

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	Ordinance 11-18 - Parrish Lakes DRI#28	TYPE AGENDA ITEM	Advertised Public Hearings - Consent
DATE REQUESTED	7/14/11 PC	DATE SUBMITTED/REVISED	7/6/11
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	None
DEPARTMENT/DIVISION	Building and Development Services/Comprehensive Planning-Public Hearings	AUTHORIZED BY TITLE	John Osborne, AICP, Planning and Zoning Official <i>JB</i>
CONTACT PERSON TELEPHONE/EXTENSION	Lisa Barrett/748-4501 ext. 6884	PRESENTER/TITLE TELEPHONE/EXTENSION	Lisa Barrett/ Planning Manager/ 748-4501 ext. 6884
ADMINISTRATIVE APPROVAL			

ACTION DESIRED INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED
<p>1. I move to rescind the motion passed at the June 9, 2011 Planning Commission meeting to continue the public hearing for Ordinance 11-18 Parrish Lakes DRI #28 to the August 14, 2011 Planning Commission Meeting.</p> <p>AND</p> <p>2. I move to continue the public hearing for Ordinance 11-18 Parrish Lakes DRI #28 to August 11, 2011 at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administrative Center, 1st Floor Chambers, and to be readvertised.</p>

ENABLING/REGULATING AUTHORITY Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy
380.06 (11) Florida Statutes and Rule 9J-2.022, FAC

BACKGROUND/DISCUSSION
<ul style="list-style-type: none"> • At the June 9, 2011 Planning Commission this item was continued to August 14, 2011 Planning Commission. This was done in error. • The date was incorrect. The correct date should have been August 11, 2011. • Two different motions are needed to correct this error. The first motion is rescinding the motion passed at the June 9, 2011 Planning Commission meeting. The second motion would be to continue Ordinance 11-18 to August 11, 2011 Planning Commission. • The project will also be readvertised for the August 11, 2011 Planning Commission to avoid any confusion in this matter.

COUNTY ATTORNEY REVIEW	
Check appropriate box	
<input type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: _____)
<input checked="" type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

ATTACHMENTS: (List in order as attached)	INSTRUCTIONS TO BOARD RECORDS:
N/A	N/A

COST:	N/A	SOURCE (ACCT # & NAME)	N/A
COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	LDA-09-04(R) –Local Development Agreement for Summer Woods Subdivision	TYPE AGENDA ITEM	Advertised Public Hearing – Consent
DATE REQUESTED	07/14/2011 PC	DATE SUBMITTED/REVISED	07/6/11
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Building & Development Services Division -Planning	AUTHORIZED BY TITLE	John Osborne, AICP, Planning & Zoning Administrator 
CONTACT PERSON TELEPHONE/EXTENSION	John Osborne - 748-4501 X6825 DTS#20100212	PRESENTER/TITLE TELEPHONE/EXTENSION	John Osborne - 748-4501 X6825
ADMINISTRATIVE APPROVAL			

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

Based upon the evidence presented, comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan and Manatee County Land Development Code, I move to recommend approval of LDA-09-04(R) for Summer Woods Subdivision, as recommended by staff.

ENABLING/REGULATING AUTHORITY
Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

Manatee County Comprehensive Plan and Manatee County Land Development Code.

BACKGROUND/DISCUSSION

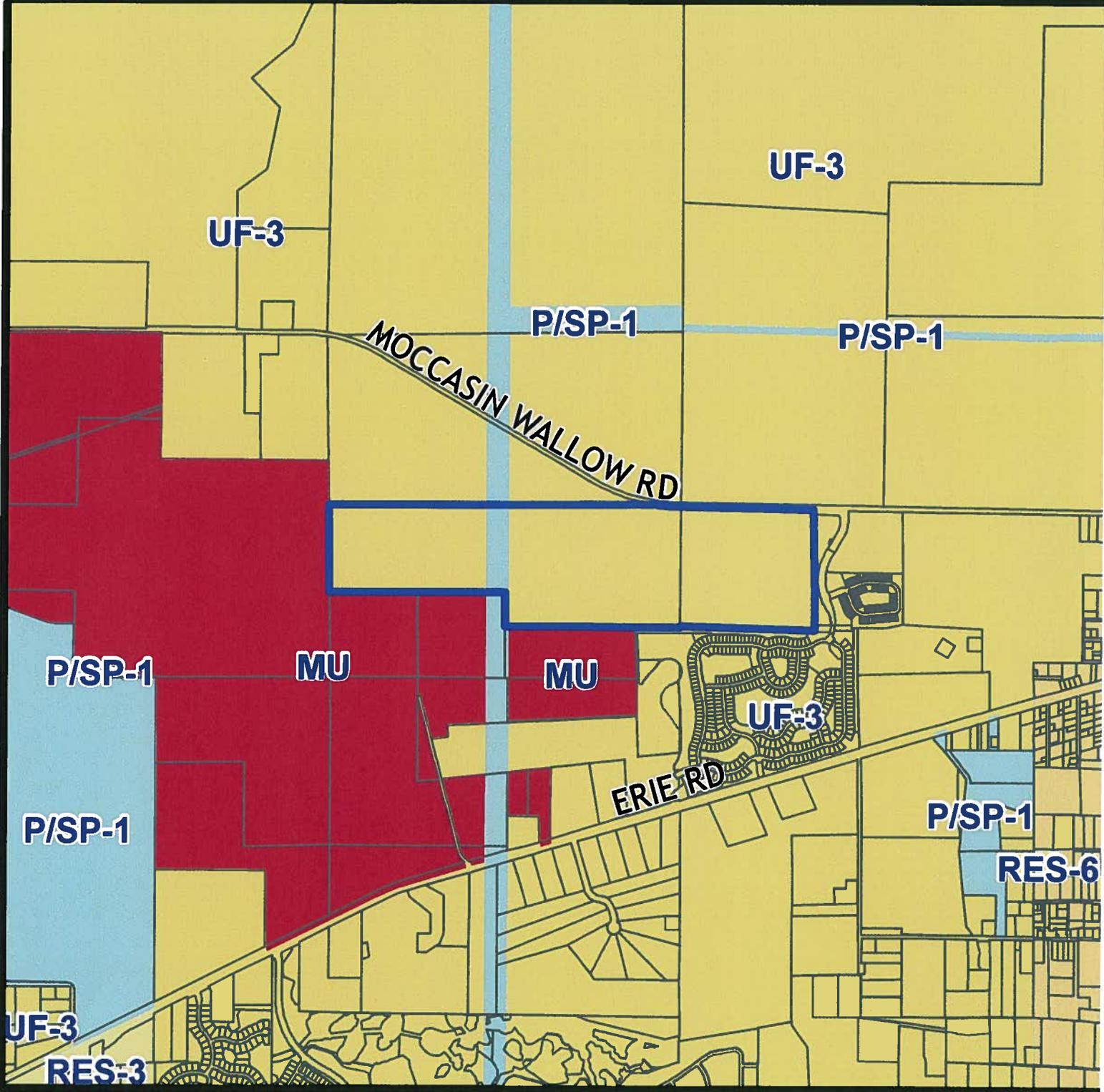
- The request is for approval of an amended LDA for the Summer Woods Subdivision which is south of Moccasin Wallow Road, approximately one mile west of US 301 in Parrish.
- In 2007 a rezone from A/NCO to PDR/NCO and Preliminary Site Plan approval for 240 single-family detached residences, 60 single-family attached residences, and 2 single-family semi-detached residences was granted on ±191 acres of the site.
 - A CLOS and LDA were approved, expiring on 11/10/14.
- On June 21, 2010, a new site plan, PDR-09-14(Z)(P) – Claude and Cynthia Young/Summer Woods, for the site was approved by the Board of County Commissioners for 562 units with an optional daycare center on approximately 268.14 ac.
 - A new CLOS was issued which expires on 06/21/13.
 - The applicant now requests to amend the LDA for the additional units and extend the life of the existing CLOS.
- The applicant submitted the LDA for a CLOS extension to December 31, 2018, in exchange for the following:
 - Payment of \$310,716 which sum is the prorated amount due for an annual extension calculated at the rate of One Hundred Dollars (\$100) per unit per year. A one-time extension is also permitted for an additional fee.
 - The applicant will provide right-of-way for Moccasin Wallow Road (one-half right-of-way width of 75 feet) and a non-exclusive access, flowage and stormwater retention easement through the project's stormwater retention facilities to accommodate stormwater retention for the build-out of Moccasin-Wallow Road as a six (6) lane thoroughfare road.
 - The applicant will provide right-of-way for Sawgrass Road (right-of-way width of 120 feet) and provide a non-exclusive access, flowage and stormwater retention easement through the project's stormwater retention facilities to accommodate stormwater retention for the build-out of Sawgrass Road as a four (4) lane divided road.
 - The applicant will contribute \$110,627 for intersection improvements to US 301 and Moccasin-Wallow Blvd. The applicant shall waive that amount of impact fee credits.
 - Project entrance improvements, or if requested by the County cost of entrance improvements will be contributed to Moccasin Wallow widening project.
- Manatee County will provide impact fee credits (excluding potable water and wastewater facility investment fees) for the design, permitting and construction (and the payment of proportionate share mitigation in connection therewith), and/or dedication of such improvements in such amounts consistent with the County's Impact Fee Ordinance.
- The agreement also reflects required site related (non-transportation concurrency) improvements.

- Staff recommends approval of this agreement.

COUNTY ATTORNEY REVIEW	
Check appropriate box	
<input checked="" type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input checked="" type="checkbox"/> Available from Attorney (Attorney's initials: WEC)
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
1. Recommended LDA 2. Copy of Newspaper Advertising		n/a	
COST:	n/a	SOURCE (ACCT # & NAME):	n/a
COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	

FUTURE LAND USE



Parcel ID #(s) 401600002, 651800005

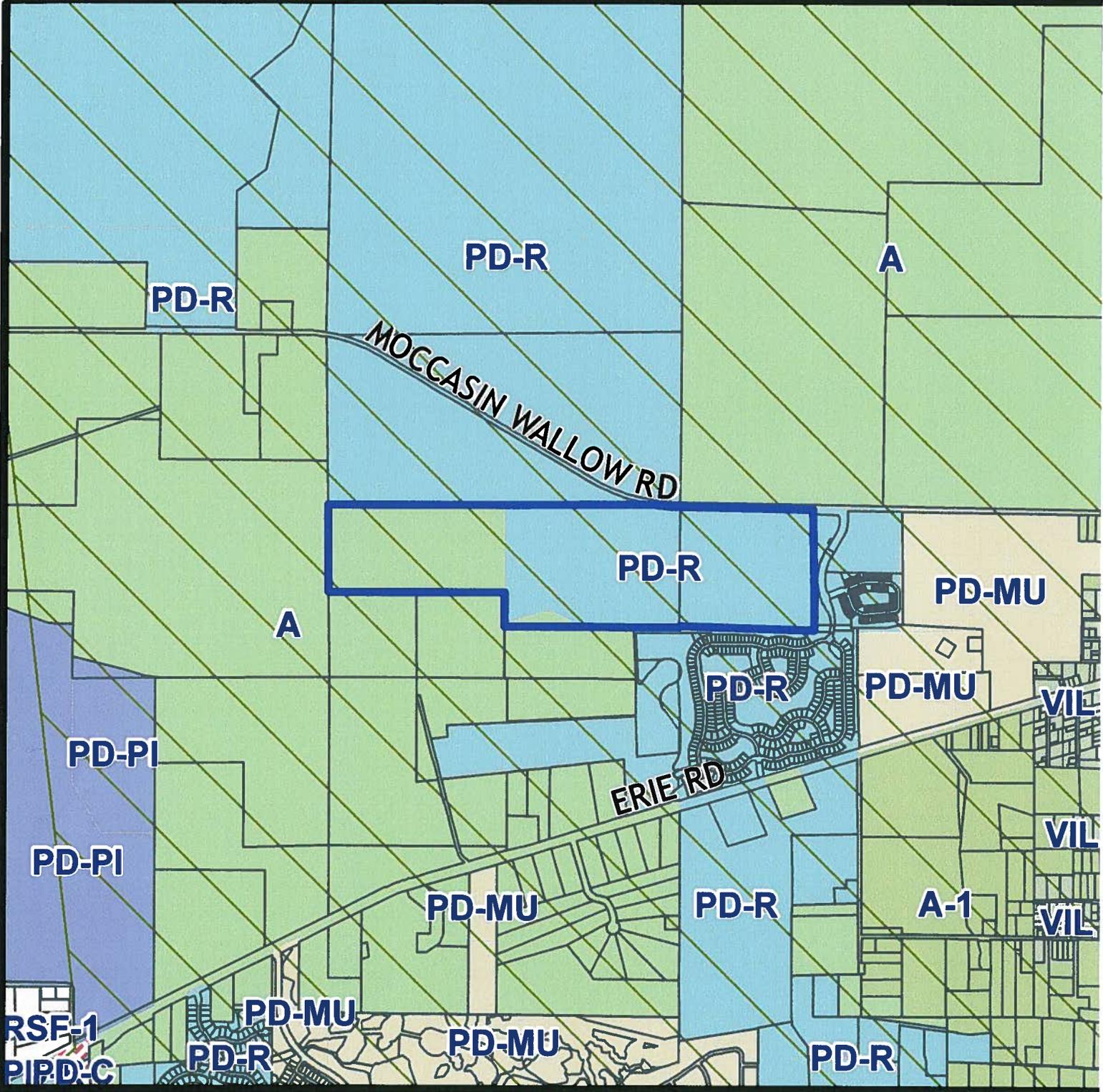
Project Name: Summer Woods Amended LDA
 Project #: LDA-09-04 (R)
 DTS#: 20100212
 Proposed Use: Residential

S/T/R: Sec 19,23,24 Twn 33 Rng 19,18
 Acreage: 268.14
 Existing Zoning: A, PD-R
 Existing FLU: UF-3, P/SP-1
 Overlays: NCO
 Special Areas: NONE

CHH: NONE
 Watershed: NONE
 Drainage Basin: BUFFALO CREEK
 Commissioner: Larry Bustle


 Manatee County
 Staff Report Map
 Map Prepared 6/22/2011
 1 inch = 2,064 feet

ZONING



Parcel ID #(s) 401600002, 651800005

Project Name: Summer Woods Amended LDA
 Project #: LDA-09-04 (R)
 DTS#: 20100212
 Proposed Use: Residential

S/T/R: Sec 19,23,24 Twn 33 Rng 19,18
 Acreage: 268.14
 Existing Zoning: A, PD-R
 Existing FLU: UF-3, P/SP-1
 Overlays: NCO
 Special Areas: NONE

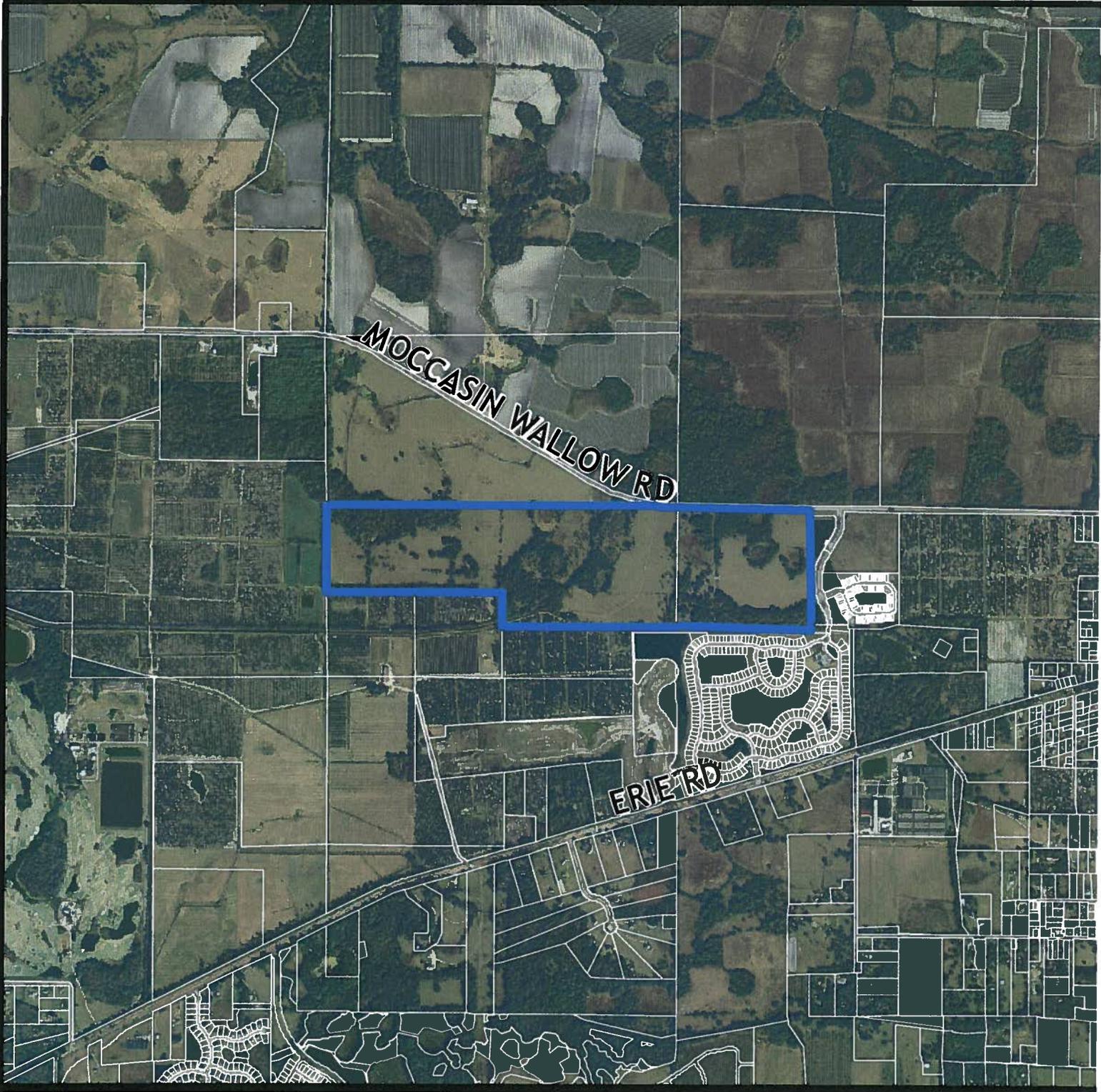
CHH: NONE
 Watershed: NONE
 Drainage Basin: BUFFALO CREEK
 Commissioner: Larry Bustle

Manatee County
 Staff Report Map
 Map Prepared 6/22/2011
 1 inch = 2,064 feet

Overlays

 North Central Overlay

AERIAL



Parcel ID #(s) 401600002, 651800005

Project Name: Summer Woods Amended LDA
Project #: LDA-09-04 (R)
DTS#: 20100212
Proposed Use: Residential

S/T/R: Sec 19,23,24 Twn 33 Rng 19,18
Acreage: 268.14
Existing Zoning: A, PD-R
Existing FLU: UF-3, P/SP-1
Overlays: NCO
Special Areas: NONE

CHH: NONE
Watershed: NONE
Drainage Basin: BUFFALO CREEK
Commissioner: Larry Bustle



Manatee County
Staff Report Map

Map Prepared 6/22/2011
1 inch = 2,064 feet

**SUMMERWOODS
AMENDED AND RESTATED LOCAL DEVELOPMENT AGREEMENT**

This **AMENDED AND RESTATED LOCAL DEVELOPMENT AGREEMENT** (“Development Agreement”) is made and entered into this ____ day of _____, 2011, by and between **MANATEE COUNTY**, a political subdivision of the State of Florida, whose address is 1112 Manatee Avenue West, Bradenton, Florida 34205, (the “County”) and **CLAUDE YOUNG and CYNTHIA YOUNG**, Husband and Wife, whose address is c/o 8210 Lakewood Ranch Blvd, Bradenton, Florida 34202, (the “Applicant”).

