

## Manatee County Ordinance

### **PDMU-15-19(G)(R) - I-75 OFFICE PARK, LLC / I-75 OFFICE PARK (PLN1901-0026)**

**An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending Zoning Ordinance No. PDMU-15-19(G) to revise the General Development Plan by removing note Number 26 on the Cover Sheet and removing the note on Sheet 3 of the General Development Plan (Option C) requiring a second means of access in addition to the three previously approved development options on an approximately 19.17 acre site: Option A to consist of 99,516 square feet of office use space, Option B to consist of 33,200 square feet of office use space and a 234-bed assisted living facility, or Option C to consist of 160 multi-family residential units. The site is zoned PDMU/WP-E/ST (Planned Development Mixed Use/Watershed Protection Evers/Special Treatment Overlay Districts), located east of I-75 and approximately 250 feet west of Town Center Parkway at 8915, 8925, 8935, 8945, 8956, and 8966 77<sup>th</sup> Terrace East, Bradenton (Manatee County); subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.**

**WHEREAS**, I-75 Office Park, LLC (the “Applicant”) filed an application for a revised General Development Plan by removing note Number 26 on the Cover Sheet and removing the note on Sheet 3 of the General Development Plan (Option C) requiring a second means of access in addition to the three previously approved development options on an approximately 19.17 acre site: Option A to consist of 99,516 square feet of office use space, Option B to consist of 33,200 square feet of office use space and a 234-bed assisted living facility, or Option C to consist of 160 multi-family residential units as described in Exhibit “A”, attached hereto, (the “Property”); and

**WHEREAS**, the applicant also filed a request for Specific Approval for an alternative to Land Development Code Section 1001.C (Second Means of Access required) applicable to the General Development Plan (Option C – multi-family); and

**WHEREAS**, the Building and Development Services staff recommended approval of the revised 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 July 11, 2019 to consider the revised 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 revised General Development Plan and Special Approval 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 subject to the stipulations 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 revised 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, after due public notice, held public hearings on August 1 and September 5, 2019 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 said 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 and to satisfy the criteria for approval in the Land Development Code.

D. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 1001.C., the Board finds that the purpose of the Land Development Code regulation is satisfied to an equivalent degree because two (2) access points, spaced 300 feet apart and the trip generation for the 160 multi-family units is equivalent to 100 single-family units as is required in the Land Development Code.

**Section 2. REVISED GENERAL DEVELOPMENT PLAN.** The revised General Development Plan is hereby approved to remove note Number 26 on the Cover Sheet and removing the note on Sheet 3 of the General Development Plan (Option C) requiring a second means of access in addition to the three previously approved development options on an approximately 19.17 acre site: Option A to consist of 99,516 square feet of office use space, Option B to consist of 33,200 square feet of office use space and a 234-bed assisted living facility, or Option C to consist of 160 multi-family residential units upon the property subject to the following Stipulations:

**STIPULATIONS**

**A. DESIGN AND LAND USE CONDITIONS:**

1. Compliance with all applicable regulations of LDC Section 403.9 – Special Treatment Overlay Districts (ST), 403.10 – Watershed Protection Overlay District (WP), and 900 – Entranceways shall be demonstrated at time of Final Site Plan for all the development options.
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. Parking shall be provided to serve existing office buildings at a quantity no less than 168 parking spaces. Access and parking compliance shall be demonstrated prior to Final Site Plan approval if applicant proposes changes to the existing layout of parking areas serving the existing office buildings.
5. All roof mounted HVAC equipment shall be screened from view from I-75, Town Center Parkway, adjacent properties, and internal driveways. Screening shall consist of buildings materials matching the buildings on site, or opaque fence. Details of screening shall be submitted and approved with Final Site Plan.
6. Location of dumpsters or compactors and details of screening shall be submitted a Final Site Plan. Dumpsters or compactors shall be screening from view from I-75, principal buildings, adjacent properties, and internal driveways. Screening shall consist of building materials and colors matching buildings on site.
7. Buildings elevations for office buildings (Options A and B) shall be submitted at time of Final Site Plan submittal for review and approval.
8. All buildings facades visible from I-75 shall exhibit an aesthetically attractive appearance. All building facades shall include landscaping and design features which reduce the mass, scale, and uniform monolithic appearance of large unadorned walls. Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed standard concrete block or corrugated metal shall not be permitted. Architectural metals or standard concrete block with stucco type finish, in conjunction with other permitted building materials may be allowed, provided that at least fifty percent (50%) of the building face is constructed from other permitted materials.
9. Option B shall show compliance with maximum allowed net density (20 du/acre) at time of Final Site Plan.
10. Proposed residential building(s) within Option B (assisted living facility) shall be setback no less than a distance equal to the proposed building height (45 feet) from:
  - adjacent existing office buildings, and
  - the north property line of the overall 20.42 acre development.
11. The proposed assisted living facility within Option B shall comply with the applicable regulations of LDC Section 531.45 (Residential Care Facilities).
12. Proposed residential buildings within Option B (assisted living facility) and Option C (multi-family) shall be in substantial conformance with the elevations entered into records (Attached as Exhibit B). A superior alternative may be approved by the Building and Development Services Department Director. Building elevations shall be provided with the Final Site Plan for review and approval.
13. For the residential component of Option B (assisted living facility) and for Option C (multi-family development), prior to Final Site Plan approval, a noise analysis shall be done based on the potential ten-lane configuration of I-75 and anticipated traffic in 2025.

