shall be limited to 45 feet.
8. The applicant shall provide, with each Preliminary or Final Site Plan submittal, an open

space calculation for the lot. Each lot shall provide a minimum open space of 25%.

9. The applicant shall submit a running total of all square footage and acreage figures with each Site Plan submittal.

10. All roof mounted HVAC equipment, loading zones, and dumpsters shall be screened from view of US 301, I-75, and surrounding properties (including internal parcels). Screening shall be approved at the Final Site Plan stage. The screening options include:

- Materials that are consistent with the exterior finish of the structure; **or**
- Landscaping meeting 60% opacity; **or**
- Opaque fencing materials.

11. If adjacent to residential uses, commercial parcels shall prohibit deliveries and truck loading and unloading between the hours of 10:00 p.m. and 5:00 a.m.

Section 3. SPECIFIAL APPROVAL. Special Approval is hereby granted for 1) a project in the MU FLUC (Policy 2.2.1.21.4); 2) a project adjacent to a perennial stream (Policy 3.2.2.1.) and 3) for a project in an Entranceway.

Section 4. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County (Ordinance No. 15-17, the Manatee County Land Development Code) is hereby amended by changing the zoning classification of the property identified in Exhibit “A” herein from PDR (Planned Development Residential), PDC (Planned Development Commercial) and A-1 (Agricultural Suburban) to the PDMU (Planned Development Mixed Use) zoning district and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Building and Development Services Department, are hereby instructed to cause such amendment to the Official Zoning Atlas.

Section 5. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, clause, sentence, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 6. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 7. STATE AND FEDERAL PERMITTING. The issuance of the local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

Section 8. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 5th day of October, 2017.

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

BY: _____
Betsy Benac, Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court

BY: _____
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

PARID: 815710009

PARCEL 1: FROM THE W1/4 COR OF SEC 9, TWN 34S, RNG 18E, RUN N 19 DEG 58 MIN 59 SEC E, A DIST OF

11.70 FT, TO THE C/L INTERSEC OF TWO DITCHES MENTIONED IN OR 636 PG 790, ALSO BEING THE POB; TH N 89 DEG 22 MIN 22 SEC W, ALNG SD C/L, A DIST OF 1304.44 FT, TO THE INTERSEC WITH A LN PARALELL TO & PERPENDICULARLY DISTANT 20 FT E OF THE W LN OF THE SE1/4 OF THE NE1/4 OF SEC 8, TWN 34S, RNG 18E; TH N 00 DEG 49 MIN 31 SEC E, ALNG SD LN, A DIST OF 1353.39 FT TO THE INTERSEC WITH THE S R/W LN OF 29TH ST E (FORMER R.R. R/W), AS DESC IN OR 801 PG 571; TH S 89 DEG 14 MIN 35 SEC E, ALNG SD S R/W LN, A DIST OF 1287.39 FT, TO THE INTERSEC WITH THE W LN OF SEC 9, TWN 34S, RNG 18E; TH S 00 DEG 16 MIN 11 SEC W, ALNG SD W LN, A DIST OF 702.18 FT TO NW COR OF THE S1/2 OF THE SW1/4 OF THE NW1/4 OF SD SEC 9; TH N 89 DEG 54 MIN 37 SEC E, A DIST OF 1339.46 FT, TO THE NE COR OF SD S1/2 OF THE SW1/4 OF THE NW1/4; TH N 89 DEG 54 MIN 37 SEC E, ALNG THE N LN OF THE S1/2 OF THE SE1/4 OF THE NW1/4 OF SD SEC 9, A DIST OF 38.67 FT TO THE WLY LIMITED ACCESS R/W LN OF INTERSTATE 75, ALSO BEING A PT ON A CURVE TO THE LEFT WHOSE RAD PT LIES N 83 DEG 44 MIN 20 SEC E, A DIST OF 5903.58 FT; TH SLY ALNG THE ARC OF SD CURVE TO THE LEFT, A DIST OF 1190.28 FT, THROUGH A C/A OF 11 DEG 33 MIN 07 SEC, ALSO BEING SD WLY LIMITED ACCESS R/W LN, TO THE END

OF SD CURVE; TH S 13 DEG 48 MIN 58 SEC E, A DIST OF 492.44 FT, ALNG SD WLY LIMITED ACCESS R/W

LN; TH S 05 DEG 30 MIN 33 SEC E, A DIST OF 303.78 FT, ALNG SD LIMITED ACCESS R/W LN; TH S 11 DEG 05 MIN 33 SEC W, A DIST OF 41.10 FT; ALNG SD WLY LIMITED ACCESS R/W LN, TO THE INTERSEC WITH THE S LN OF THE NE1/4 OF THE SW1/4 OF SD SEC 9; TH N 89 DEG 53 MIN 29 SEC W, ALNG SD S LN, A DIST OF

432.88 FT, TO THE SW COR OF SD NE1/4 OF THE SW1/4; TH N 89 DEG 53 MIN 29 SEC W, A DIST OF 1340.82 FT, TO THE SW COR OF THE NW1/4 OF THE SW1/4 OF THE SEC 9; TH N 00 DEG 25 MIN 22 SEC E, ALNG THE C/L OF A DITCH MENTIONED IN OR 636 PG 790, A DIST OF 1329.22 FT, TO THE POB, LYING & BEING IN SECTIONS 8 & 9, TWN 34S, RNG 18E (2069/4629) PI#8157.1000/9

PARID: 814600003

N1/2 OF SW1/4 OF NW1/4 LESS RR/R/W PI#8146.0000/

PARID: 811700004

NE1/4 OF SE1/4 OF SE1/4 SEC 8 (GROVE NO 2)PI#8117.0000/4

PARID: 811700004

THE SW1/4 OF THE SW1/4 AND THE NW1/4 OF THE SE1/4 OF THE SW1/4; ALL IN SEC 9; LESS R/W FOR MEMPHIS RD IN OR 441 P 587; ALSO LESS R/W FOR I-75 IN OR 848 P 830 DESC AS FOLLOWS: COM AT THE SW COR OF THE SE1/4 OF THE SW1/4 OF SD SEC 9, TH RUN S 00 DEG 32 MIN 56 SEC W, 25 FT, TH S 89 DEG 23 MIN 57 SEC E, 4.76 FT; TH RUN N 51 DEG 17 MIN 15 SEC, 123.35 FT; TH N 38 DEG 36 MIN 05 SEC E, 147.58 FT; TH N 13 DEG 13 MIN 46 SEC E, 147.58 FT; TH N 00 DEG 32 MIN 36 SEC E, 313.57 FT; TH N 19 DEG 23 MIN 44 SEC E, 37.31 FT TO THE POB; TH CONT N 19 DEG 23 MIN 44 SEC E, 424.94 FT; TH N 11 DEG 05 MIN 33 SEC E, 266.53 FT; TH S 89 DEG 59 MIN 34 SEC E, 241.49 FT; TH S 00 DEG 38 MIN 07 SEC W, 664.66 FT; TH N 89 DEG 41 MIN 40 SEC W, 426.52 FT TO THE POB; PI#8158.0000/8