WITNESSETH:

WHEREAS, Applicant holds legal title to a 268.14± acre parcel of real property located in Manatee County and generally bounded by Moccasin-Wallow to the north, 115th Avenue East to the east, Buffalo Canal to the south, and Sawgrass Road (future) to the west (the “Project Site”), the complete legal description for which is attached hereto as Exhibit “A”; and

WHEREAS, the parties previously executed and delivered a Local Development Agreement, dated October 1, 2009 and recorded in OR Book 2315, Page 2573 of the Public Records of Manatee County, Florida, concerning the development of 302 single family residential units on a portion of the Project Site, (the “Original Development Agreement”), and

WHEREAS, on June 21, 2010, Applicant received zoning and preliminary site plan approval from Manatee County pursuant to Ordinance No. PDR-09 (Z) (P) to allow the development of a total of 562 single family residential units to be constructed on the Project Site (the “Project”); and

WHEREAS, the Project now includes the 302 single family residential units approved as part of the Original Development Agreement and an additional 260 single family residential units approved as part of the Project for a total of 562 single family residential units; and

WHEREAS, the Applicant intends to dedicate or convey certain additional lands and, by such conveyances, to make a proportionate share contribution to the construction of certain

improvements to the public facilities in the vicinity of the Project Site, all such lands and improvements intended to serve the needs of and address the impacts created by the Project (the “Improvements”); and

WHEREAS, the Improvements contemplated hereunder have been included within this Development Agreement for the purpose of addressing all aspects of concurrency for the Project and the provision of adequate public facilities and services needed to support such new development; and

WHEREAS, Section 163.3180, Florida Statutes, requires that public facilities and services needed to support new development shall be available concurrent with the impact of such new development; and

WHEREAS, in support of its desire to obtain an extended Certificate of Level of Service Compliance (a “CLOS”) for the Project, Applicant intends to make certain payments and undertake certain actions as hereinafter specified, and guarantee the performance of same in an enforceable Development Agreement as authorized by Sections 163.3220 through 163.3246, Florida Statutes; and

WHEREAS, the County has made a determination that a CLOS for the Project can be issued and later extended since the Project will not result in a reduction of the level of service standards adopted by the Comprehensive Plan of Manatee County (the “Comprehensive Plan”) for solid waste, stormwater, law enforcement, public safety, and parks (with public school facilities, potable water and sanitary sewer deferred to the time of final site plan application); and

WHEREAS, the County has made a determination that a CLOS for transportation cannot be issued for the Project unless certain improvements, including without implied limitation dedication of real property and/or a proportionate share contribution to the construction of facilities, occur in the vicinity of the Project Site as more fully specified herein; and

WHEREAS, the Land Development Code (the “LDC”) provides that a CLOS for the Project may be issued contingent upon the payment of proportionate share mitigation and/or construction of the necessary public facilities and services being guaranteed in an enforceable

Development Agreement entered into pursuant to Sections 163.3220 through 163.3243, Florida Statutes; and

WHEREAS, in accordance with the applicable Florida Statutes and Section 510.9.2.1.1 of the LDC, the County is authorized to issue a CLOS for a term greater than three (3) years subject to the required public facilities and services being guaranteed in a Development Agreement; and

WHEREAS, pursuant to Section 163.3220, Florida Statutes, et seq., the County is authorized to enter into a Development Agreement; and

WHEREAS, certain of the Improvements to be constructed or dedicated or participated in by Applicant create additional capacity above that required by the Project for concurrency purposes and are therefore eligible for partial impact fee credits pursuant to Chapter 8 of the LDC; and

WHEREAS, the satisfaction of road concurrency obligations through proportionate share mitigation and the issuance of an extended CLOS for the Project are appropriate in this instance because the list of remaining concurrency improvements is relatively small, and some of the remaining concurrency improvements will not be needed until a substantially later date; and

WHEREAS, the County intends to grant to Applicant impact fee credits (excluding potable water and wastewater facility investment fees and public school facilities) for the design, permitting, construction, and/or dedication of such Improvements in such amounts as are authorized by the County's impact fee ordinance, as permitted herein; and

WHEREAS, the first of two required public hearings on this Development Agreement was held by the Planning Commission on _____, 2011, at which time the Planning Commission has reviewed this Development Agreement, has received the recommendation of the Planning staff, and has found the Development Agreement to be consistent with the Manatee County Comprehensive Plan; and

WHEREAS, the second required public hearing on this Development Agreement was held by the Board of County Commissioners (the "Board") on _____, 2011, at

which time the Board approved this Development Agreement and authorized the Chairman to execute the Development Agreement on behalf of Manatee County.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereby agree as follows:

1. **Recitals True and Correct.** The recitals set forth above are true and correct and are incorporated herein by reference.

2. **Description of Development Uses.** The Project shall be developed including the following components:

- Five Hundred Sixty Two (562) single family residential units.

The maximum permitted height of any structure within the Project Site is thirty-five (35) feet for residential or commercial uses, measured pursuant to the applicable provisions of the LDC pertaining to maximum height of structures. The Project Site is located within the Planned Development Residential Zoning District. The Project Site is within the UF-3 Future Land Use Classification of the Comprehensive Plan.

3. **Ownership of Land Subject to Development Agreement.** A legal description of the land subject to this Development Agreement (i.e., the Project Site, the 268.14 ± acre parcel of real property) is attached hereto as Exhibit “A”. The current legal owner of the Project Site is **CLAUDE YOUNG and CYNTHIA YOUNG, Husband and Wife.**

4. **Definitions.** As used in this Agreement, the following words, terms, and phrases shall have the meanings ascribed to them here:

(A) “Concurrency Requirements”: shall mean the dedication or conveyance of lands for public purposes and/or the design and construction of improvements to public facilities (and the payment of proportionate share mitigation in connection therewith) that the Applicant must provide to meet the concurrency requirements of the Land Development Code.

(B) “County Administrator”: shall mean the County Administrator or his designee.

(C) “Traffic Study”: shall mean the Traffic Study entitled “Summerwoods Traffic Study” prepared by Wilson Miller, Inc., and dated and certified as of April, 2010, a copy of which is attached hereto and incorporated by reference as Exhibit “B”.

5. **Description of Public Facilities.** The following public facilities and services will serve the Project described in Paragraph 2 above:

(A) Potable Water: The County will provide potable water to the Project Site in sufficient quantity to serve the Project, as and when actually constructed, via transmission lines and related facilities to be constructed by the Applicant, except to the extent otherwise agreed by County in a writing approved by the Board of County Commissioners.

(B) Sanitary Sewer: The County will provide sanitary sewer service to the Project Site in sufficient quantity to serve the Project, as and when actually constructed, via transmission lines and related facilities to be constructed by the Applicant, except to the extent otherwise agreed by County in a writing approved by the Board of County Commissioners.

(C) Solid Waste: The County will provide Solid Waste Management Services to the Project Site to serve the Project, as and when actually constructed, via facilities which are already in place.

(D) Recreation/Open Space: With the Applicant’s dedication of acreage and construction of related facilities as set forth in the approved preliminary site plan and the final site plan to be later approved, the Project will meet concurrency requirements for recreation/open space and will not result in degradation of the adopted level of service.

(E) Storm Water Management: With the Applicant’s design and construction of the proposed storm water management facilities on the Project Site in compliance with Section 717 of the LDC, or as otherwise approved by Manatee County sufficient to meet County development standards and SWFWMD regulations, the Project will meet concurrency requirements for storm water and will not result in degradation of the adopted level of service.

(F) Transportation: With the Applicant’s dedication or conveyance of certain lands, a portion of which constitutes payment of a proportionate share contribution to the

construction of certain improvements to the public facilities in the vicinity of the Project Site as described in Paragraph 6 hereof, the Project will meet concurrency requirements for transportation and will not result in degradation of the adopted level of service.

6. Concurrency Requirements.

(A) Dedication of Lands and Contributions for Public Purposes: In accordance with Section 163.3227(1)(h), Florida Statutes, the County has determined the following public facilities and services to be necessary for the public health, safety, and welfare of its citizens. In furtherance thereof, Applicant agrees to dedicate the following lands within, or in the vicinity of, the Project Site, and contribute funds, all for the future construction of public facilities and services as stated below:

(i) Roads – Moccasin-Wallow Road: As depicted on the Preliminary Site Plan for the Project, a roadway known as Moccasin-Wallow Road is planned for construction adjacent to the Project Site. ~~Upon recordation of the first plat for any portion of the Project Site request from Manatee County and receipt of the required transfer documents in a form approved by Manatee County,~~ Applicant shall dedicate land for the public right-of-way of Moccasin-Wallow Road, such that Moccasin-Wallow Road shall have a one-half right-of-way width of seventy five (75) feet. ~~In the event construction of Moccasin-Wallow Road is required by County more quickly than the Project's construction is progressing, then within six (6) months after receipt of a written notice from Manatee County, Applicant shall convey and/or dedicate to Manatee County the required right of way for Moccasin-Wallow Road. At such time~~ ~~the~~ Applicant shall also convey to the County a non-exclusive access, flowage and stormwater retention easement through the stormwater retention facilities for the Project to accommodate the stormwater retention requirements for the build-out of Moccasin-Wallow Road as a 6 lane thoroughfare road.

(ii) Roads – Sawgrass Road: As depicted on the Preliminary Site Plan for the Project, a roadway known as Sawgrass Road is planned for construction along the western boundary of the Project Site. ~~Upon request from Manatee County and receipt of the required transfer documents in a form approved by Manatee County~~ ~~recordation of the first plat for any portion of the Project Site,~~ Applicant shall dedicate land for the public right-of-way of

Sawgrass Road, such that Sawgrass Road shall have a right-of-way width of one hundred twenty (120) feet. ~~In the event construction of Sawgrass Road is required by County more quickly than the Project's construction is progressing, then within six (6) months after receipt of a written notice from Manatee County, Applicant shall convey and/or dedicate to Manatee County the required right-of-way for Sawgrass Road. At such time~~ The Applicant shall also convey to the County a non-exclusive access, flowage and stormwater retention easement through the stormwater retention facilities for the Project to accommodate the stormwater retention requirements for the build-out of Sawgrass Road as a 4 lane divided roadway; and

(B) Fair Share Contribution To Signalization and Turn Lanes: Prior to the earlier of (i) recordation of ~~a the first Plat for the 303rd single family residential unit~~ within the Project, or (ii) November 10, 2014, Applicant shall contribute in cash its fair share of (a) construction of an eastbound turn lanes at Moccasin-Wallow Road and US 301 in the amount of \$28,097; (b) the cost of signalization at Moccasin-Wallow Road and US 301 in the amount of \$43,299, and; (c) the additional cost of signalization at SR 62 and US 301 in the amount of \$39,231.

(C) Project Entrance Improvements. Simultaneously with development of the first phase of the Project Site, Applicant shall construct at the primary Project entrance on Moccasin-Wallow Road (a) a 505 foot eastbound right turn lane (including no storage and a 505 foot decal and taper), and (b) a 505 foot westbound left turn lane (including a 100 foot storage and a 405 foot decal and taper). Applicant shall be responsible for wetland impacts which result from such construction, if any. Solely if requested by the County due to the pending or then planned improvements to Moccasin-Wallow Road, Applicant shall defer such construction and participate with County in the improvements to Moccasin-Wallow Road by contributing the costs of such turn lane improvements to the County at the time such funds would otherwise have been expended by Applicant.

7. **Award of Impact Fee Credits.** Pursuant to and in accordance with the LDC, the Applicant shall be awarded impact fee credits in the amounts set forth below, for the following contributions:

(A) \$89,000 for right of way for Moccasin-Wallow Road described in Section 6;

(B) \$25,000 for the access, flowage and stormwater retention easement necessary for the Moccasin-Wallow Road improvements;

(C) \$35,300 for right of way for Sawgrass Road described in Section 6;

(D) \$9,000 for the access, flowage and stormwater retention easement necessary for the Sawgrass Road improvements;

(E) \$50,307 for related engineering, permitting and construction of stormwater retention facilities provided pursuant to Section 6(A) (i and ii) hereof;

The applicant shall be eligible to receive such impact fee credits upon acceptance by the County of the above items. Applicant acknowledges and agrees that the impact fee credits awarded pursuant to this Section are the only impact fee credits to be awarded for the transportation rights of way and improvements provided in connection with the Project. Such credits shall be available for use by applicant in accordance with the LDC.

8. **Existing CLOS.** The CLOS (including exclusively transportation, recreation/open space, solid waste, and storm water) for (i) 302 single family residential units has an expiration date of November 10, 2014 in accordance with the Original Development Agreement, and (ii) 260 single family residential units has an expiration date of June 21, 2013. A CLOS for public school facilities, potable water and sanitary sewer facilities may be issued separately, subject to Applicant satisfying the requirements of the Comprehensive Plan.

9. **Extended CLOS.** Applicant and County agree to the extension of each CLOS as set forth in paragraph 8 hereof to December 31, 2018 by payment from Applicant to County of the collective sum of ~~Three Two Hundred Ten Sixty Eight~~ Three Two Hundred Sixty Eight Thousand Seven Hundred and ~~Sixteen Sixty Eight~~ Sixty Eight Dollars (\$~~310,716,268,768~~), which sum is the prorated amount due for an annual extension calculated at the rate of One Hundred Dollars (\$100) per unit per year. Such sum shall be payable partially by waiver of the impact fee credits awarded in paragraph 7 of this Development Agreement, with the balance payable in cash to County within sixty (60) days of

the Effective Date of this Development Agreement. Provided that Applicant has recorded a record plat for not less than ~~two one hundred eighty one~~ two hundred eighty one ~~thirteen~~ thirteen (281113) residential units within the Project Site prior to December 31, 2018, the Applicant may extend the maturity date of the CLOS on ~~an annual basis~~ a one time basis for up to an additional five (5) years by paying the County an ~~annual~~ extension fee, or as otherwise permitted by law. The ~~annual~~ "Extension Fee" shall be (i) due and payable within sixty (60) days of the then existing CLOS expiration date (i.e. December 31, 2018), and (ii) calculated at the rate of One Hundred Dollars (\$100) for each unplatted single family unit per year of extension, but not in excess of five (5) years. The right to obtain an extension of the CLOS shall be conditioned upon the Applicant complying with the terms of this Development Agreement, and providing the County written notice of the requested extension, a statement as to the number of single family residential units for which the extension is requested, and timely payment of the Extension Fee. Any CLOS not properly extended as permitted herein shall terminate at its then date of expiration.

10. **Annual Monitoring.** During the term of this Development Agreement the Applicant shall file an annual monitoring report relating to the Project Site with the County's Planning Director consistent with the requirements of Chapter 10 of the LDC. The first such report shall be filed one year from the Effective Date of this Development Agreement as defined herein.

11. **Concurrency Findings.** The Planning Commission, in its capacity as the Local Planning Agency of County, on _____, 2011, found that the concurrency requirements of the Comprehensive Plan and LDC will be met for the Project regarding the transportation facilities and services described in Paragraph 5 provided the terms and conditions of this Agreement are undertaken and performed by Applicant.

12. **Consistency with Comprehensive Plan.** The Planning Commission, in its capacity as the Local Planning Agency of the County, on _____, 2011, specifically found that the Project, as detailed in Ordinance No. PDR-09 (Z) (P), the Original Development Agreement and this Development Agreement, are consistent with the Comprehensive Plan of Manatee County and the Land Development Regulations of the County provided that the Applicant performs all obligations accruing under the terms of this

Development Agreement, including without implied limitation the dedication or conveyance of real property for public purposes pursuant to Paragraph 6 hereof and the payment of its proportionate share of the costs of design and construction of the turn lanes and signalization improvements identified and described in Paragraph 6 (A)(iv) hereof.

13. **Permits Required.** The following is a description of all local development permits approved or needed to be approved for the Project Site:

- Zoning application (approved);
- Preliminary Site Plan application (approved);
- One or more Final Site Plan applications;
- One or more Preliminary Plat applications;
- One or more Final Plat applications;
- One or more applications for Special Approval in accordance with the Comprehensive Plan of Manatee County;
- One or more applications for Specific Approval in accordance with the requirements of the LDC;
- One or more Access and Driveway Permits;
- One or more Construction Plan approvals;
- One or more Building Permit applications; and
- One or more Certificates of Occupancy or of Completion.

14. **Omission from Development Agreement.** The failure of this Development Agreement to address a particular permit, condition, term, or restriction shall not relieve the Applicant of the necessity of complying with the law, including without implied limitation the

applicable provisions of the County's Comprehensive Plan or Land Development Code, governing said permitting requirements, conditions, terms, or restrictions.

15. **Disclaimer of Joint Venture.** Applicant and County represent that by the execution of this Development Agreement it is not the intent of the parties that this Development Agreement be construed or deemed to represent a joint venture or common undertaking between County and Applicant, or either, with any third party. While engaged in carrying out and complying with the terms of this Development Agreement, Applicant is an independent principal and not a contractor for or an officer or employee of County. Applicant shall not at any time or in any manner represent that it or any of its agents or employees are employees of County.

16. **Successors in Interest.** The burdens of this Development Agreement shall be binding upon, and the benefits shall inure to, all successors in interest to the parties to the Development Agreement including all mortgagees to the parties to this Development Agreement. Notwithstanding anything in this Development Agreement to the contrary, the County shall have no responsibility or liability for any obligations of Applicant under this Development Agreement, and the County does not assume any obligations to or for Applicant.

17. **Amendments:** All amendments to this Development Agreement, including any such amendments extending the term of the Development Agreement, shall be ineffective unless reduced to writing and executed by the County and Applicant, in accordance with Section 1002.9 of the LDC and Sections 163.3237 and 163.3229, Florida Statutes.

18. **Applicable County Ordinances and Codes:** In accordance with Section 163.3233, Florida Statutes, and Section 518 of the LDC, the codes, policies, and ordinances of the County governing the development of the Project upon the date of execution of this Development Agreement shall govern the development of the Project for the duration of this Development Agreement. Prior to the termination of this Development Agreement in accordance with Paragraph 27 hereof, County may apply codes, policies, and ordinances adopted subsequent to the execution hereof to the Project only if County has held a public hearing and made the determinations required by the above cited Florida Statute and LDC provision.

19. **Recording of this Agreement:** The Clerk of the Circuit Court of Manatee County, as Clerk to the Board of County Commissioners (the "Clerk") shall record this Development Agreement in the Public Records of Manatee County, Florida, no later than fourteen (14) days after the execution of this Agreement by all parties. Applicant shall bear the expense of recording this Agreement. Additionally, the Clerk shall mail a recorded copy of this Agreement to the State of Florida Department of Community Affairs by certified mail, return receipt requested no later than fourteen (14) days after the recordation of this Development Agreement. The County shall record a notice in the Public Records of Manatee County to reflect the date indicated on the return receipt card to establish the date of receipt by the Department of Community Affairs.

20. **Applicable Law and Venue.** This Agreement shall be construed, and the rights and obligations of the parties hereunder shall be determined, in accordance with the laws of the State of Florida. Venue for any litigation pertaining to the subject matter hereof shall be exclusive in Manatee County, Florida, unless prohibited by law.

21. **Severability.** In the event any term or provision of this Agreement shall be held invalid by a Court of competent jurisdiction, such invalid term or provision should not affect the validity of any term or provision hereof; and all such terms and provisions hereof shall be enforceable to the fullest extent permitted by law as if such invalid term or provision had never been part of this Agreement; provided, however, if any term or provision of this Agreement is held to be invalid due to the scope or extent thereof, then, to the extent permitted by law, such term or provision shall be automatically deemed modified in order that it may be enforced to the maximum scope and extent permitted by law.

22. **Entire Agreement.** This Development Agreement constitutes the entire agreement between the parties hereto as to the subject matter contained herein and supersedes any and all prior understandings, if any. There are no other oral or written promises, conditions, representations, understandings, or terms of any kind as conditions or inducements to the execution hereof, and none have been relied upon by either party. Any subsequent conditions, representations, warranties, or agreements shall not be valid and binding upon the parties unless

they are in writing signed by both parties and executed in the same manner as this Development Agreement.

23. **Parties Drafted Equally.** The County and Applicant agree that both parties have played an equal and a reciprocal part in drafting this Agreement. Therefore no provision of this Agreement shall be construed by a Court or judicial authority against any party hereto because such party is deemed to have drafted or structured such provisions.