Manatee County noise level criteria for residential properties

<b>MANATEE COUNTY NOISE STIPULATION</b>
<p>No residential dwelling units shall be allowed in areas where the exterior noise level is;</p> <p>Ldn&gt;65 dBA:                  Leq design hour &gt; 65 dBA: or                  L10 design Hour &gt;68 dBA</p> <p>Unless protected by some performance equivalent measure to achieve;</p> <p>Ldn #65dBA,                  Leq design hour # 65 dBA, or                  L10 design hour # 68 dBA</p>
<b>NOISE REDUCTION REQUIRED*</b>
<p>Sound attenuating barriers shall be provided between the residential units and the noise source.</p> <p>Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and florida rooms.</p> <p>Buildings shall be positioned to maximize the distance between the residential units and the noise source.</p>

\*For more detailed information see “The Noise Guidebook – A Reference document for implementing the Department of Housing and Urban Development’s Noise Policy”, prepared by the Environmental Planning Division, Office of Environmental and Energy.

14. Proposed residential buildings within Option C (multi-family) shall be setback no less than a distance equal to the proposed building height (80 feet) from:
  - adjacent existing office buildings, and
  - the north and south property lines of the overall 20.42 acre development.
  
15. For Option C (multi-family), a Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the Sales Contract, and in the Final Site Plan, and shall include language informing prospective homeowners of the following:
  - a. There is planned thoroughfare adjacent to the project (I-75), a ten-lane limited access roadway, and potential noise associated with this planned roadway.
  
16. Option C, multi-family will be designed such that the multi-family building will be located on the north half of the project site.
  
17. Option C (multi-family) shall be designed in compliance with the “Concept Access Plan” attached to the Ordinance as Exhibit C.

**B. INFRASTRUCTURE CONDITIONS:**

1. Any encroachment within the regulatory floodway will require No-Rise Certification with all technical data signed and sealed, demonstrating no rise in the base flood of the floodway.
2. 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 CONDITIONS:**

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. A Management Plan, approved by the appropriate State or federal agency, shall be provided to the County for any listed species found on-site, prior to Final Site Plan approval.
2. 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 519 of the LDC.
3. 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.
4. 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.

**Section 3. SPECIFIC APPROVAL.** Specific Approval is hereby granted for an alternative to Land Development Code Section 1001.C (Second Means of Access required) applicable to the General Development Plan (Option C – multi-family).

**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 5<sup>th</sup> day of September 2019.

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

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

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

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

**Exhibit "A"**

**Legal Description**

A TRACT OF LAND LYING IN SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA AND DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 36; THENCE S 01°15'17" W ALONG THE EASTERLY LINE OF THE NORTHEAST 1/4 OF SAID SECTION 36, ALSO BEING THE EASTERLY LINE OF A TRACT OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1582, PAGE 626, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, A DISTANCE OF 1,532.94 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE N 88°43'57" W ALONG THE SOUTHERLY LINE OF SAID TRACT, ALSO BEING THE NORTHERLY LINE OF LAKEWOOD RANCH TOWN CENTER PHASE I; SUBPHASE B A/K/A OFFICE PARK, A COMMERCIAL SUBDIVISION AS RECORDED IN PLAT BOOK 34, PAGE 37 OF SAID PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, A DISTANCE OF 595.80 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 88°43'57" W ALONG SAID LINE, A DISTANCE OF 774.51 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF PREMISES CONVEYED TO THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION BY ORDER OF TAKING DATED APRIL 21, 1977 AND RECORDED IN OFFICIAL RECORD BOOK 842 ON PAGES 172 THROUGH 179 OF THE ABOVE MENTIONED PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, ALSO KNOWN AS STATE ROAD 93 (INTERSTATE 75); THENCE N 13°40'23" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1,225.86 FEET; THENCE N76°19'35" E, A DISTANCE OF 274.25 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF 45°41'16"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 239.22 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N 30°38'19" E, A DISTANCE OF 33.78 FEET; THENCE S 50°43'58" E, A DISTANCE OF 244.57 FEET; THENCE S 05°54'39" E, A DISTANCE OF 136.76 FEET; THENCE S 32°08'21" E, A DISTANCE OF 128.86 FEET; THENCE S 21°08'51" E, A DISTANCE OF 244.65 FEET; THENCE N 87°58'00" E, A DISTANCE OF 131.87 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 234.00 FEET AND A CENTRAL ANGLE OF 02°54'37"; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 11.89 FEET TO THE END OF SAID CURVE; THENCE S 02°02'00" E, A DISTANCE OF 50.30 FEET; THENCE S 87°58'00" W, A DISTANCE OF 126.42 FEET; THENCE S 21°08'51" E, A DISTANCE OF 50.05 FEET; THENCE S 09°04'12" W, A DISTANCE OF 433.80 FEET; THENCE S 42°30'34" E, A DISTANCE OF 390.98 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN ACCESS AND UTILITIES EASEMENT DESCRIBED IN THE SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 1955, PAGE 2767, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