24. **Notices.** All notices, demands, requests for approvals or other communications given by either party to another shall be in writing and shall be sent by registered or certified mail, postage prepaid, return receipt requested or by a recognized national overnight courier service, or by hand delivery to the office of each party indicated below and addressed as follows:

To Applicant: Claude Young and Cynthia Young
c/o 8210 Lakewood Ranch Blvd.
Bradenton, Florida 34202
Attn: Patrick K. Neal

With a Copy to: Edward Vogler II, Esq.
Vogler Ashton, PLLC
2411 – A Manatee Avenue West
Bradenton, Florida 34205

To County: Director, Planning Department
Manatee County
P.O. Box 1000
Bradenton, FL 34206

With Copies to: County Administrator
Manatee County
P.O. Box 1000
Bradenton, FL 34206

County Attorney
Manatee County
P.O. Box 1000
Bradenton, FL 34206

25. **Survival of Warranties, Representations.** The warranties, representations, covenants and obligations of the parties hereto shall be binding upon the parties and their respective successors in interest.

26. **Effective Date.** This Agreement shall become effective immediately upon the occurrence of all the following:

(A) Adoption and approval of the zoning and preliminary site plan applications by the Board of County Commissioners;

(B) The recordation of a fully executed original of this Agreement in the public records of Manatee County, Florida, as provided in Paragraph 19 hereof;

(C) The expiration of any and all appeal periods for any challenge to the approval of the zoning and preliminary site plan applications or this Agreement; and

(D) Thirty (30) days have expired since a copy of this Agreement has been received by the State Land Planning Agency as required pursuant to Section 163.3239, Florida Statutes, and Section 518 of the LDC and as evidenced by the notice recorded pursuant to Paragraph 19 hereof.

27. **Termination.** This Development Agreement shall automatically terminate and expire upon the occurrence of the first of the following:

(A) The full performance by all parties hereto of each and every one of their respective obligations arising under the terms of this Development Agreement.

(B) The expiration of fifteen (15) years from the effective date of this Agreement, as defined in Paragraph 26 above.

(C) The revocation of this Development Agreement by the Board in accordance with Section 163.3235, Florida Statutes, and Section 518 of the LDC.

(D) The execution of a written agreement by all parties, or their successors in interest, providing for the cancellation and termination of this Development Agreement.

WHEREFORE, the parties hereto have executed this Agreement as of the sate set forth above.

MANATEE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Chairman

Date: _____

ATTEST: R.B. SHORE,
Clerk of the Circuit Court

By: _____
Deputy Clerk

By: _____
Claude Young

By: _____
Cynthia Young

Date: _____

WITNESSES:

Signature

Print Name

Signature

Print Name

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this ___ day of _____, 2011, by Claude Young and Cynthia Young, husband and wife. He/she is personally known to me or who has produced _____ as identification and did not take an oath.

(Seal)

Notary Public, State of Florida
Print Name: _____

Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on **Thursday, July 14, 2011 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida** to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

Z-11-03 - WARNER CROSSING LLC/REZONE
DTS # 20110075

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 12.8 acres located on the west side of Upper Manatee River Road, north of the intersection of SR 64 and Upper Manatee River Road at 1450 Upper Manatee River Road, Bradenton from the A (General Agriculture) to the GC (General Commercial) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

Z-11-05 - FM CAPITAL CITY CORPORATION
DTS # 20110096

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the

Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 0.93 acres at the northeast corner of SR 70 (53rd Avenue East) and 30th Street East at 2955 53rd Ave. E., Bradenton from the PDC (Planned Development Commercial) and RDD-6 (Residential Duplex District, 6 dwelling units per acre) to the GC (General Commercial) zoning districts; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDO-11-11(G) - PROGRESSIVE VETERINARY PRACTICES
DTS #20110188

An Ordinance of the Board of County Commissioners of Manatee County, Florida,

regarding Land Development, approving a General Development Plan on approximately a 2.25 acre site to build an 8,000± square foot veterinary clinic; located on the north side of SR 70 at 10915 SR 70 East, approximately 1,375 feet west of Lakewood Ranch Blvd. in the PDO/WP-E/ST (Planned Development Office/Watershed Protection-Evers/Special Treatment Overlay District) zoning district; subject to stipulations as conditions of approval; providing for severability, and providing an effective date.

LDA-09-04(R) - AMENDED LOCAL DEVELOPMENT AGREEMENT FOR SUMMER WOODS DEVELOPMENT
DTS#20100212

Request: Approval of a Local Development Agreement providing for the issuance of a five (5) year certificate of level of service compliance; providing for dedication of right-of-way; providing for design, permitting and construction of project entrance improvements including turn lanes; providing for severability, and providing for an effective date. The Local Development Agreement applies to Summer Woods approved as PDR-09-14(Z/P) (268.14± acres). The proposed use of the properties is residential development. Pursuant to existing zoning, Summer Woods is approved for 562 residential units, each with a maximum height of 35 feet.

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans With Disabilities: The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Flor
06/29/2011

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

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Sarasota Herald Tribune

DO-11-11(G) - PROGRESSIVE VETERINARY PRACTICES
DTS #20110188

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding Land Development Plan on approximately a 2.25 acre site to build an 8,000± square foot veterinary clinic located on the north side of SR 70 at 10915 SR 70 East, approximately 1,375 feet west of Lakewood Ranch Blvd. in the PDO/WP-E/ST (Planned Development Office/Watershed Protection-Evers/Special Treatment Overlay District) zoning district; subject to stipulations as conditions of approval; providing for severability, and providing an effective date.

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Manatee County Building and Development Services Department
Manatee County, Florida

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	Z-11-05 – FM Capital City Corporation	TYPE AGENDA ITEM	Advertised Public Hearing – Consent
DATE REQUESTED	7/14/11 PC	DATE SUBMITTED/REVISED	7/6/11
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Building & Development Services/Public Hearings	AUTHORIZED BY TITLE	John Osborne, AICP, Planning and Zoning Official <i>JO</i>
CONTACT PERSON TELEPHONE/EXTENSION	Rossina Leider / 748-4501 ext. 6859 DTS #20110096	PRESENTER/TITLE TELEPHONE/EXTENSION	Rossina Leider / Sr. Development Review Specialist / 748-4501 ext. 6859
ADMINISTRATIVE APPROVAL			

ACTION DESIRED INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED
I move to recommend approval of Z-11-05 per the recommended motion in the staff report attached to this memo.

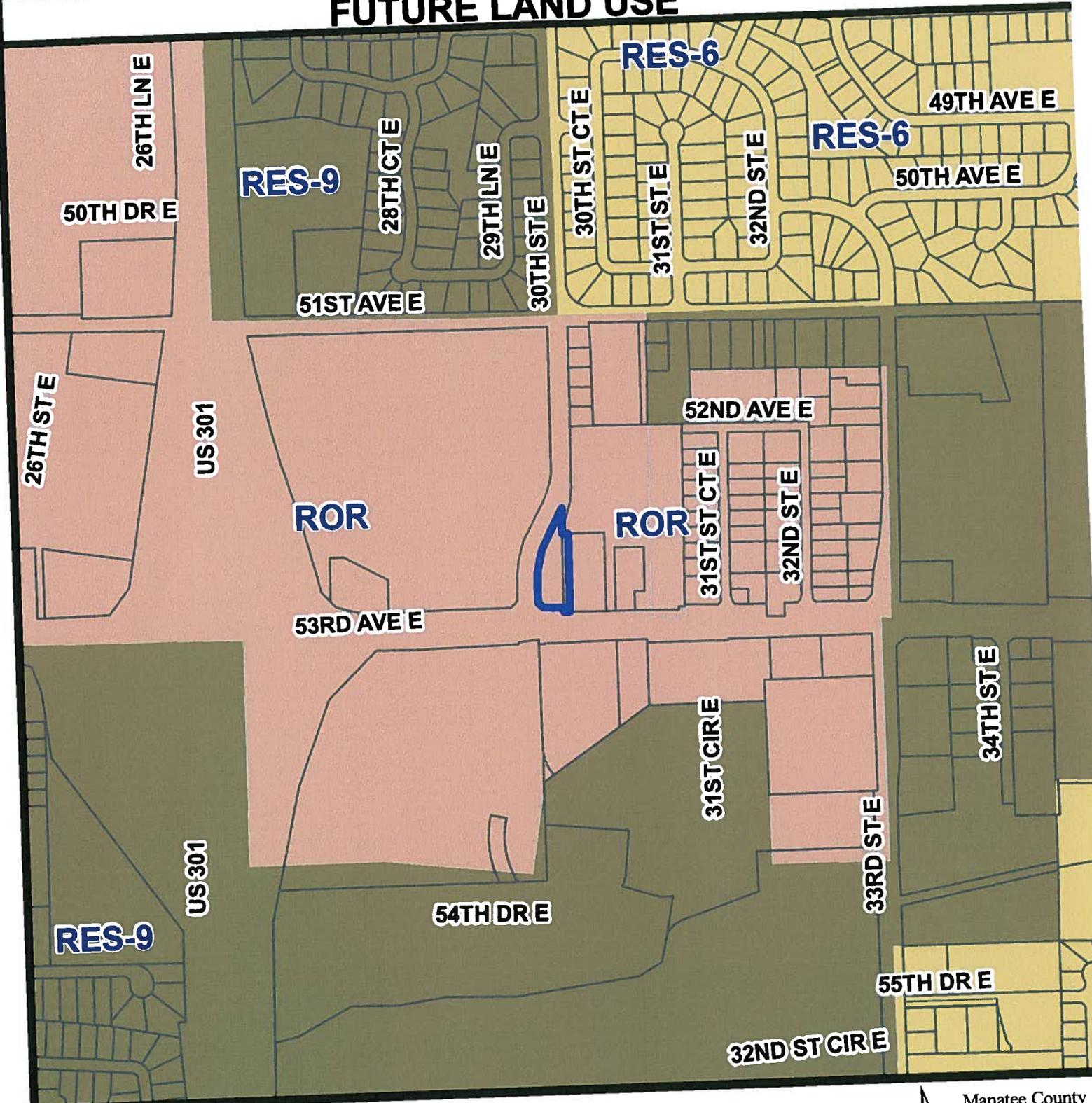
ENABLING/REGULATING AUTHORITY Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy
Manatee County Comprehensive Plan and Manatee County Land Development Code.

BACKGROUND/DISCUSSION
<ul style="list-style-type: none"> This is a straight rezone request for 0.93 ± acres located at 2955 53rd Avenue East, Bradenton, to be rezoned from PDC (Planned Development Commercial) and RDD-6 (Residential Duplex District, 6 dwelling units per acre) to the General Commercial (GC) Zoning District. The majority of the site (0.74 ± acres) has had commercial zoning since 1984. The site is surrounded by a mix of commercial uses and zoning. The adjacent parcels to the east are zoned GC. The Future Land Use Category for this property is Retail/Office/Residential (R/O/R). Developments within the GC Zoning District are limited to 50,000 gross building square feet per project. The maximum Floor Area Ratio (0.25 without Special Approval) will allow a maximum 10,127 + square foot building, except for a mini-warehouse use which allows a maximum 0.35 FAR (14,178 ± square foot building). The 0.93 ± acre site meets the 7,500 square foot minimum lot requirements for the GC zoning district. Future development activities may be restricted by some constraints (size and configuration of the site, right-of-way dedication, tree preservation, stormwater management). Staff recommends approval.

COUNTY ATTORNEY REVIEW	
Check appropriate box	
<input type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials:)
<input checked="" type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
Staff report for Z-11-05		n/a	
COST:	n/a	SOURCE (ACCT # & NAME):	n/a
COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	

FUTURE LAND USE



Parcel ID #(s) 1693100409, 1690010051

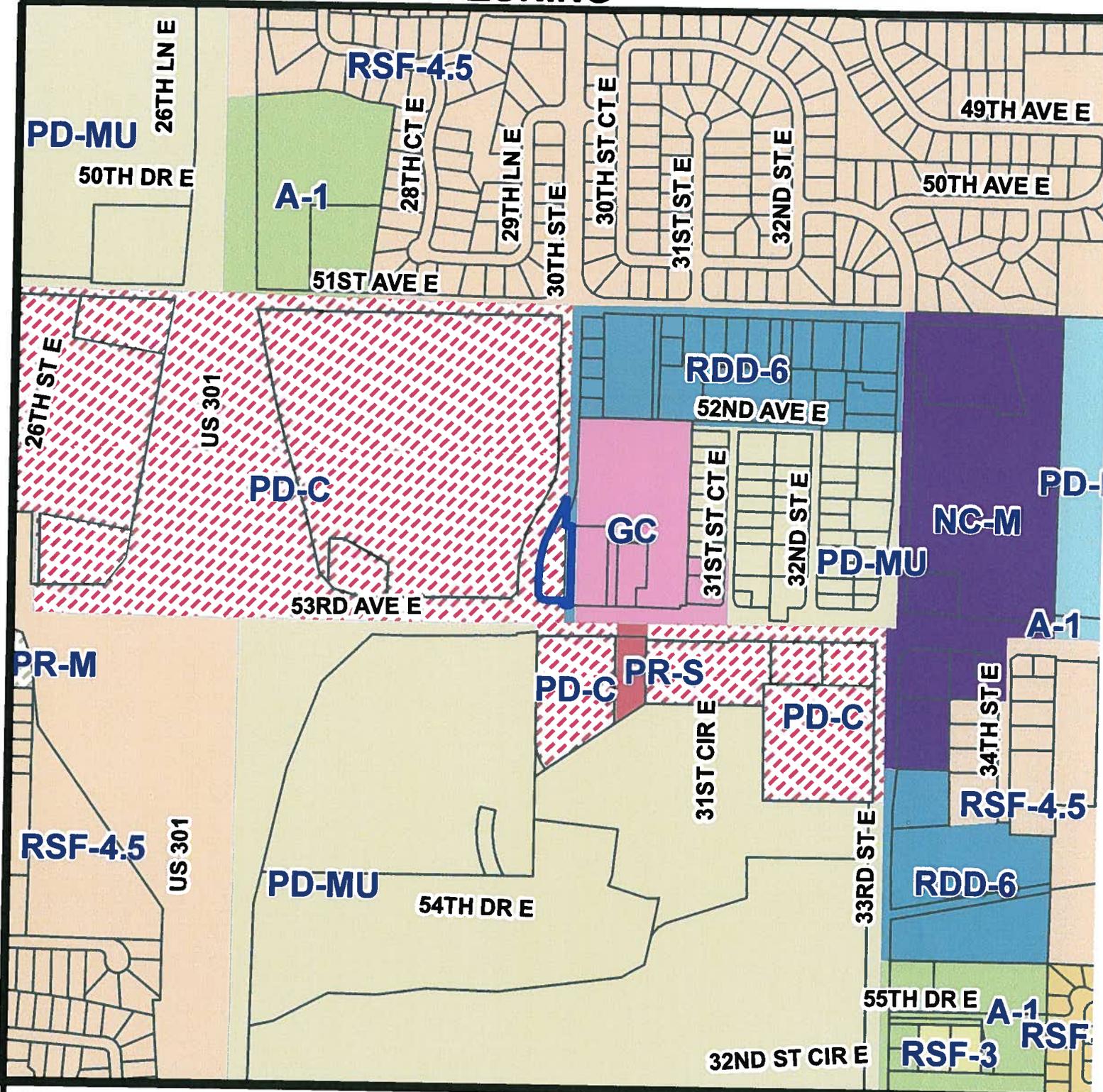

 Manatee County
 Staff Report Map
 Map Prepared 6/9/2011
 1 inch = 556 feet

Project Name: FM Capital City Corp.
 Project #: Z-11-05
 DTS#: 20110096
 Proposed Use: Rezone to GC

S/T/R: Sec 8 Twn 35 Rng 18
 Acreage: 0.93
 Existing Zoning: RDD-6, PD-C
 Existing FLU: ROR
 Overlays: NONE
 Special Areas: NONE

CHH: NONE
 Watershed: NONE
 Drainage Basin: GAP CREEK
 Commissioner: Robin DiSabatino

ZONING



Parcel ID #(s) 1693100409, 1690010051

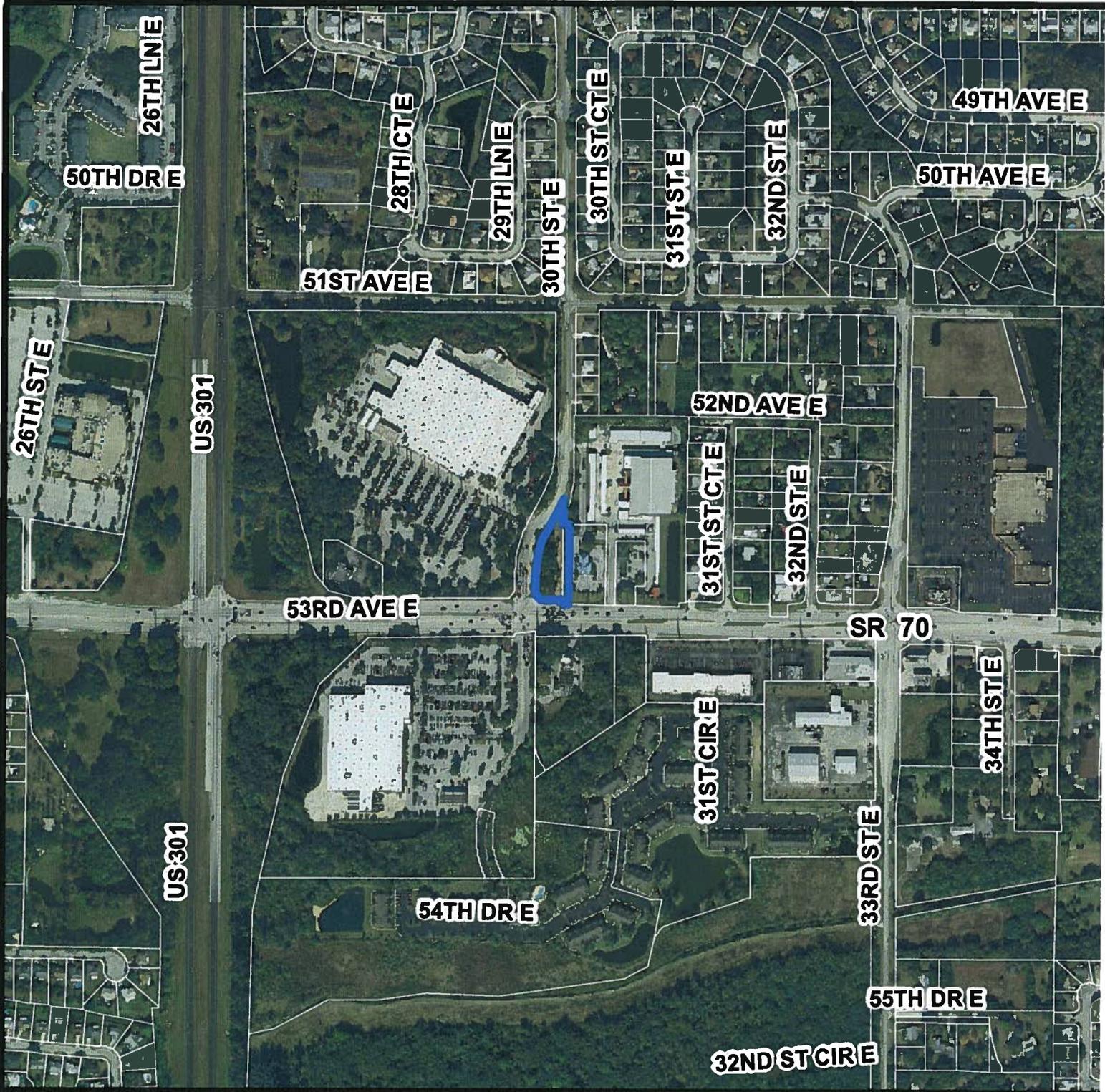
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Manatee County
 Staff Report Map
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AERIAL



Parcel ID #(s) 1693100409, 1690010051

Project Name: FM Capital City Corp.
 Project #: Z-11-05
 DTS#: 20110096
 Proposed Use: Rezone to GC

S/T/R: Sec 8 Twn 35 Rng 18
 Acreage: 0.93
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CHH: NONE
 Watershed: NONE
 Drainage Basin: GAP CREEK
 Commissioner: Robin DiSabatino

Manatee County
 Staff Report Map
 Map Prepared 6/9/2011
 1 inch = 556 feet

P.C. 07/14/2011

Z-11-05 – FM CAPITAL CITY CORPORATION (DTS # 20110096)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 0.93 acres at the northeast corner of SR 70 (53rd Avenue East) and 30th Street East, at 2955 53rd Ave. E., Bradenton from the PDC (Planned Development Commercial) and RDD-6 (Residential Duplex District, 6 dwelling units per acre) to the GC (General Commercial) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

P.C.: 07/14/2011

B.O.C.C.: 08/04/2011

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, I move to recommend ADOPTION of Manatee County Zoning Ordinance No. Z-11-05, as recommended by staff.