A TRACT OF LAND LYING IN SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, AND DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 36; THENCE S 01°15'17" W, ALONG THE EASTERLY LINE OF THE NORTHEAST 1/4 OF SAID SECTION 36, ALSO BEING THE EASTERLY LINE OF A TRACT OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1582, PAGE 626, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, A DISTANCE OF 1,532.94 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE N 88°43'57" W, ALONG THE SOUTHERLY LINE OF SAID TRACT, AND THE NORTHERLY LINE OF LAKEWOOD RANCH TOWN CENTER PHASE I, SUBPHASE B, A/K/A OFFICE PARK, A COMMERCIAL SUBDIVISION, AS RECORDED IN PLAT BOOK 34, PAGE,37, OF SAID PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, A DISTANCE OF 336.58 FEET TO THE NORTHWEST CORNER OF TOWN CENTER PARKWAY AS SHOWN ON SAID PLAT OF TOWN CENTER PHASE I, SUBPHASE B, A/K/A OFFICE PARK, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A 10-FOOT WIDE FLORIDA POWER AND LIGHT COMPANY UTILITY EASEMENT RECORDED IN OFFICIAL RECORD BOOK 1656, PAGE 3789, OF SAID PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA: THE FOLLOWING 4 CALLS ARE ALONG THE EASTERLY LINE OF SAID 10-FOOT FLORIDA POWER AND LIGHT COMPANY UTILITY EASEMENT: THENCE N 01°15'38" E, A DISTANCE OF 69.37 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING OF RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF 35°14'25"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 246.02 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF 77°39'57"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 406.66 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N 41°09'55" W, A DISTANCE OF 269.10 FEET TO THE POINT OF BEGINNING; THENCE S48°50'05" W, A DISTANCE OF 76.08 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 210.00 FEET AND A CENTRAL ANGLE OF 39°07'55"; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 143.43 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 87°58'00" W, A DISTANCE OF 46.11 FEET THENCE N 02°02'00" W, A DISTANCE OF 50.30 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N 04°56'37" W, A RADIAL DISTANCE OF 234.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 36°13'17", AN ARC LENGTH OF 147.93 FEET TO THE POINT OF TANGENCY OF SAID CURVE: THENCE N 48°50'05" E., A DISTANCE OF 74.36 FEET TO A POINT ON THE ABOVE MENTIONED EASTERLY LINE OF A 10-FOOT FLORIDA POWER AND LIGHT COMPANY UTILITY EASEMENT: THENCE S 41°09'55" E ALONG SAID WESTERLY LINE, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT CONDOMINIUM PARCELS 7-A-1, 7-B-1, 7-C-1, 7-D-1, 7-E-1, 7-F-1, 7-G-1, 7-H-1, 7-I-1, 7-J-1, 7-K-1, 7-L-1, 7-M-1, 8-A-1, 8-B-1, 8-C-1, 8-D-1, 8-E-1, 8-F-1, 8-G-1, 8-H-1, 8-I-1, 8-J-1, 8-K-1, 8-L-1, 8-M-1, 9-A-1, 9-B-1, 9-C-1, 9-D-1, 9-E-1, 9-F-1, 9-G-1, 9-H-1, 9-I-1, 9-J-1, 9-K-1, 9-L-1, 9-M-1, 10-A-1, 10-B-1, 10-C-1, 10-D-1, 10-E-1 10-F-1, 10-G-1, 10-H-1, 10-I-1, 10-J-1, 10-K-1, 10-L-1 AND 10-M-1 OF PROFESSIONAL CENTER AT LAKEWOOD RANCH, A CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF RECORDED IN OFFICIAL RECORDS BOOK 2198, PAGE 1124, AS AMENDED IN OFFICIAL RECORDS BOOK 2198, PAGE 1345, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

MULTI-FAMILY - ELEVATIONS





Exhibit B