PROJECT SUMMARY	
CASE#	Z-11-05 (DTS # 20110096)
PROJECT NAME	FM Capital City Corporation
APPLICANT(S):	FM Capital City Corporation
PROPOSED ZONING:	GC (General Commercial)
EXISTING ZONING:	PDC (Planned Development Commercial) and RDD-6 (Residential Duplex District – 6 Dwelling Units per acre)
CASE MANAGER:	Rossina Leider
STAFF RECOMMENDATION:	APPROVAL

DETAILED DISCUSSION

The vacant 0.93 ± acre site is on the north side of SR 70 and east side of 30th Street East, approximately 1,250 feet east of US 301.

HISTORY:

On August 9th, 1984, the BOCC approved a rezone (Z-84-84) of 3.7 ± acres from R-2/AF (One and Two Family Residential/Agricultural Fringe Overlay District) to C-1A/AF (Resort Commercial/ Agricultural Fringe Overlay District). The rezone was applicable to the majority of this site (0.74 ± acres). The eastern portion (25-foot wide stripe - 0.19 ± acres) maintained the residential zoning (R-2/AF).

On December 17th, 1987, the BOCC approved a rezone (Z-87-55) of 22.00 ± acres from R-2/AF (One and Two Family Residential/Agricultural Fringe Overlay District) and C-1A/AF (Resort Commercial/ Agricultural Fringe Overlay District) to PDC (Planned Development Commercial) and a Conceptual Site Plan for a 145,200 square foot shopping center. The western portion of the site was approved for a 6,325 square foot commercial building. The eastern portion of the site was not included as part of the above referenced rezone and conceptual site plan.

On April 28th, 1988, the BOCC approved a rezone [Z-87-55(R)] of 9.7 ± acres (in addition to the 22.00 ± acres previously rezoned) from R-2/AF (One and Two Family Residential/Agricultural Fringe Overlay District) to PDC (Planned Development Commercial) and amend an approved Conceptual Commercial Development Plan to increase the gross floor area from 145,200 square foot to 243,074 square foot. The western portion of the site was approved for a 5,250 square foot commercial building, which reduce the previously approved gross floor area by 1,075 ± square

foot. The eastern portion of the site again was not included as part of the above referenced rezone and conceptual site plan.

The implementation of the Land Development Code in 1990 changed the zoning of the eastern portion of the site to RDD-6 (Residential Duplex District, 6 dwelling units per acre).

On August 22nd, 1996, the BOCC approved a Preliminary Site Plan [(PDC-95-05(P)(R)] for 205,184 square foot commercial establishment (Wal-Mart SuperCenter). The PDC portion of the subject site was designated "Outlot A" (not considered part of the FAR calculation or open space for Wal-Mart).

REQUEST:

The current request is for a rezone from PDC (Planned Development Residential) and RDD-6 (Residential Duplex District, 6 dwelling units per acre) to GC (General Commercial). The GC zoning district is consistent with the R/O/R FLUC designation and development trends and timing within the area. There is existing GC zoning east of the proposed project site.

The site meets commercial locational criteria (i.e. site is within 1,500 feet of two functionally classified roadways designated as Collector or higher (US 301 and SR 70) and is eligible to be considered for commercial zoning. However, commercial projects within the R/O/R FLUC are not required to achieve compliance with the commercial locational criteria requirements.

The site will have direct access to 30th Street East classified as a Collector roadway.

SITE CHARACTERISTICS AND SURROUNDING AREA

ADDRESS:	2955 53rd Avenue East
GENERAL LOCATION:	North of SR 70 and east of 30th St. East, ± 1,250 feet east of US 301
ACREAGE:	0.93 ± acres
EXISTING USE(S):	Vacant
FUTURE LAND USE CATEGORY:	R/O/R (Retail/Office/Residential)
INTENSITY:	Max F.A.R. permitted: <ul style="list-style-type: none"> - .25/.35 with special approval in GC Zoning - .35 for mini-warehouse without special approval in GC Zoning - 1.0 for hotels in R/O/R FLUC
OVERLAY DISTRICT(S):	None

SURROUNDING USES & ZONING							
NORTHEAST	Storage/Mini-warehouse (Southern Self Storage) zoned GC (General Commercial)						
SOUTH	Across SR 70, nursery (Royal Palm Nurseries) zoned PDC, vacant property zoned PR-S (Professional – Small), and commercial retail (Sam’s Club) zoned PDMU (Planned Development Mixed Uses).						
EAST	Bank establishment (First Bank) zoned GC (General Commercial)						
WEST	Across 30 th Street East, commercial retail (Wal-Mart SuperCenter) zoned PDC (Planned Development Commercial)						
SITE DESIGN DETAILS							
LOT SIZE(S):	40,511 ± sq. ft. Exceeds minimum lot size (7,500 sq. ft.) required for GC zoning.						
SETBACKS: (min. required in GC zoning)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Front</td> <td style="width: 20%; text-align: center;">25'</td> </tr> <tr> <td>Side</td> <td style="text-align: center;">10'</td> </tr> <tr> <td>Rear</td> <td style="text-align: center;">15'</td> </tr> </table>	Front	25'	Side	10'	Rear	15'
Front	25'						
Side	10'						
Rear	15'						
OPEN SPACE:	15% required in GC zoning. No site plan submitted at this time.						
ACCESS:	One access along 30 th St. East						
FLOOD ZONE(S):	X – Panel 120153 0334C						
AREA OF KNOWN FLOODING:	Yes, Rainfall 50% Reduction						
UTILITY CONNECTIONS:	Water and sewer available						
ENVIRONMENTAL INFORMATION							
Overall Wetland Acreage:	No plans submitted; unable to determine at this time.						
Proposed Impact Acreage:	No plans submitted; unable to determine at this time						

NEARBY DEVELOPMENT

NON-RESIDENTIAL

PROJECT	SQ. FT.	FAR	FLUC	YEAR APPROVED
Wal-Mart SuperCenter	205,184	0.17	R/O/R	1996
First Bank (fka Coast Bank)	3,195	0.18	R/O/R	2005
Friendly City Car Wash	3,545	0.12	R/O/R	2004
Southern Self Storage (fka Nationwide Bradenton)	78,513	0.27	R/O/R	2003
Advance Discount AutoParts #285	6,719	0.22	R/O/R	1997
Sam's Club	132,238	0.14	R/O/R	2002
Cedar Plaza	28,000	0.13	R/O/R	1990

POSITIVE ASPECTS

- The site is surrounded by a mix of commercial uses and zoning.
- Logical expansion of the adjacent GC zoning district.
- The site has access to a collector roadway (30th Street East).

NEGATIVE ASPECTS

- Future development activities may be restricted by some constraints (size and configuration of the site, right-of-way dedication, tree preservation, stormwater management, etc.)

MITIGATING MEASURES

- All requirements of GC zoning district and LDC provisions regarding buffering, access, parking, tree preservation, etc. will be assessed with future site plan.

STAFF RECOMMENDED STIPULATIONS

Not applicable. This is a "straight rezone" from PDC and RDD-6 to GC. All requirements of the R/O/R FLUC and GC zoning district will be reviewed with all future site plan approvals. These requirements include the range of permitted uses and size of project (FAR), setbacks, buffers, parking, adverse impact standards, etc.

REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED
(Note: Stipulations cannot be attached to a straight rezone)

None

COMPLIANCE WITH THE LAND DEVELOPMENT CODE
SECTION 504.5 - REZONE CRITERIA

1. Compatibility with Neighbors. Is the requested change compatible with the existing development pattern and the zoning of nearby properties?

The site is surrounded by commercial uses. There is GC (General Commercial) zoning to the east and northeast of the site, PDC (Planned Development Commercial) to the west and south, and PDMU (Planned Development Mixed Use/Commercial site) to the southwest. The proposed zoning (GC) is compatible with the existing development pattern and zoning of nearby properties along this portion of the SR 70 corridor and a logical expansion of adjacent commercial zoning district.

2. Changes from Original Conditions. Has there been a change in the conditions upon which the original zoning designation was based? Have major land uses or conditions changed since the zoning was established?

The majority of the site (0.74 acre) has had commercial zoning since 1984 and this portion has been zoned PDC since 1987. The rest of the property (0.19 acres) has been zoned RDD-6 since 1990. The adjacent properties are zoned GC with a FLUC of R/O/R. Development pattern in this segment of SR 70 is characterized by commercial uses. The proposed amendment to GC zoning is consistent with the development trend in the area.

3. Comprehensive Plan. Does the current zoning or the proposed zoning better conform to the current Comprehensive Plan?

RDD-6 and PDC zoning districts are appropriate for the R/O/R FLUC. However, the proposed zoning better conforms with the Comprehensive Plan since all adjacent properties along this segment of SR 70 are zoned GC.

The GC zoning district allows a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs (i.e. retail sales, eating establishments, bank, professional office, etc.). The R/O/R FLUC permits retail, wholesale, or office commercial uses that function in the marketplace as neighborhood, community, or region-serving.

4. Conflicts with Public Improvements. Will the proposed change conflict with existing or planned public improvements?

The applicant has been advised that additional right-of-way may be required for future roadway improvements. This will be determined with future site plan submittal.

5. Sufficient Public Facilities. Whether the proposed change will be supported by sufficient public facilities, based upon a consideration of the following factors:

(i) Will the proposed change adversely affect traffic patterns or congestion?

Based on the Traffic Impact Statement dated July 1, 2011 and the subsequent analysis for FM Capital City Corporation Rezone, The Building and Development Services, Transportation Planning Division recommends approval of the Traffic Impact Statement. The applicant has addressed the Comprehensive Plan requirements and provided analysis to substantiate the findings. At the time of Final

Site Plan a complete Traffic Analysis for this project will be required.

(ii) Will the proposed change adversely impact population density or development intensity such that the demand for schools, sewers, streets, recreational areas and facilities, and other public facilities and services are adversely affected?

GC zoning is intended to provide for various retail uses and services on freestanding parcels or shopping centers serving the general needs of the community. This is a commercial development and non population impacts exist. Any CLOS requirements will be reviewed with future submittals when a specific use is proposed.

(iii) Are sufficient public facilities planned and funded to support any change in density or intensity pursuant to the requirements of the Comprehensive Plan and applicable law?

No insufficient public facilities issues have been raised by staff during review process. There is an eighth (8) inch diameter water main along the northwest property boundary and an eighth (8) inch water main crossing the property from east to west. Gravity sewer is available along the south property line.

6. Neighborhood Changes. Will the proposed change adversely affect the health, safety or welfare of the neighborhood?

The proposed zoning amendment should have no adverse impact on the health, safety or welfare on the neighborhood in this location.

7. Compliance with LDC. Is the proposed amendment in conformance with all applicable requirements of this Code?

The GC zoning district allows a minimum lot size of 7,500 square feet, a minimum lot width of 75 feet, and a maximum building size of 50,000 square feet. The range of uses permitted in the GC zoning district include retail sales, eating establishment, bank, hotel, and office.

The maximum Floor Area Ratio (FAR) in the GC zoning district is 0.25 (without Special Approval) allowing a maximum of 10,127 ± square foot building, except for a mini-warehouse use which allows a maximum 0.35 FAR (14,178 ± square foot building).

The proposed amendment is in conformance with all applicable requirements of the LDC. Compliance with the standards of the GC zoning district and all other requirements of the LDC will be reviewed and verified with future site plan approval for this site.

8. Orderly Development. Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.

The proposed amendment is consistent with the development patterns in the area and appropriate for orderly development of the community. The surrounding area has commercial and office zoning designation.

9. Expanding Districts. Is the proposed amendment the logical expansion of adjacent zoning districts?

The proposed amendment is a logical expansion of the adjacent commercial zoning district to the east. The residential zoned portion to the site will be appropriately rezoned to reflect the development commercial pattern of the surrounding area.

10. Trends. Is the timing of the request appropriate given the development trends in the area?

The timing is appropriate given development trends in the area.

<p>11. <u>Historic Resources.</u> Will the proposed change adversely impact historic resources? No, there do not appear to be any known or recorded historic resources on the site. If any historic resources are found at the time of development, the applicant will be required to immediately report discoveries of historical or archaeological resources to the Florida Division of Historical Resources.</p>
<p>12. <u>Environmental Impacts.</u> Will the proposed change have an adverse environmental impact on the vicinity? Any environmental impacts will be addressed with the future site plan submittals.</p>
<p>13. <u>Lighting.</u> Will the proposed change allow uses that require so much outdoor lighting that even the light from shielded fixtures may reflect off-site with potentially adverse effects on residential areas? There are no residential areas adjacent to the site. However, during the future site plan submittal any proposed outdoor lighting will be required to meet LDC Section 709.</p>
<p>14. <u>County Wide Changes.</u> Will the proposed change adversely affect the health, safety and welfare of the County as a whole? The rezone should have no negative impact to the health, safety and welfare of the County in this location.</p>
<p>15. <u>Mobile Homes.</u> For any rezoning that would result in the removal or relocation of mobile home owners residing in a mobile home park, has the applicant demonstrated that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners, within the meaning of, and pursuant to, Section 723.083, Florida Statutes. Not applicable.</p>
<p>16. <u>Other Matters.</u> Any other matters which may be appropriate for consideration pursuant to this Code, the Comprehensive Plan or applicable law. Future development will require site plan review.</p>
<p style="text-align: center;">COMPLIANCE WITH LDC (Note: Compliance with the standards of the GC zoning district and all other requirements of the LDC will be reviewed and verified with future site plan approvals for this site.)</p>

<p style="text-align: center;">COMPLIANCE WITH COMPREHENSIVE PLAN</p>
<p>The site is in the R/O/R Future Land Use Category. A list of Comprehensive Plan Policies applicable to this request is attached. This project was specifically reviewed for compliance with the following policies:</p> <p>Policy 2.1.2.7 Appropriate Timing. The timing of this rezone is appropriate given development trends in the area. The surrounding area is characterized by commercial uses to the east, northeast, west, south, southeast and southwest. The vacant parcel to the south across SR 70 has PR-S zoning.</p> <p>Policy 2.2.1.17.2 Range of Potential Uses. Uses permitted in the R/O/R Future Land Use Category include retail, wholesale or office commercial uses which function in the market place as neighborhood, community, or region</p>

serving.

Uses permitted in the GC zoning district are consistent with the R/O/R Future Land Use Category.

Policy 2.2.1.17.3 Range of Potential Density/Intensity.

The maximum Floor Area Ratio in the R/O/R FLUC is 0.35 (0.25 without Special Approval). The maximum building area for neighborhood, community, or region-serving uses is large – 300,000 square feet. Special Approval is required for building area that exceeds 50,000 square feet.

The site has potential for a 10,127 ± square foot building (without Special Approval) and 14,178 ± square foot building for a mini-warehouse use.

Policy 2.6.1.1 Compatibility.

The range of land uses permitted in GC zoning will be compatible with surrounding land uses and zoning as previously detailed in this staff report. The GC zoning district also establishes lot sizes, setbacks, open space requirements, and Floor Area Ratio that will be comparable with surrounding development and zoning districts, thereby assuring compatibility.

CONCURRENCY

(Note: A CLOS application cannot be filed with a straight rezone.)

CLOS APPLIED FOR: Y ___ N X
 TRAFFIC STUDY REQ'D: Y ___ N X

NEAREST ROADWAY	LINK(S)	ADOPTED LOS	EXISTING LOS
30 th Street East	38 th Avenue East to 53 rd Avenue East	D	C

REQUIRED IMPROVEMENTS:

1. N/A at this time. Any CLOS requirements will be reviewed at Final Site Plan when a specific use is proposed. Traffic safety and operational concerns will also be considered in review of the traffic study.

ATTACHMENTS

1. Applicable Comprehensive Plan Policies
2. Zoning Disclosure Affidavit
3. Copy of Newspaper Advertising

APPLICABLE COMP PLAN POLICIES

Policy:	2.1.2.4	Limit urban sprawl through the consideration of new development and redevelopment, when deemed compatible with existing and future development, and redevelopment area planning efforts when applicable in areas which are internal to, or are contiguous expansions of the built environment.
Policy:	2.1.2.7	<p>Review all proposed development for compatibility and appropriate timing. This analysis shall include:</p> <ul style="list-style-type: none"> - consideration of existing development patterns, - types of land uses, - transition between land uses, - density and intensity of land uses, - natural features, - approved development in the area, - availability of adequate roadways, - adequate centralized water and sewer facilities, - other necessary infrastructure and services. - limiting urban sprawl - applicable specific area plans - (See also policies under Objs. 2.6.1 - 2.6.3)
Policy:	2.2.1.17	R/O/R: Establish the Retail/Office/Residential future land use category as follows:
Policy:	2.2.1.17.1	<p>Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas which are established and developed areas exhibiting a broad range of commercial, residential and, in certain cases, light industrial uses, and to recognize the continued existence of such areas through the long range planning timeframe. Also, to provide for orderly transition from, or redevelopment of, these existing and developed multiple-use areas. Also, to prohibit the intrusion of new industrial areas into these ROR areas, which typically fail to exhibit a planned or integrated approach to multiple use development, and instead exhibit an incremental or unplanned history of multiple use development. Also to establish at a few major and highly accessible, but currently undeveloped, sites for the development of major future community or region-</p>

		<p>serving commercial uses with a variety and permitted intensity of use which allows for a multi-purpose commercial and office node, with residential uses. Also, to provide incentives for, encourage, or require the horizontal or vertical integration of various residential and non-residential uses within these areas, achieving internal trip capture, and the development of a high quality environment for living, working, or visiting.</p>
Policy:	2.2.1.17.2	<p>Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Retail, wholesale or office commercial uses which function in the market place as neighborhood, community, or region-serving. Also residential uses, lodging places, public or semi-public uses, schools, recreational uses, appropriate water-dependent/ water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4), and short-term agricultural uses.</p>
Policy:	2.2.1.17.3	<p>Range of Potential Density/Intensity:</p> <p>Maximum Gross Residential Density:</p> <p>For development existing at time of plan adoption or treated as a special exception under this Comprehensive Plan - 16 dwelling units per acre</p> <p>For new development -</p> <p>9 dwelling units per acre</p> <p>Minimum Gross Residential Density: 7.0 only in CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "Affordable Housing".</p> <p>Maximum Net Residential Density:</p> <p>For development existing at time of plan adoption or treated as a special exception under this Comprehensive Plan - 20 dwelling units per acre</p> <p>For new development -</p> <p>16 dwelling units per acre</p> <p>24 dwelling units per acre inside the CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "Affordable Housing".</p> <p>Maximum Floor Area Ratio: 0.35</p> <p>1.0 inside the CRA's and UIRA</p> <p>Maximum Floor Area Ration for Hotels: 1.0</p> <p>Maximum Square Footage for Neighborhood, Community, or Region-Serving Uses: Large 300,000sf</p>
Policy:	2.2.1.17.4	<p>Other Information:</p> <p>a) All mixed and multiple-use projects shall require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to §</p>

163.3202, F.S.

- b) All projects for which either gross residential density exceeds 6 dwelling units per acre, or for which any net residential density exceeds 9 units per acre, shall require special approval.
- c) All non-residential projects, or part thereof, exceeding 0.25 FAR shall also require special approval except mini-warehouse.
- d) Non-residential projects exceeding 150,000 square feet gross building area may be considered only if consistent with the requirements for large commercial uses, as described in this element.
- e) In areas where existing development is recognized utilizing the Retail/Office/Residential category, or where the spatial form of the Retail/Office/Residential designation on the Future Land Use map is accordingly inconsistent with the commercial locational criteria contained in this element; development or redevelopment within the area designated under this category shall not be required to achieve compliance with the commercial locational criteria described in Sections 2.10.4.1 and 2.10.4.2 of this element. However, any such development or redevelopment shall still be required to achieve compliance with other commercial development standards contained in this element, and be consistent with other goals, objectives, and policies in this Comprehensive Plan (see also 2.10.4.2).
- f) In areas where the Retail/Office/Residential category is designated in a manner entirely consistent with the commercial locational criteria, all commercial development or redevelopment shall be conducted in a manner consistent with the commercial location criteria and development standards contained in this element.
- g) In order to distinguish between uses which may be permitted in the R/O/R category, as compared to those which require siting within an industrial category, the following guidelines shall be utilized:
 - I. No uses which have a primary purpose of distribution of goods from that site shall be permitted in the Retail/ Office/ Residential designation.
 - II. No new areas (a new area, for the purposes of this policy, shall be defined as property beyond those parcel configurations as of May 11, 1989 which had light industrial uses established upon them) engaging in the manufacturing, processing, and

assembly of goods shall be permitted in the Retail/Office/ Residential designation except as provided below:

- III. Legally established light industrial uses existing prior to the adoption of this Comprehensive Plan shall be considered legally conforming uses, limited to their approved location. With special approval, other light industrial uses and additional square footage within the same parcel may be approved if there are no additional impacts to adjoining properties and all special approval criteria are met.
- iv. If a legally established light industrial use ceases operation for over six months with no action to re-establish and/or continue such use, the use shall now be prohibited from development within the R/O/R designation.

Policy: 2.10.4.2

Prohibit the consideration of any development order establishing the potential for commercial development, where the proposed project site is inconsistent with commercial locational criteria. Consistency shall be determined through the application of the commercial location review process described in the operative provisions contained in this Element. Permitted exceptions to these requirements are limited to:

- existing commercial uses that are legally permitted, and that are in place at time of comprehensive plan adoption. However, where such uses are nonconforming to other development regulations, nothing in this policy shall render those uses conforming to the subject regulations.
- redevelopment of an existing commercial use which does not meet the commercial locational criteria, subject to the finding by the Board of County Commissioners that the proposed project is consistent with the general welfare of Manatee County residents.
- locations designated as Retail/Office/ Residential (ROR) or Low Intensity Office (OL), Medium Intensity Office (OM) or Mixed Use (MU) or within the MU-C Mixed Use Community and its Sub Areas which are inconsistent with commercial locational criteria [see 2.2.1.16.4(b) and 2.2.1.17.4(e)].
- recreational vehicle parks. However, compliance with Policy 2.10.5.2 shall be required.
- establishments providing nursing services as described in Chapter 464, F.S.
- sale of agricultural produce at roadside stands.
- small commercial uses associated with a permanent

roadside agricultural stand. Maximum commercial square footage shall be 3,500 square feet of the project. Development must be located on functionally classified rural arterial or rural collector roadway. Planned development approval required.

- agricultural service establishments (e.g. farm equipment sales and service).
- low intensity commercial recreational facilities (e.g., driving range).
- rural recreational facilities located in the Ag/R future land use category meeting adverse impact standards as established within the Manatee County Land Development Code. All such uses must receive Special Approval.
- appropriate water-dependent, water -related, and water-enhanced commercial uses, as described under Objective 4.2.1.
- commercial uses located within Port Manatee.
- Professional office uses not exceeding 3,000 square feet in gross floor area within the Res-6, Res-9, RES-12, and Res-16 future land use categories may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and detailed in the operative provisions provided such office is located on a roadway classified as a minor or principal arterial on the roadway functional classification map, however, not including interstates, and shall still be consistent with other commercial development standards and with other goals, objectives, and policies in this Comprehensive Plan (see also 2.2.1.12.4, 2.2.1.13.4, 2.2.1.15.4).
- commercial uses located within the rural community of Myakka City which is designated as those lands on Sheet 29 f the Future Land Use Map shown as Res-3 or Res-1 on May 11, 1989, provided that they are located along State Road 70 within 1,500 feet from its intersection with Wauchula Road, and located within 1,000 feet along Wauchula Road from its intersection with State Road 70. Further, properties developed commercially, or having commercial zoning in place at the time of adoption of this Comprehensive Plan if they have frontage on State Road 70 and are within three-quarters mile of the State Road 70 and Wauchula Road intersection are also exceptions. Furthermore, all commercial uses allowable under this provision will be exempt from the one-half mile spacing requirement denoted in Policy 2.10.4.3(4).
- Small commercial (professional) office uses which

operate as an accessory use to a residential religious development. Such accessory office uses which do not serve the general public but which serve the residential religious development may locate in residential future land use categories (RES-1, RES-3, UF-3, RES-6, RES-9, RES-12 and RES-16)

- and may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and detailed in the operative provisions (see also 2.2.1.9, 2.2.1.10, 2.2.1.11, 2.2.1.12.4, 2.2.1.13.4, 2.2.1.14.4 and 2.2.1.15.2).
- Neotraditional developments that have commercial and office developments located internal to the project and whose main project access is located on a road designated as a collector or higher.
- DRI's and Large Project developments that have mixed uses with a residential component and meet minimum development characteristics (see Neo-Traditional Development definition for development characteristics), have commercial uses located internal to neighborhoods and whose main neighborhood access is located on a road designated as a collector or higher.
- commercial uses located within the Parrish area for properties fronting US 301, from Moccasin Wallow Road to the realigned Ft. Hamer Road. These commercial uses are limited to a building footprint of 5,000 square feet except at nodes.

No exception to commercial locational criteria provided for under this policy shall be used as a precedent for establishing other commercial development inconsistent with this Comprehensive Plan.

Nothing in this policy shall require the issuance of a development order solely on the basis of compliance with commercial locational criteria. Compliance with other commercial development standards contained in Policy 2.10.4.3 below, and with all other goals, objectives, and policies of this Comprehensive Plan is also required for issuance of a development order approving commercial uses. In particular, compliance with the policies of Objectives 2.6.1 and 2.6.2 is mandatory for approval of any commercial use within a residential designation.

Policy: 2.10.4.3

Require that all proposed commercial uses meet, in addition to commercial locational criteria, the following commercial development standards:

- 1) any proposed commercial site must be sized and configured to provide for adequate setbacks, and buffers

from any adjacent existing or future residential uses.

- 2) any proposed commercial site must be configured and sized to allow for orientation of structures, site access points, parking areas, and loading areas on the site in a manner which minimizes any adverse impact on any adjacent residential use.
- 3) no proposed commercial site shall represent an intrusion into any residential area. As used in this standard, "intrusion" means located between two residential uses or sites which are not separated by the right-of-way of any roadway functionally classified as collector or higher, unless the proposed commercial use meets the definition of "infill commercial development," demonstrated through evaluation of existing land use patterns in this vicinity of the proposed use, and pursuant to guidelines contained in commercial locational criteria found in the operative provisions of this Element. Permitted exceptions listed in Policy 2.10.4.2 shall not be required to meet this development standard. No such intrusion shall be found in neotraditional developments approved as such by the County, as a mixture of uses are encouraged within those projects. No such intrusion shall be found in DRI and Large Project developments where commercial uses are internal to neighborhoods, approved as such by the County, as a mixture of uses are encouraged within those neighborhoods.
- 4) Commercial nodes meeting the requirements specified in the operative provisions of this Element shall, additionally, be spaced at least one-half mile apart, as measured between the center of two nodes. However, where two commercial nodes have been established by the development of commercial uses prior to plan adoption, and are spaced less than the minimum required one-half mile, then a waiver of this commercial development standard may be considered. Preferentially, in instances where previous development has not established a pattern of land uses inconsistent with commercial locational criteria or development standards, nodes shall be spaced no less than one mile apart. Neotraditional projects shall be exempt from this requirement. DRI and Large Project developments that have mixed uses with a residential component that receive approval to locate commercial uses internal to neighborhoods shall be exempt from this requirement.

MANATEE COUNTY GOVERNMENT
PLANNING DEPARTMENT
ZONING DISCLOSURE AFFIDAVIT

Project name: FM City Capital Corporation Rezone

The Manatee County Land Development Code 90-01, as amended requires that all applications for Zoning Atlas Amendments shall include public disclosure of applicants and their percentage of interest.

If the property is owned by a CORPORATION, list the principal officers and principal stockholders and the percentage of stock owned by each.

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

If the property is in the name of a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the principals below, including general and limited partners.

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust. This is in addition to the list of owners.

FOR ANY CHANGES OF OWNERSHIP OR CHANGES IN CONTRACTS FOR PURCHASE SUBSEQUENT TO THE DATE OF THE APPLICATION, BUT PRIOR TO THE DATE OF FINAL PUBLIC HEARING, A SUPPLEMENTAL DISCLOSURE OF INTEREST SHALL BE FILED.

Disclosure shall not be required of any entity whose interests are solely equity interest which are regularly traded on an established securities market in the United State or another country.

<u>NAME, ADDRESS AND OFFICER</u>	<u>PERCENTAGE STOCK, INTEREST OR OWNERSHIP</u>
Check if owner (<input checked="" type="checkbox"/>) or contract purchaser (<input type="checkbox"/>)	
<u>Frank Rosenblum</u>	<u>33 1/3%</u>
<u>Jeff Weil</u>	<u>33 1/3%</u>
<u>John McKay</u>	<u>33 1/3%</u>

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true.

Signature: [Handwritten Signature]
(Applicant): John M. McKay
VICE PRESIDENT

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 23rd day of March, 2011
by John M. McKay, who is personally known to me or who has produced _____
as identification.
(type of identification)

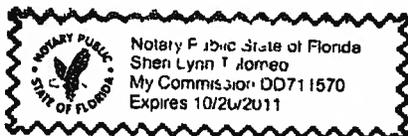
[Handwritten Signature]
Notary Signature

My Commission Expires: _____

Print or type name of Notary

Commission No: _____

432206v11



Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, July 14, 2011 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

Z-11-03 - WARNER CROSSING LLC/REZONE

DTS # 20110075
An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 12.8 acres located on the west side of Upper Manatee River Road, north of the intersection of SR 64 and Upper Manatee River Road at 1450 Upper Manatee River Road, Bradenton from the A (General Agriculture) to the GC (General Commercial) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

Z-11-05 - FM CAPITAL CITY CORPORATION

DTS # 20110096
An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the

Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 0.93 acres at the northeast corner of SR 70 (53rd Avenue East) and 30th Street East at 2955 53rd Ave. E., Bradenton from the PDC (Planned Development Commercial) and RDD-6 (Residential Duplex District, 6 dwelling units per acre) to the GC (General Commercial) zoning districts; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDO-11-11(G) - PROGRESSIVE VETERINARY PRACTICES

DTS #20110188
An Ordinance of the Board of County Commissioners of Manatee County, Florida,

regarding Land Development, approving a General Development Plan on approximately a 2.25 acre site to build an 8,000± square foot veterinary clinic; located on the north side of SR 70 at 10915 SR 70 East, approximately 1,375 feet west of Lakewood Ranch Blvd. in the PDO/WP-E/ST (Planned Development Office/Watershed Protection-Evers/Special Treatment Overlay District) zoning district; subject to stipulations as conditions of approval; providing for severability, and providing an effective date.

LDA-09-04(R) - AMENDED LOCAL DEVELOPMENT AGREEMENT FOR SUMMER WOODS DEVELOPMENT

DTS#20100212
Request: Approval of a Local Development Agreement providing for the issuance of a five (5) year certificate of level of service compliance; providing for dedication of right-of-way; providing for design, permitting and construction of project entrance improvements including turn lanes; providing for severability, and providing for an effective date. The Local Development Agreement applies to Summer Woods approved as PDR-09-14(Z)(P) (268.14± acres). The proposed use of the properties is residential development. Pursuant to existing zoning, Summer Woods is approved for 562 residential units, each with a maximum height of 35 feet.

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans With Disabilities:

The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida
06/29/2011

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, July 14, 2011 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

Z-11-03 - WARNER CROSSING LLC/REZONE

DTS # 20110075
An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 12.8 acres located on the west side of Upper Manatee River Road, north of the intersection of SR 64 and Upper Manatee River Road at 1450 Upper Manatee River Road, Bradenton from the A (General Agriculture) to the GC (General Commercial) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

Z-11-05 - FM CAPITAL CITY CORPORATION

DTS # 20110096
An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 0.93 acres at the northeast corner of SR 70 (53rd Avenue East) and 30th Street East at 2955 53rd Ave. E., Bradenton from the PDC (Planned Development Commercial) and RDD-6 (Residential Duplex District, 6 dwelling units per acre) to the GC (General Commercial) zoning districts; setting forth findings; providing a legal description; providing for severability,

Sarasota Herald Tribune

DO-11-11(G) - PROGRESSIVE VETERINARY PRACTICES

DTS #20110188
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding Land Development Plan on approximately a 2.25 acre site to build an 8,000± square foot veterinary clinic located on the north side of SR 70 10915 SR 70 East, approximately 1,375 feet west of Lakewood Ranch Blvd. in the PDO/WP-E/ST (Planned Development Office/Watershed Protection-Evers/Special Treatment Overlay District) zoning district; subject to stipulations as conditions of approval; providing for severability, and providing an effective date.

LDA-09-04(R) - AMENDED LOCAL DEVELOPMENT AGREEMENT FOR SUMMER WOODS DEVELOPMENT

DTS#20100212
Request: Approval of a Local Development Agreement providing for the issuance of a five (5) year certificate of level of service compliance; providing for dedication of right-of-way; providing for design, permitting and construction of project entrance improvements including turn lanes; providing for severability, and providing for an effective date. The Local Development Agreement applies to Summer Woods approved as PDR-09-14(Z)(P) (268.14± acres). The proposed use of the properties is residential development. Pursuant to existing zoning, Summer Woods is approved for 562 residential units, each with a maximum height of 35 feet.

All interested parties are invited to appear at this public hearing and be heard subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans With Disabilities: The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida
Date of pub: June 29, 2011

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	Z-11-03 – Warner Crossing, LLC	TYPE AGENDA ITEM	Advertised Public Hearing – Regular
DATE REQUESTED	7/14/11 PC	DATE SUBMITTED/REVISED	7/6/11
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Building & Development Services/Comprehensive Planning	AUTHORIZED BY TITLE	John Osborne, AICP, Planning and Zoning Official <i>JB</i>
CONTACT PERSON TELEPHONE/EXTENSION	Katie LaBarr, AICP / Principal Planner / ext. 6828 / DTS #20110075	PRESENTER/TITLE TELEPHONE/EXTENSION	Katie LaBarr, AICP/ Principal Planner / ext. 6828
ADMINISTRATIVE APPROVAL			

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

I move to recommend approval of Z-11-03 per the recommended motion in the staff report attached to this memo.

ENABLING/REGULATING AUTHORITY
Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

Manatee County Comprehensive Plan and Manatee County Land Development Code.

BACKGROUND/DISCUSSION

- This is a straight rezone request for 12.8+ acres located at 1450 Upper Manatee River Road, Bradenton, to be rezoned from General Agriculture (A) to the General Commercial (GC) Zoning District.
- The adjacent parcel to the south is 10.17 ± acres and is zoned GC.
- The adjacent parcels to the north and west are zoned PDR.
- The Future Land Use Category for this property is Retail/Office/Residential (R/O/R).
- Based on the size of the parcel, there is the potential for development at an intensity that exceeds the maximum threshold of 50,000 square feet without Special Approval.
- At the time of site plan or plat approval, the site should be limited to no more than 50,000 square feet of buildable area.

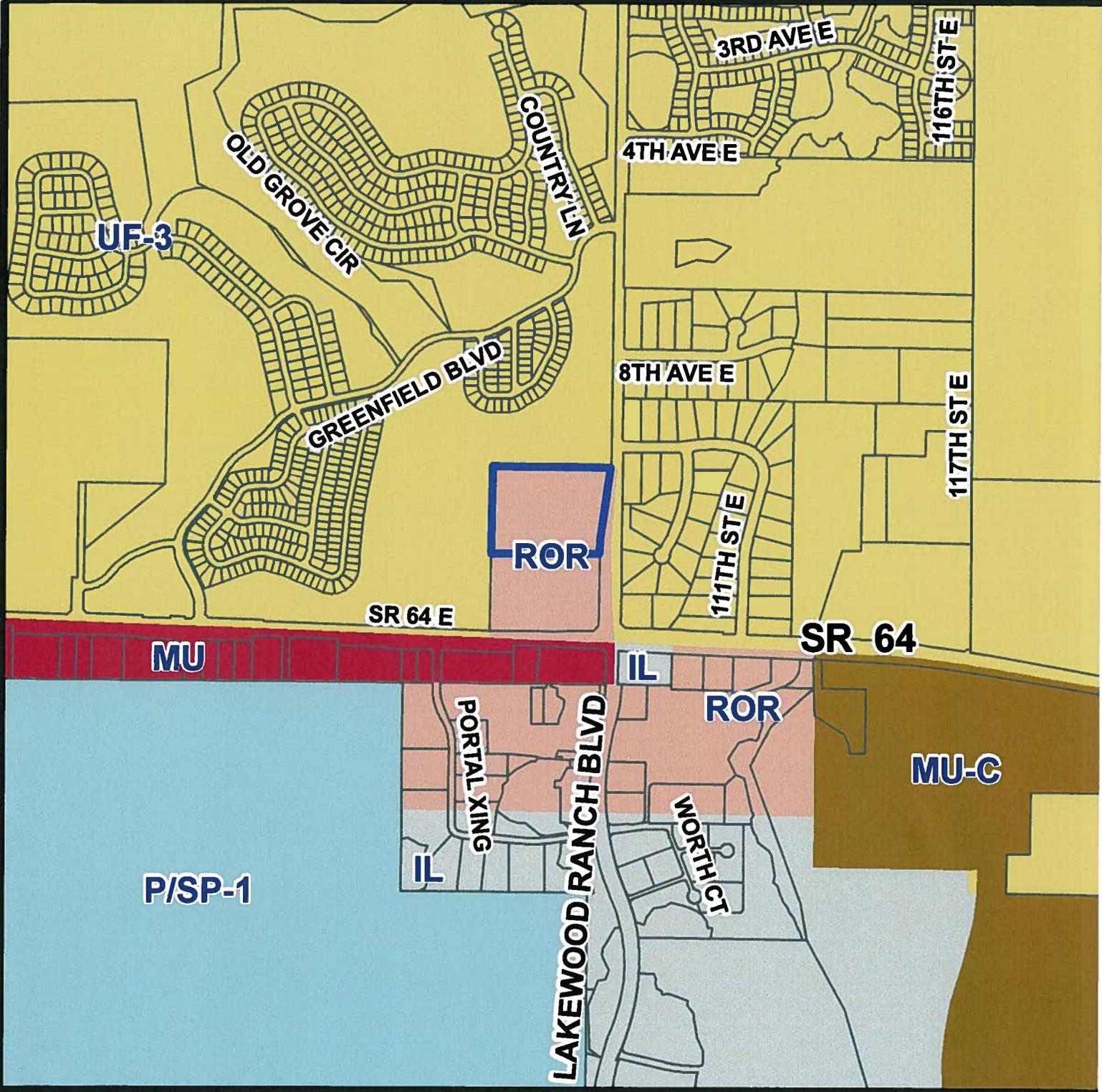
COUNTY ATTORNEY REVIEW

Check appropriate box	
<input checked="" type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input checked="" type="checkbox"/> Available from Attorney (Attorney's initials: SAS)
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

ATTACHMENTS: (List in order as attached)	INSTRUCTIONS TO BOARD RECORDS:
Staff report for Z-11-03	n/a
COST: n/a	SOURCE (ACCT # & NAME): n/a

COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	
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FUTURE LAND USE



Parcel ID #(s) 566900007

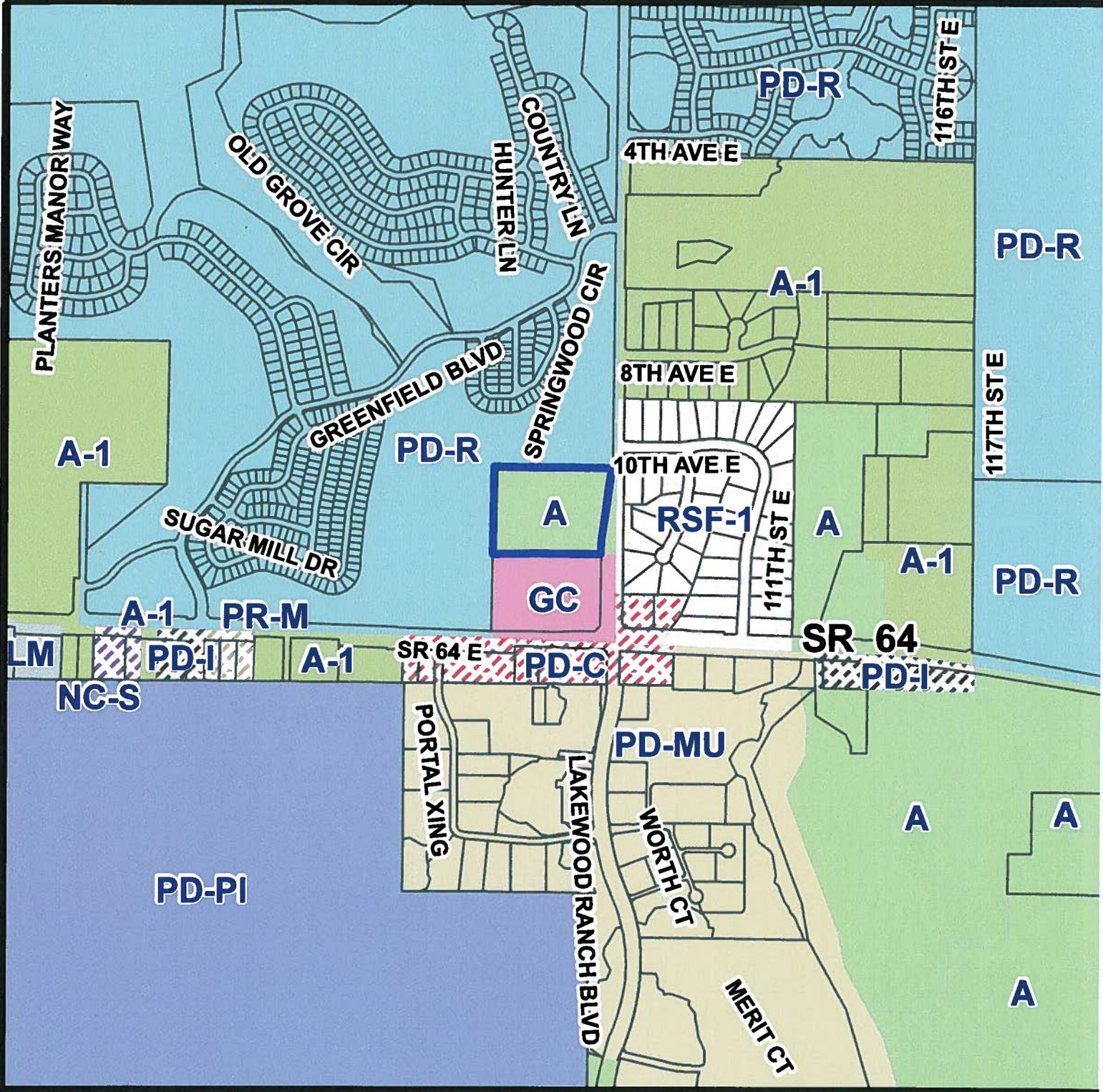
Project Name: Warner Crossing / Rezone
 Project #: Z-11-03
 DTS#: 20110075
 Proposed Use: Rezone to GC

S/T/R: Sec 30 Twn 34 Rng 19
 Acreage: 12.8
 Existing Zoning: A
 Existing FLU: ROR
 Overlays: NONE
 Special Areas: NONE

CHH: NONE
 Watershed: NONE
 Drainage Basin: MIDDLE MANATEE R
 Commissioner: Larry Bustle


 Manatee County
 Staff Report Map
 Map Prepared 4/19/2011
 1 inch = 1,028 feet

ZONING



Parcel ID #(s) 566900007

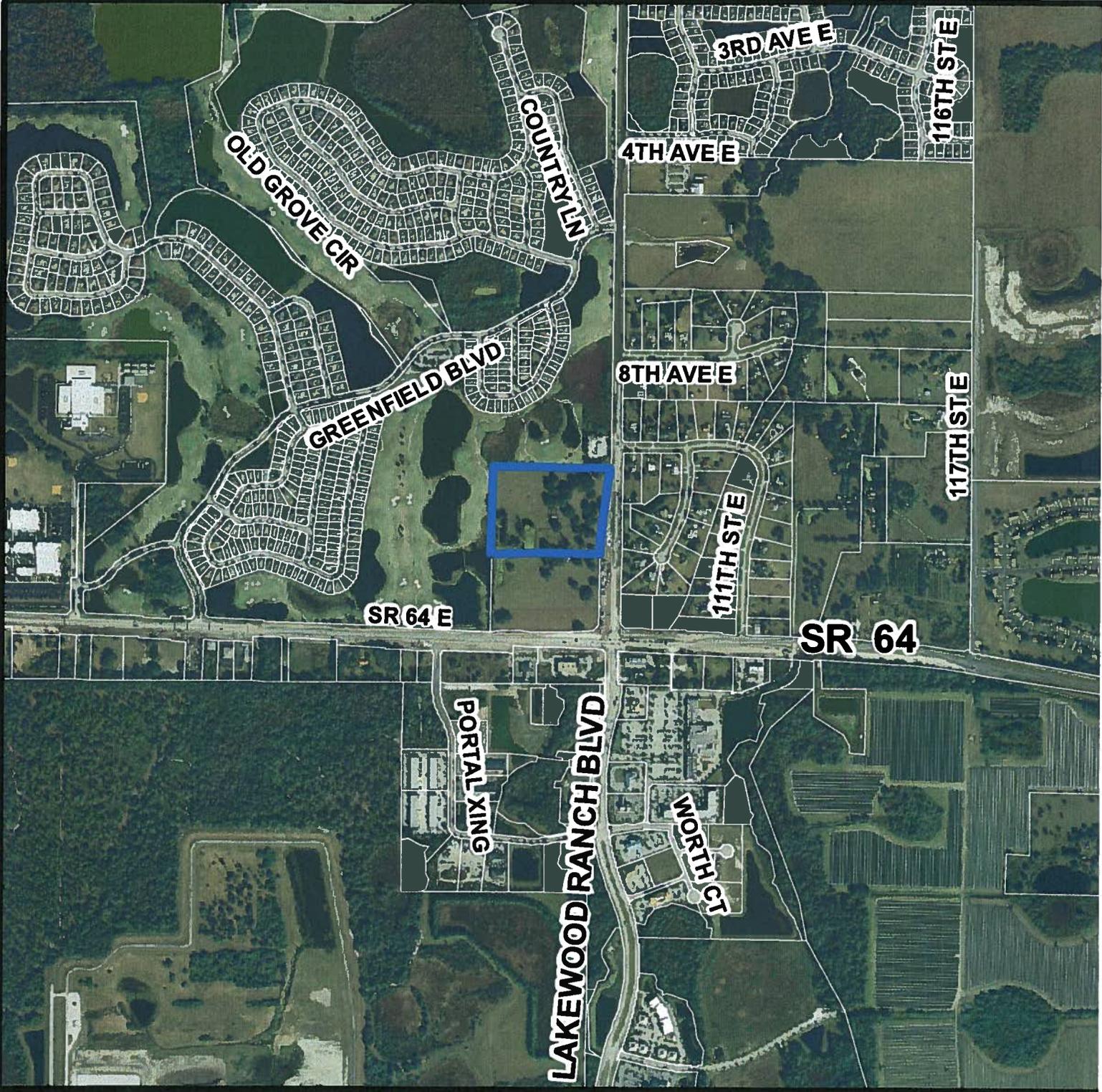
Project Name: Warner Crossing / Rezone
 Project #: Z-11-03
 DTS#: 20110075
 Proposed Use: Rezone to GC

S/T/R: Sec 30 Twn 34 Rng 19
 Acreage: 12.8
 Existing Zoning: A
 Existing FLU: ROR
 Overlays: NONE
 Special Areas: NONE

CHH: NONE
 Watershed: NONE
 Drainage Basin: MIDDLE MANATEE R
 Commissioner: Larry Bustle

Manatee County
 Staff Report Map
 Map Prepared 4/19/2011
 1 inch = 1,028 feet

AERIAL



Parcel ID #(s) 566900007

Project Name: Warner Crossing / Rezone
Project #: Z-11-03
DTS#: 20110075
Proposed Use: Rezone to GC

S/T/R: Sec 30 Twn 34 Rng 19
Acreage: 12.8
Existing Zoning: A
Existing FLU: ROR
Overlays: NONE
Special Areas: NONE

CHH: NONE
Watershed: NONE
Drainage Basin: MIDDLE MANATEE R
Commissioner: Larry Bustle



Manatee County
Staff Report Map

Map Prepared 4/19/2011
1 inch = 1,028 feet

P.C. 7/14/11

Z-11-03 – Warner Crossing LLC/Rezone (DTS # 20110075)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 12.8 acres located on the west side of Upper Manatee River Road, north of the intersection of SR 64 and Upper Manatee River Road at 1450 Upper Manatee River Road, Bradenton from the A (General Agriculture) to the GC (General Commercial) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

P.C.: 7/14/11

B.O.C.C.: 8/4/11

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, I move to recommend ADOPTION of Manatee County Zoning Ordinance No. Z-11-03, as recommended by staff.

PROJECT SUMMARY	
CASE#	Z-11-03 (DTS # 20110075)
PROJECT NAME	Warner Crossing LLC/Rezone
APPLICANT(S):	Warner Crossing, LLC
PROPOSED ZONING:	GC (General Commercial)
EXISTING ZONING:	A (General Agriculture)
CASE MANAGER:	Katie LaBarr, AICP
STAFF RECOMMENDATION:	APPROVAL WITH SIGNIFICANT CONCERNS

DETAILED DISCUSSION

This request is for a rezone of approximately 12.8 acres from A (General Agriculture) to GC (General Commercial). The property is located just north of the northwest intersection of SR 64 and Upper Manatee River Road. The site is in the R/O/R (Retail/Office/Residential) FLUC. The site has been used for cattle grazing and has one residence that is currently occupied.

The existing A zoning district is intended to preserve agricultural lands, promote general agricultural economic activity, and allow for the co-existence of other uses generally consistent with agricultural activity, while the proposed GC zoning district is intended to provide for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. The maximum building size in the GC zoning district is 50,000 square feet.

The adjacent parcels to the north and west are zoned PDR and are fairways and facilities associated with the golf course for the Greenfield Plantation residential subdivision.

The adjacent parcel to the south is 10.17+ acres and is already zoned GC. It was rezoned in 1989 when the FLUC was UF-3 (Urban Fringe 3 dwelling units per acre). Staff recommended denial based on the size of the parcel and existing vacant commercial properties on the south side of SR 64 at that time. The board, at that time, however, approved the request. In the years since this approval, conditions have changed at this commercial node with commercial development on three of the four corners.

The site has a Preliminary Plat approved for a 5 lot commercial subdivision. The approval letter includes a stipulation that the project shall not exceed 30,000 square feet of commercial/retail use because the underlying FLUC at the time of approval was UF-3 which allows the project size for a development to be up to 30,000 square feet without Special Approval.

The R/O/R FLUC permits retail, wholesale, or office commercial uses that function in the marketplace as neighborhood, community, or region-serving. The maximum project size without Special Approval (i.e. Planned Development) is 50,000 square feet.

Based on the size of the parcel, there is the potential for development at an intensity that exceeds the maximum threshold of 50,000 square feet without Special Approval. The maximum Floor Area Ratio in the GC Zoning District is 0.25. That would equate to 139,392 square feet of buildable area.

One could expect for the size limitation to be addressed with an administrative review. However, if the property is subdivided, the applicant contends that they could potentially develop each lot with up to 50,000 square feet. Staff does not agree with this interpretation, as Table 2-2 of the Comprehensive Plan notes maximum gross building square footage per project to be 50,000 without Special Approval. The Comprehensive Plan and Land Development Code define "project" as,

"any land use or combination of more than one land use, either existing or proposed, for which application for approval has either been submitted or is in the process of being reviewed, or which has been issued a development order...[a] project shall also constitute a parcel or tract of land which is proposed or exists as a single development, with all portions of the parcel or tract being contiguous, except where divided by roadways, streams, rivers, lakes or utility transmission corridors".

Staff contends that the maximum potential development on the entire 12.8 ± acres is to be limited to 50,000 in order to ensure compliance with the Land Development Code and Comprehensive Plan.

Staff agrees that commercial development at this location is an appropriate use. Traditionally, sites of this size are rezoned to Planned Development, so a site plan can accompany the request and stipulations can be attached to ensure compatibility with surrounding land uses, and the proposed intensity can be analyzed. Staff is also able to analyze a Special Approval request and recommend approval or denial of that request with the planned development rezone. In this instance, end users are not known and time limitations associated with site plans is of concern to the applicant. They have indicated that development of this site will not likely exceed 50,000 square feet. Staff is concerned that potential exists for development of this parcel at an intensity that is greater than anticipated or allowed, per the Comprehensive Plan.

Since development of the site would include the elimination of the residence on the property, staff requested an affordable housing determination from the Neighborhood Services Department and received a response on June 7, 2011. The residence exceeds the affordable housing threshold and does not require mitigation for replacement of affordable housing stock.

Although staff has concerns with the potential intensity of the site, we have concluded that a rezone to GC is generally consistent with the R/O/R FLUC designation and development trends and timing within the area.

SITE CHARACTERISTICS AND SURROUNDING AREA							
ADDRESS:	1450 Upper Manatee River Road						
GENERAL LOCATION:	On the west side of Upper Manatee River Road, north of the intersection with SR 64.						
ACREAGE:	12.8 ± acres						
EXISTING USE(S):	Pasture Land with a residence						
FUTURE LAND USE CATEGORY(S):	R/O/R (Retail/Office/Residential)						
INTENSITY:	Max F.A.R. permitted: <ul style="list-style-type: none"> - .25/.35 with Special Approval in GC Zoning - .35 for mini-warehouse without Special Approval in GC Zoning - 1.0 for hotels in R/O/R FLUC 						
OVERLAY DISTRICT(S):	None						
SURROUNDING USES & ZONING							
NORTH	Golf course associated with Greenfield Plantation zoned PDR						
SOUTH	Vacant property zoned GC (under same ownership)						
EAST	Windsong Acres residential subdivision zoned RSF-1						
WEST	Golf course associated with Greenfield Plantation zoned PDR						
SITE DESIGN DETAILS							
LOT SIZE(S):	78,408 ± s.f. Exceeds minimum lot size (7,500 s.f.) required for GC zoning						
SETBACKS: (min. required in GC zoning district)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Front</td> <td style="width: 20%;">25'</td> </tr> <tr> <td>Side</td> <td>10'</td> </tr> <tr> <td>Rear</td> <td>15'</td> </tr> </table>	Front	25'	Side	10'	Rear	15'
Front	25'						
Side	10'						
Rear	15'						
OPEN SPACE:	1.92 ± acres – 15% required in GC zoning. No site plan submitted at this time.						
ACCESS:	Existing driveway on Upper Manatee River Road; future location will be based on FDOT separation requirements to intersection of Upper Manatee River Road and SR 64						
FLOOD ZONE(S):	X - FIRM Panel 120153 0360 C Revised 7/15/92						

AREA OF KNOWN FLOODING:	No
UTILITY CONNECTIONS:	<ul style="list-style-type: none"> • 30" reclaimed water main • 42" potable water main • 16" sanitary force main along SR 64 • (3) 2" reclaimed water main stub outs • 10" potable water main stub out to the southerly property line • 8" force main • 42" potable water main along Upper Manatee River Road • 6" potable water main running parallel to the 42" potable water main beginning approximately 300' north of SR 64 and running approximately 350' further north
ENVIRONMENTAL INFORMATION	
Overall Wetland Acreage:	None
Proposed Impact Acreage:	None

NEARBY DEVELOPMENT

NON-RESIDENTIAL				
PROJECT	SQ. FT.	FAR	FLUC	YEAR APPROVED
CVS (f.k.a. Eckerds SR 64)	10,657 s.f. drugstore w/ drive-thru pharmacy	0.10	IL (at time of approval) MU (Today)	9/9/2003
Amsouth Bank	3,820 s.f. bank with drive-thru	0.053	IL (at time of approval) MU (Today)	9/9/2003
Lakewood Ranch Commerce Park	228,300 s.f. office; 145,000 s.f. industrial; 248,000 s.f. commercial	0.35	R/O/R, IL	7/25/2000
Hess	3,480 s.f. convenience store and a 5,796 s.f. canopy for gas pumps	0.098	IL	10/26/1999

Walgreens	16,486 s.f. drugstore with a drive-thru	0.16	UF-3	10/2/2008
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RESIDENTIAL

PROJECT	LOTS / UNITS	DENSITY	FLUC	YEAR APPROVED
Windsong Acres	41	0.76 du/ac	UF-3	1979
Greenfield Plantation	616	1.35 du/ac	UF-3	1995
Gates Creek	184	2.3 du/ac	UF-3	1995

POSITIVE ASPECTS

- Logical expansion of the adjacent GC zoning district to the south.
- Site is located within a commercial node, per the Comprehensive Plan.

NEGATIVE ASPECTS

- Potential for commercial development that exceeds Special Approval threshold (50,000). Special Approval cannot be granted with a straight rezone.
- Nearby residential development.
- Adjacent to property zoned PDR.

MITIGATING MEASURES

- The LDC provides for buffers between incompatible uses.

STAFF RECOMMENDED STIPULATIONS

Not applicable. This is a “straight rezone” from A to GC. All requirements of the ROR FLUC and GC zoning district will be reviewed with all future site plan approvals. These requirements include the range of permitted uses and size of project (FAR), setbacks, buffers, parking, adverse impact standards, etc.

**REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED
(Note: Stipulations cannot be attached to a straight rezone)**

Staff concerns are noted elsewhere in the staff report.

**COMPLIANCE WITH THE LAND DEVELOPMENT CODE
SECTION 504.5 - REZONE CRITERIA**

1. Compatibility with Neighbors. Is the requested change compatible with the existing development pattern and the zoning of nearby properties?

This property is adjacent to property currently zoned GC at the corner of Upper Manatee River Road and SR 64. The other three corners of SR 64 and Upper Manatee River Road/Lakewood Ranch Boulevard are developed with a variety of commercial land uses. To the west and north of this site, however, is land zoned PDR and part of Greenfield Plantation. The applicant contends, and staff agrees that while the property is adjacent to land zoned PDR, the use is for a golf course. The homes are clustered away from Upper Manatee River Road. If, in the future, the golf course use is proposed to be changed, that will require a site plan approval that will require approval by the Board of County Commissioners.

2. Changes from Original Conditions. Has there been a change in the conditions upon which the original zoning designation was based? Have major land uses or conditions changed since the zoning was established?

Yes, Upper Manatee River Road, Lakewood Ranch Boulevard and SR 64 are functionally classified roadways on the thoroughfare maps. With the recent amendment to the Comprehensive Plan, this site is entirely within the 1,500 foot commercial node of SR 64 and Upper Manatee River Road. While this area was once characterized as agricultural, it has been transitioning to low to moderate density suburban development. Commercial development at appropriate locations to serve the nearby residences is a development pattern that has been established in this area. This request is a continuation of that pattern.

3. Comprehensive Plan. Does the current zoning or the proposed zoning better conform to the current Comprehensive Plan?

The proposed zoning should conform to the current Comprehensive Plan. The R/O/R FLUC allows for up to 50,000 sq. ft. of neighborhood, community, or region-serving uses without Special Approval. Based on the size of the parcel, however, there is the potential for development at an intensity that exceeds the maximum threshold of 50,000 square feet without Special Approval. The maximum Floor Area Ratio in the GC Zoning District is 0.25. That would equate to 139,392 square feet of buildable area for this parcel. One could expect for the size limitation to be addressed with an administrative review. However, if the property is subdivided, the applicant contends that they could potentially develop each lot with up to 50,000 square feet of building area. Staff does not agree with this interpretation, as Table 2-2 of the Comprehensive Plan notes maximum gross building square footage per project to be 50,000 without Special Approval. The Comprehensive Plan defines "project" as, "any land use or combination of more than one land use, either existing or proposed, for which application for approval has either been submitted or is in the process of being reviewed, or which has been issued a development order...[a] project shall also constitute a parcel or tract of land which is proposed or exists as single development, with all portions of the parcel or tract being contiguous, except where divided by roadways, railroads, streams, rivers, lakes or utility transmission corridors". Staff contends that the maximum potential development on the entire 12.8 ± acres should be limited to 50,000 in order to ensure compliance with the Comprehensive Plan.

The GC zoning district allows a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs (i.e. retail sales, eating

establishments, bank, professional office, etc.).the R/O/R FLUC permits retail, wholesale, or office commercial uses that function in the marketplace as neighborhood, community, or region-serving.

Other than the concern regarding the maximum project size, staff considers this request to conform to applicable policies of the Comprehensive Plan.

4. Conflicts with Public Improvements. Will the proposed change conflict with existing or planned public improvements?

No, it does not appear that this rezone will conflict with existing or planed public improvements. Water and sewer are available. Transportation impacts will be analyzed when a site plan is submitted for administrative review.

5. Sufficient Public Facilities. Whether the proposed change will be supported by sufficient public facilities, based upon a consideration of the following factors:

(i) Will the proposed change adversely affect traffic patterns or congestion?
No

(ii) Will the proposed change adversely impact population density or development intensity such that the demand for schools, sewers, streets, recreational areas and facilities, and other public facilities and services are adversely affected?
No

(iii) Are sufficient public facilities planned and funded to support any change in density or intensity pursuant to the requirements of the Comprehensive Plan and applicable law?
No

The applicant will be required to obtain a Certificate of Level of Service at the time of development. Traffic patterns and public facilities demands will be analyzed in detail with a site plan submittal and any insufficiencies will be required to be addressed at that time in order to move forward with development of this property.

6. Neighborhood Changes. Will the proposed change adversely affect the health, safety or welfare of the neighborhood?

No, this property is adjacent to commercially zoned property and has frontage along Upper Manatee River Road. It is not anticipated that this change will have an adverse impact on the health, safety, or welfare of the neighborhood. The intersection has been developed commercially and the subject parcel is physically separated from the residential uses to the north and west by an existing golf course and to the east by Upper Manatee River Road. At the time of development, the site will be required to be developed in a manner that is compatible with the surrounding land uses, per the LDC.

7. Compliance with LDC. Is the proposed amendment in conformance with all applicable requirements of this Code?

The minimum lot size in the GC zoning district is 7,500 square feet. Minimum lot width is 75 feet. The range of uses permitted in the GC zoning district include retail sales, eating establishment, bank, hotel, and office. The maximum building size in the GC zoning district is 50,000 square feet.

Based on the size of the parcel, there is the potential for development at an intensity that exceeds that threshold. The maximum Floor Area Ratio in the GC Zoning District is 0.25. That would equate to 139,392 square feet of buildable area. One could expect for the size limitation to be addressed with an administrative review. However, if the property is subdivided, the applicant contends that they could potentially develop each lot with up to 50,000 square feet per the GC zoning requirements. Staff does not agree with this interpretation, as stated earlier.

Other than the concern regarding project size, staff considers this amendment to conform to all other applicable requirements of the LDC.

- 8. Orderly Development. Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.**

Yes, the proposed amendment is consistent with the development patterns within the commercial node in the area, and is appropriate for orderly development of the community, provided the project remains within the size limitations established by the Comprehensive Plan and Land Development Code.

- 9. Expanding Districts. Is the proposed amendment the logical expansion of adjacent zoning districts?**

Yes, the proposed amendment is the logical expansion of adjacent zoning districts because the property immediately to the south is zoned GC.

- 10. Trends. Is the timing of the request appropriate given the development trends in the area?**

Yes, the timing of this request is appropriate given the development trends in the area. The property to the south was rezoned to GC in 1989. The most recent rezone within this commercial node was the northeast corner of Upper Manatee River Road and SR 64, which was rezoned to PDC (Planned Development Commercial) in 2008.

- 11. Historic Resources. Will the proposed change adversely impact historic resources?**

No, there do not appear to be any known or recorded historic resources on the site. If any historic resources are found at the time of development, the applicant will be required to immediately report discoveries of historical or archaeological resources to the Florida Division of Historical Resources.

- 12. Environmental Impacts. Will the proposed change have an adverse environmental impact on the vicinity?**

No, it does not appear that the zoning atlas amendment will have an adverse environmental impact on the vicinity. The site has been used for a variety of agricultural uses, including pasture. However, a comprehensive environmental review of this parcel cannot be conducted, based on the information provided. More detailed information will be provided with future site plan submittals.

- 13. Lighting. Will the proposed change allow uses that require so much outdoor lighting that even the light from shielded fixtures may reflect off-site with potentially adverse effects on residential areas?**

Lighting cannot be evaluated at this time because a lighting plan is not required at the rezone stage. This determination must be deferred until the applicant submits a Final Site Plan with a lighting plan that is prepared in accordance with LDC Section 709.

14. County Wide Changes. Will the proposed change adversely affect the health, safety and welfare of the County as a whole?

No, it does not appear that this proposed change will have an adverse impact on the health, safety, and welfare of the County as a whole.

15. Mobile Homes. For any rezoning that would result in the removal or relocation of mobile home owners residing in a mobile home park, has the applicant demonstrated that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners, within the meaning of, and pursuant to, Section 723.083, Florida Statutes.

N/A

16. Other Matters. Any other matters which may be appropriate for consideration pursuant to this Code, the Comprehensive Plan or applicable law.

The proposed rezone is compatible with the surrounding land uses in the area.

COMPLIANCE WITH LDC

(Note: Compliance with the standards of the GC zoning district and all other requirements of the LDC will be reviewed and verified with future site plan approvals for this site.)

COMPLIANCE WITH COMPREHENSIVE PLAN

The site is in the R/O/R Future Land Use Category. A list of Comprehensive Plan Policies applicable to this request is attached. This project was specifically reviewed for compliance with the following policies:

Policy 2.1.2.7 Appropriate Timing.

The timing of this rezone is appropriate given development trends in the area. The site is located within a commercial node, per the Comprehensive Plan. The surrounding area is characterized by suburban residential and commercial development within the established commercial nodes on the north side of SR 64. Development on the south side of SR 64 is characterized by commercial, light manufacturing, and office uses.

Policy 2.2.1.17.2 Range of Potential Uses.

Uses permitted in the R/O/R Future Land Use Category include retail, wholesale or office commercial uses which function in the market place as neighborhood, community, or region serving. Commercial development is within the range of potential uses contemplated for the R/O/R FLUC.

Policy 2.2.1.17.3 Range of Potential Density/Intensity.

The maximum Floor Area Ratio in the R/O/R FLUC is 0.35 (0.25 without Special Approval). The maximum building area for neighborhood, community, or region-serving uses is large – 300,000

square feet. Special Approval is required for building area that exceeds 50,000 square feet. Staff has a concern that, based on the size of the parcel, the site could be developed at an intensity that could potentially exceed 50,000 square feet without Special Approval.

Policy 2.6.1.1 Compatibility.

A rezone to GC may be considered compatible with the surrounding land uses.

CONCURRENCY
(Note: A CLOS application cannot be filed with a straight rezone.)

CLOS APPLIED FOR: Y ___ N X
 TRAFFIC STUDY REQ'D: Y ___ N X

NEAREST ROADWAY	LINK(S)	ADOPTED LOS	EXISTING LOS
SR 64	Lena Road to Lakewood Ranch Blvd.	D	B
SR 64	Lakewood Ranch Blvd. to Rye Rd.	D	C

REQUIRED IMPROVEMENTS:

1. N/A at this time. Any CLOS requirements will be reviewed at Final Site Plan when a specific use is proposed. Traffic safety and operational concerns will also be considered in review of the traffic study.

ATTACHMENTS

1. Applicable Comprehensive Plan Policies
2. Zoning Disclosure Affidavit
3. Copy of Newspaper Advertising

APPLICABLE COMP PLAN POLICIES

Policy:	2.1.2.7	<p>Review all proposed development for compatibility and appropriate timing. This analysis shall include:</p> <ul style="list-style-type: none">- consideration of existing development patterns,- types of land uses,- transition between land uses,- density and intensity of land uses,- natural features,- approved development in the area,- availability of adequate roadways,- adequate centralized water and sewer facilities,- other necessary infrastructure and services.- limiting urban sprawl- applicable specific area plans- (See also policies under Objs. 2.6.1 - 2.6.3)
Policy:	2.2.1.17	<p>R/O/R: Establish the Retail/Office/Residential future land use category as follows:</p>
Policy:	2.2.1.17.1	<p>Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas which are established and developed areas exhibiting a broad range of commercial, residential and, in certain cases, light industrial uses, and to recognize the continued existence of such areas through the long range planning timeframe. Also, to provide for orderly transition from, or redevelopment of, these existing and developed multiple-use areas. Also, to prohibit the intrusion of new industrial areas into these ROR areas, which typically fail to exhibit a planned or integrated approach to multiple use development, and instead exhibit an incremental or unplanned history of multiple use development. Also to establish at a few major and highly accessible, but currently undeveloped, sites for the development of major future community or region-serving commercial uses with a variety and permitted intensity of use which allows for a multi-purpose commercial and office node,</p>

with residential uses. Also, to provide incentives for, encourage, or require the horizontal or vertical integration of various residential and non-residential uses within these areas, achieving internal trip capture, and the development of a high quality environment for living, working, or visiting.

Policy: 2.2.1.17.2

Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Retail, wholesale or office commercial uses which function in the market place as neighborhood, community, or region-serving. Also residential uses, lodging places, public or semi-public uses, schools, recreational uses, appropriate water-dependent/ water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4), and short-term agricultural uses.

Policy: 2.2.1.17.3

Range of Potential Density/Intensity:

Maximum Gross Residential Density:

For development existing at time of plan adoption or treated as a special exception under this Comprehensive Plan - 16 dwelling units per acre

For new development -
9 dwelling units per acre

Minimum Gross Residential Density: 7.0 only in CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "Affordable Housing".

Maximum Net Residential Density:

For development existing at time of plan adoption or treated as a special exception under this Comprehensive Plan - 20 dwelling units per acre

For new development -
16 dwelling units per acre

24 dwelling units per acre inside the CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "Affordable Housing".

Maximum Floor Area Ratio: 0.35
1.0 inside the CRA's and UIRA

Maximum Floor Area Ration for Hotels: 1.0

Maximum Square Footage for Neighborhood,
Community, or Region-Serving Uses: Large 300,000sf

Policy: 2.2.1.17.4

Other Information:

- a) All mixed and multiple-use projects shall require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to § 163.3202, F.S.
- b) All projects for which either gross residential density exceeds 6 dwelling units per acre, or for which any net residential density exceeds 9 units per acre, shall require special approval.
- c) All non-residential projects, or part thereof, exceeding 0.25 FAR shall also require special approval except mini-warehouse.
- d) Non-residential projects exceeding 150,000 square feet gross building area may be considered only if consistent with the requirements for large commercial uses, as described in this element.
- e) In areas where existing development is recognized utilizing the Retail/Office/Residential category, or where the spatial form of the Retail/Office/Residential designation on the Future Land Use map is accordingly inconsistent with the commercial locational criteria contained in this element; development or redevelopment within the area designated under this category shall not be required to achieve compliance with the commercial locational criteria described in Sections 2.10.4.1 and 2.10.4.2 of this element. However, any such development or redevelopment shall still be required to achieve compliance with other commercial development standards contained in this element, and be consistent with other goals, objectives, and policies in this Comprehensive Plan (see also 2.10.4.2).
- f) In areas where the Retail/Office/Residential category is designated in a manner entirely consistent with the commercial locational criteria, all commercial development or redevelopment shall be conducted in a manner consistent with the commercial location criteria and development standards contained in this element.
- g) In order to distinguish between uses which may be

permitted in the R/O/R category, as compared to those which require siting within an industrial category, the following guidelines shall be utilized:

- I. No uses which have a primary purpose of distribution of goods from that site shall be permitted in the Retail/ Office/ Residential designation.
- II. No new areas (a new area, for the purposes of this policy, shall be defined as property beyond those parcel configurations as of May 11, 1989 which had light industrial uses established upon them) engaging in the manufacturing, processing, and assembly of goods shall be permitted in the Retail/Office/ Residential designation except as provided below:
- III. Legally established light industrial uses existing prior to the adoption of this Comprehensive Plan shall be considered legally conforming uses, limited to their approved location. With special approval, other light industrial uses and additional square footage within the same parcel may be approved if there are no additional impacts to adjoining properties and all special approval criteria are met.
- iv. If a legally established light industrial use ceases operation for over six months with no action to re-establish and/or continue such use, the use shall now be prohibited from development within the R/O/R designation.

Policy: 2.6.1.1

Require all adjacent development that differs in use, intensity, height, and/or density to utilize land use techniques to mitigate potential incompatibilities. Such techniques shall include but not be limited to:

- use of undisturbed or undeveloped and landscaped buffers
- use of increased size and opacity of screening
- increased setbacks
- innovative site design (which may include planned development review)
- appropriate building design

- limits on duration/operation of uses
- noise attenuation techniques
- limits on density and/or intensity [see policy 2.6.1.3]

Policy: 2.10.2.2

Maintain the following commercial project size thresholds, which may be exceeded only through the special approval process, to ensure that the increased impacts generally associated with larger commercial projects are adequately evaluated and mitigated. Table 2-3 below identifies these maximum gross building square footages, by category of commercial use, not requiring special approval.

TABLE 2-2

**Maximum Commercial Project Square Footages
Which May be Considered With Special Approval
and Without Special Approval**

Category of Commercial Use	Maximum Gross Building Square Footage Per Project Without Special Approval	Maximum Gross Building Square Footage Per Project With Special Approval
Small	3,000	30,000
Medium	30,000	150,000
Large	50,000	300,000

ZONING DISCLOSURE AFFIDAVIT

Warner Crossing LLC/Rezone

File Number _____

File Name WARNER CROSSING

The Manatee County Land Development Code 90-01, as amended requires that all applications for Zoning Atlas Amendments shall include public disclosure of applicants and their percentage of interest.

If the property is owned by a CORPORATION, list the principal officers and principal stockholders and the percentage of stock owned by each.

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

If the property is in the name of a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the principals below, including general and limited partners.

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust. This is in addition to the list of owners.

FOR ANY CHANGES OF OWNERSHIP OR CHANGES IN CONTRACTS FOR PURCHASE SUBSEQUENT TO THE DATE OF THE APPLICATION, BUT PRIOR TO THE DATE OF FINAL PUBLIC HEARING, A SUPPLEMENTAL DISCLOSURE OF INTEREST SHALL BE FILED.

Disclosure shall not be required of any entity whose interests are solely equity interest which are regularly traded on an established securities market in the United State or another country.

NAME, ADDRESS AND OFFICER

PERCENTAGE STOCK, INTEREST OR OWNERSHIP

Check if owner () or contract purchaser ()

Dan S. Blalock Living Trust

50%

Martha W. Blalock Trust

50%

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true.

Signature: [Handwritten Signature]

STATE OF FLORIDA

(Applicant): Warner Crossing, LLC

COUNTY OF Manatee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 2nd day of March, 2011, by William M. Blalock, who is personally known to me or who has produced _____ as identification.
(type of identification)



[Handwritten Signature]

Notary Signature

Shana Maguire

Print or type name of Notary

My Commission Expires: _____

Commission No: _____

Title or Rank

Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on **Thursday, July 14, 2011 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida** to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

Z-11-03 - WARNER CROSSING LLC/REZONE DTS # 20110075

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 12.8 acres located on the west side of Upper Manatee River Road, north of the intersection of SR 64 and Upper Manatee River Road at 1450 Upper Manatee River Road, Bradenton from the A (General Agriculture) to the GC (General Commercial) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

Z-11-05 - FM CAPITAL CITY CORPORATION DTS # 20110096

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the

Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 0.93 acres at the northeast corner of SR 70 (53rd Avenue East) and 30th Street East at 2955 53rd Ave. E., Bradenton from the PDC (Planned Development Commercial) and RDD-6 (Residential Duplex District, 6 dwelling units per acre) to the GC (General Commercial) zoning districts; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDO-11-11(G) - PROGRESSIVE VETERINARY PRACTICES DTS #20110188

An Ordinance of the Board of County Commissioners of Manatee County, Florida,

regarding Land Development, approving a General Development Plan on approximately a 2.25 acre site to build an 8,000± square foot veterinary clinic; located on the north side of SR 70 at 10915 SR 70 East, approximately 1,375 feet west of Lakewood Ranch Blvd. in the PDO/WP-E/ST (Planned Development Office/Watershed Protection-Evers/Special Treatment Overlay District) zoning district; subject to stipulations as conditions of approval; providing for severability, and providing an effective date.

LDA-09-04(R) - AMENDED LOCAL DEVELOPMENT AGREEMENT FOR SUMMER WOODS DEVELOPMENT DTS#20100212

Request: Approval of a Local Development Agreement providing for the issuance of a five (5) year certificate of level of service compliance; providing for dedication of right-of-way; providing for design, permitting and construction of project entrance improvements including turn lanes; providing for severability, and providing for an effective date. The Local Development Agreement applies to Summer Woods approved as PDR-09-14(Z)(P) (268.14± acres). The proposed use of the properties is residential development. Pursuant to existing zoning, Summer Woods is approved for 562 residential units, each with a maximum height of 35 feet.

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans With Disabilities:

The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida
06/29/2011

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

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Sarasota Herald Tribune

DO-11-11(G) - PROGRESSIVE VETERINARY PRACTICES DTS #20110188

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding Land Development approving a General Development Plan on approximately a 2.25 acre site to build an 8,000± square foot veterinary clinic located on the north side of SR 70 10915 SR 70 East, approximately 1,375 feet west of Lakewood Ranch Blvd. in the PDO/WP-E/ST (Planned Development Office/Watershed Protection-Evers/Special Treatment Overlay District) zoning district; subject to stipulations as conditions of approval; providing for severability, and providing an effective date.

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Manatee County Building and Development Services Department
Manatee County, Florida

Date of pub: June 29, 2011

MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT	PDO-11-11(G) – Progressive Veterinary Practices	TYPE AGENDA ITEM	Advertised Public Hearing – Regular
DATE REQUESTED	7/14/11 PC	DATE SUBMITTED/REVISED	7/6/11
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Building and Development Services / Public Hearings	AUTHORIZED BY TITLE	John Osborne, AICP, Planning and Zoning Official <i>JB 10/10</i>
CONTACT PERSON TELEPHONE/EXTENSION	Kathleen Thompson / 748-4501 ext. 6841	PRESENTER/TITLE TELEPHONE/EXTENSION	Kathleen Thompson, AICP, Planning Manager/748-4501ext.6841
ADMINISTRATIVE APPROVAL			

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

I move to recommend approval of PDO-11-11(G) per the recommended motion in the staff report attached to this memo.

ENABLING/REGULATING AUTHORITY
Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

Manatee County Comprehensive Plan and Manatee County Land Development Code.

BACKGROUND/DISCUSSION

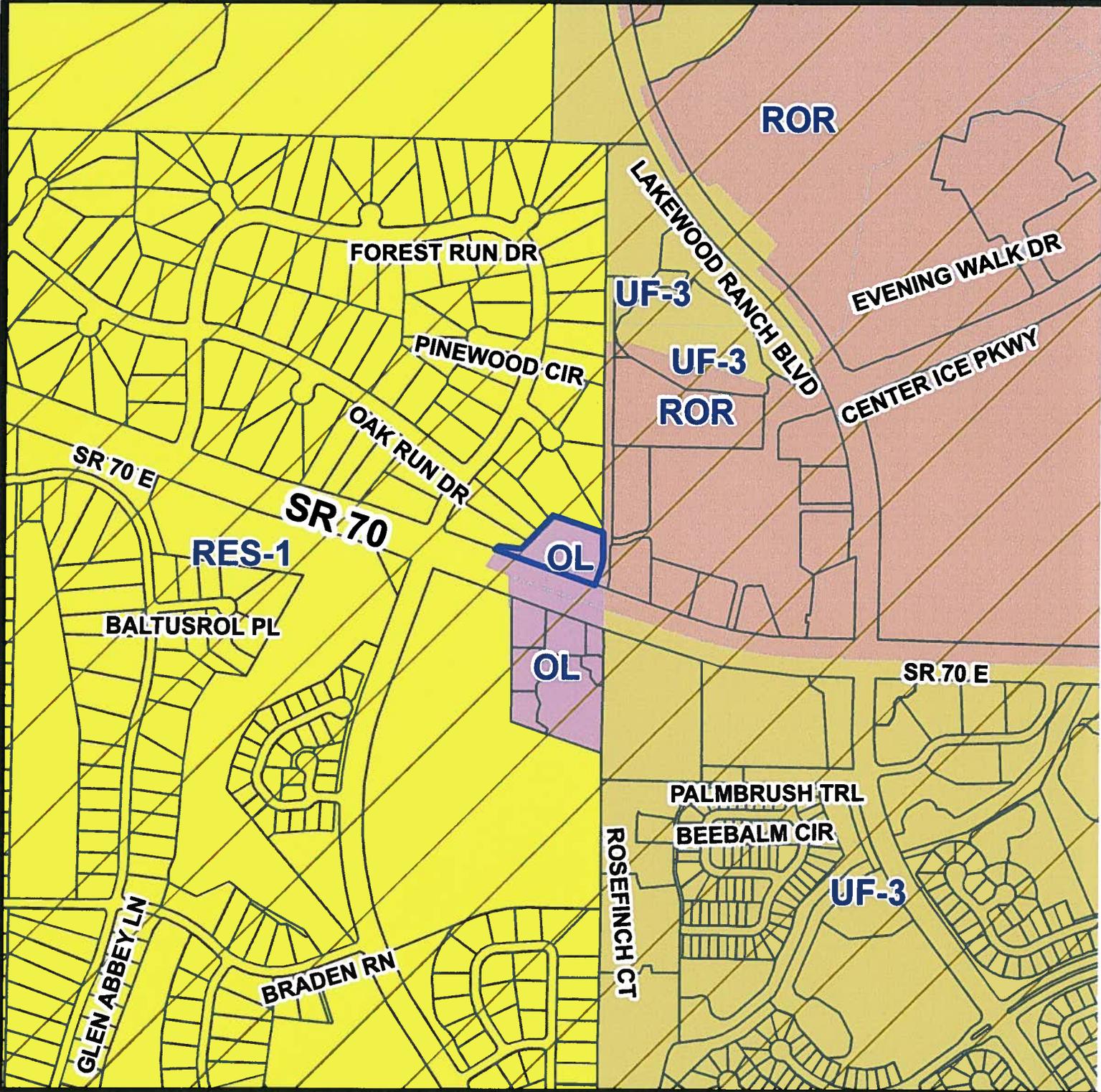
- The property is located on the north side of SR 70 at 10915 SR 70 East, approximately 1375' west of Lakewood Ranch Blvd. The parcel is 2.25+/- acres.
- The site was rezoned from RSF-1 to PDO in 2005 [(PDO-05-16(Z)(P)]. The preliminary site plan approval consisted of a 15,300 square foot professional office and was granted Special Approval for a project in the Evers Watershed Overlay District. The preliminary site plan has expired.
- The applicant is requesting approval of a general development plan for an 8,000 square foot veterinary clinic. The clinic will have on-site (enclosed) boarding for small animals. The construction of the facility will be completed in two phases with Phase 1 consisting of 5,600sf and Phase 2 at 2,400sf.
- Staff recommends approval with the attached stipulations.

COUNTY ATTORNEY REVIEW	
Check appropriate box	
<input type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: _____)
<input checked="" type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

ATTACHMENTS: (List in order as attached)	INSTRUCTIONS TO BOARD RECORDS:
Staff Report for PDO-11-11(G)	n/a
COST: n/a	SOURCE (ACCT # & NAME): n/a

COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	
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FUTURE LAND USE



Parcel ID #(s) 583614419

Project Name: Progressive Veterinary Practices
 Project #: PDO-11-11 (G)
 DTS#: 20110188
 Proposed Use: Veterinary office

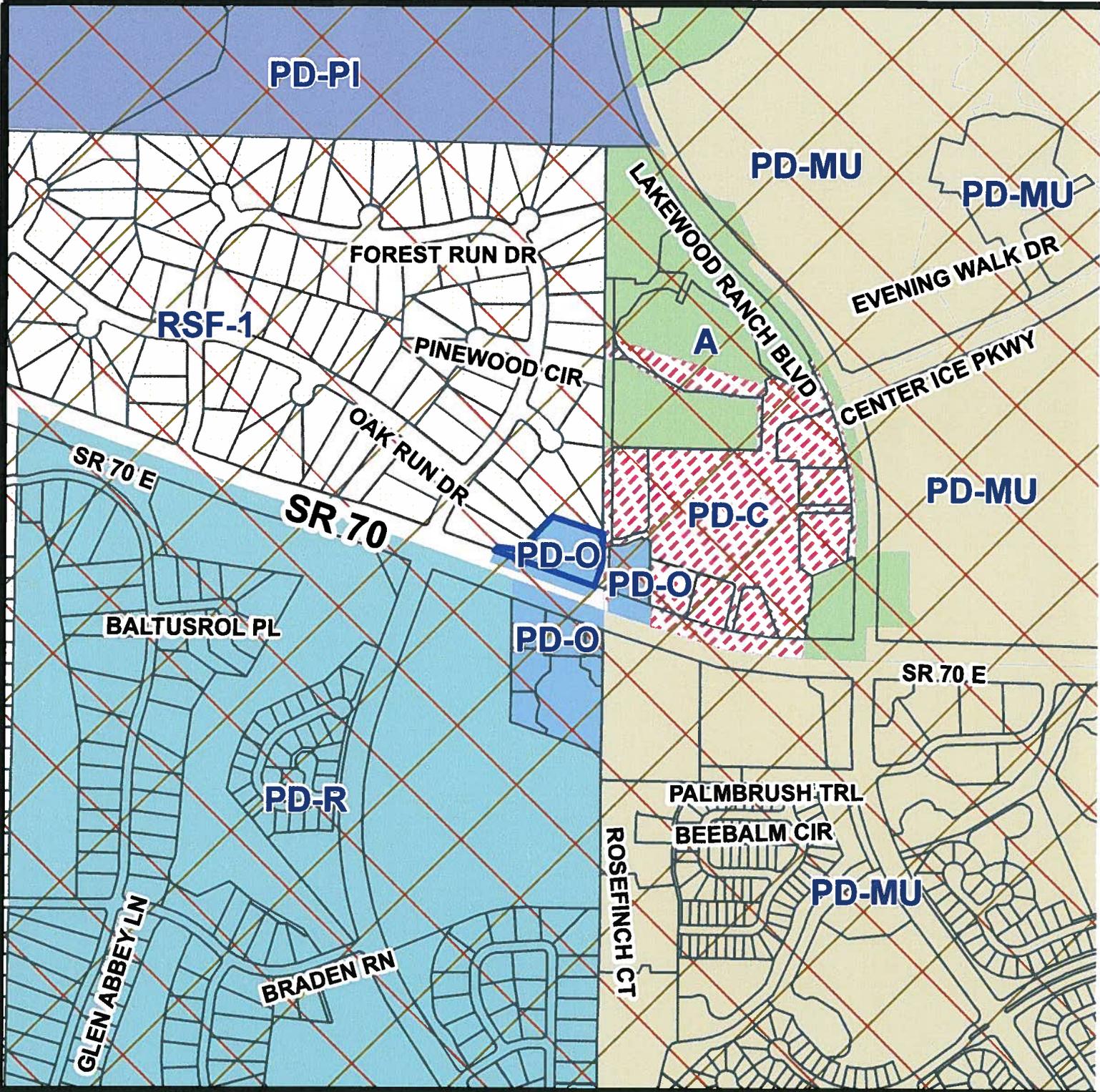
S/T/R: Sec 18 Twn 35 Rng 19
 Acreage: 2.25
 Existing Zoning: PD-O
 Existing FLU: OL
 Overlays: ST
 Special Areas: NONE

CHH: NONE
 Watershed: WPE
 Drainage Basin: UNNAMED DRAIN
 Commissioner: Donna Hayes

 Manatee County
 Staff Report Map
 Map Prepared 6/21/2011
 1 inch = 708 feet

Overlays
 Evers Watershed (WPE)

ZONING



Parcel ID #(s) 583614419

Project Name: Progressive Veterinary Practices
 Project #: PDO-11-11 (G)
 DTS#: 20110188
 Proposed Use: Veterinary office

S/T/R: Sec 18 Twn 35 Rng 19
 Acreage: 2.25
 Existing Zoning: PD-O
 Existing FLU: OL
 Overlays: ST
 Special Areas: NONE

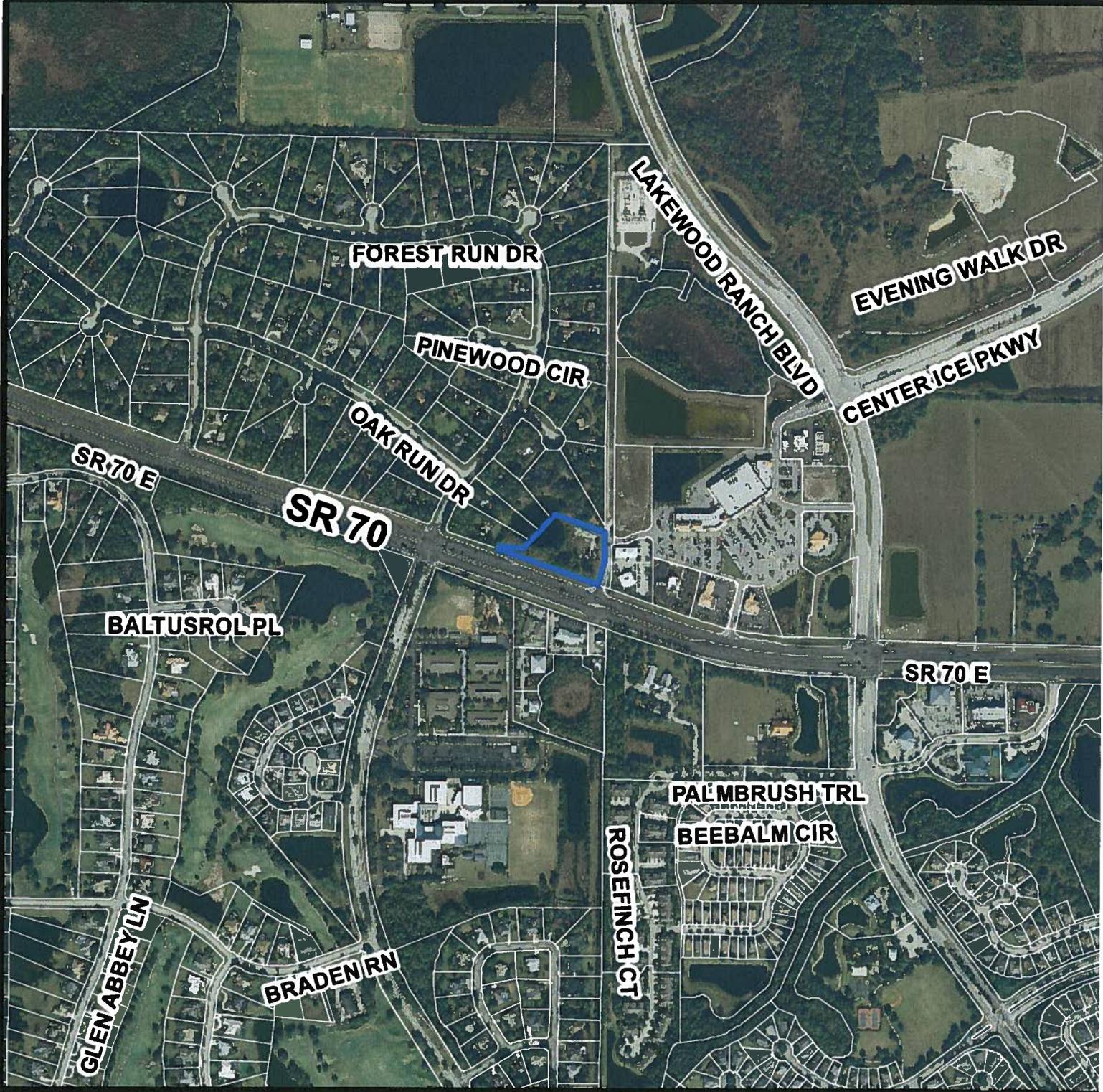
CHH: NONE
 Watershed: WPE
 Drainage Basin: UNNAMED DRAIN
 Commissioner: Donna Hayes

Manatee County
 Staff Report Map
 Map Prepared 6/21/2011
 1 inch = 708 feet

Overlays

-  Special Treatment
-  Evers Watershed (WPE)

AERIAL



Parcel ID #(s) 583614419

Project Name: Progressive Veterinary Practices
 Project #: PDO-11-11 (G)
 DTS#: 20110188
 Proposed Use: Veterinary office

S/T/R: Sec 18 Twn 35 Rng 19
 Acreage: 2.25
 Existing Zoning: PD-O
 Existing FLU: OL
 Overlays: ST
 Special Areas: NONE

CHH: NONE
 Watershed: WPE
 Drainage Basin: UNNAMED DRAIN
 Commissioner: Donna Hayes

Manatee County
 Staff Report Map
 Map Prepared 6/21/2011
 1 inch = 708 feet

P.C. 07/14/11

PDO-11-11(G)
PROGRESSIVE VETERINARY PRACTICES
DTS #20110188

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding Land Development, approving a General Development Plan on approximately a 2.25 acre site to build an 8,000± square foot veterinary clinic; located on the north side of SR 70 at 10915 SR 70 East, approximately 1,375 feet west of Lakewood Ranch Blvd. in the PDO/WP-E/ST (Planned Development Office/Watershed Protection-Evers/Special Treatment Overlay District) zoning district; subject to stipulations as conditions of approval; providing for severability, and providing an effective date.

P.C.: 07/14/11

B.O.C.C.: 08/04/11

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, I move to recommend APPROVAL of Manatee County General Development Plan PDO-11-11(G) with Stipulations A.1 – A.3, B.1 - B.2 and C.1 – C.5 as recommended by staff.

PROJECT SUMMARY	
CASE#	PDO-11-11 / DTS # 20110188
APPLICANT:	Progressive Veterinary Practices
EXISTING ZONING:	PDO /WP-E/ST (Planned Development Office/Watershed Protection – Evers/Special Treatment overlay district)
PROPOSED USE(S):	Veterinary Clinic
CASE MANAGER:	Kathleen Thompson, AICP
STAFF RECOMMENDATION:	Approval

DETAILED DISCUSSION

The subject property is located on the north side of SR 70 at 10915 SR 70 East, approximately 1375' west of Lakewood Ranch Blvd. The parcel is 2.25+/- acres.

The site was rezoned from RSF-1 to PDO in 2005 [(PDO-05-16(Z)(P)]. The preliminary site plan approval consisted of a 15,300 square foot professional office and was granted Special Approval for a project in the Evers Watershed Overlay District. The site was previously home to a VFW Post which was demolished in late 2007. The preliminary site plan has expired.

The current owner has submitted a general development plan for an 8,000 square foot veterinary clinic. The clinic will have on-site (enclosed) boarding for small animals. The construction of the facility will be completed in two phases with Phase 1 consisting of 5,600sf and Phase 2 at 2,400sf.

A large lake exists on site that is shared with the residential subdivision to the west and northwest (Braden Pines subdivision). The lake provides a large natural buffer from the site to those homes located along the western and northwestern edge of the lake. There is a residential dwelling immediately north of the site which warrants an increased buffer and landscaping on the project site. An existing ditch also separates the north property line from the dwelling unit. The ditch is steep, so staff is recommending a 6' fence be installed not only for safety sake but as an additional screening buffer. The roadway and perimeter buffers will meet or exceed the minimum requirement.

Staff recommends approval subject to the recommended stipulations.

SITE CHARACTERISTICS AND SURROUNDING AREA	
ADDRESS:	10915 SR 70 East
GENERAL LOCATION:	Northwest corner of SR 70 and 111 th Street East (private street), approximately 1,375' west of Lakewood Ranch Blvd.
ACREAGE:	2.25 ± acres
EXISTING USE(S):	Vacant
SITE HISTORY	<p>The site was rezoned from RSF-1 to PDO in 2005 (PDO-05-16(Z)(P) for a 15,300 square foot professional office.</p> <p>The site was home to a VFW Post which was demolished in late 2007.</p> <p>The preliminary site plan has expired.</p> <p>The site is vacant.</p>
FUTURE LAND USE CATEGORY(S):	OL (Office – Low Intensity)
DENSITY / INTENSITY:	.08 FAR
SPECIAL APPROVAL(S):	N/A
OVERLAY DISTRICT(S):	Evers Watershed Overlay
SPECIFIC APPROVAL(S):	Reduce replacement tree size (caliper) Section 714.8.7
SURROUNDING USES & ZONING	
NORTH	A single family home in Braden Pines subdivision (RSF-1 zoning)
SOUTH	<p>SR 70 East (6 lane divided highway)</p> <p>An office park (Spring Forest Office Park) is located on the south side of SR 70 East (PDO – Planned Development Office zoning)</p>
EAST	Office buildings (Tax Collector; medical offices, realtor) are located east of 111 th Street East (PDO – Planned Development Office and PDC-Planned Development Commercial zoning)

WEST	Several single family homes in Braden Pines subdivision and a portion of a large lake (RSF-1)	
SITE DESIGN DETAILS		
SETBACKS:	Front Side Rear Waterfront	25' (project has 2 fronts) 15' 15' 30'
OPEN SPACE:	30% required. 35% proposed	
RECREATIONAL AMENITIES:	N/A	
RECREATIONAL ACREAGE:	N/A	
ACCESS:	Access to/from SR 70 via an ingress/egress easement (111 th St E- private street) along east property line.	
FLOOD ZONE(S)	Zone X per FIRM Panel 120153 0370C	
AREA OF KNOWN FLOODING	Yes	
UTILITY CONNECTIONS	<p>There is a 36" County potable water main along SR 70. There is also a 10" private potable water main along 111th Street East.</p> <p>There is an 8" private gravity sewer stub out to the property from a collection system running perpendicular 111th Street East.</p> <p>Construction must be to Manatee County standards and privately maintained.</p>	
ENVIRONMENTAL INFORMATION		
Overall Wetland Acreage:	None	
Proposed Impact Acreage:	N/A	
HEALTH DEPARTMENT COMMENTS		
<p>Disposal of biohazardous/biomedical waste shall be in accordance with Chapter 64E-16, Florida Administrative Code. Permits are required for each biomedical waste generator in the facility.</p>		

POSITIVE ASPECTS

- The site fronts SR 70 (a 6 lane divided arterial roadway) which is more appropriate for non residential development.
- The site is zoned for office and is adjacent to commercial and office development to the east and south.

NEGATIVE ASPECTS

- The site is adjacent to residential dwelling units to the west and north.
- The parcel is located within the Evers watershed overlay district.

MITIGATING MEASURES

- A larger buffer and landscaping adjacent to the residential units as well as the existing lake will bolster compatibility with the homes.
- Condition Use Criteria in the LDC (704.73) requires a veterinary clinic to be within a completely enclosed building, adequately soundproofed and constructed so that there is no emission of odor or noise detrimental to other property in the area.
- The project will comply with Evers Reservoir Watershed Protection overlay requirements (604.1) in the LDC.

STAFF RECOMMENDED STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS

1. As shown on the general development plan, a 35' perimeter buffer shall be required along the northern property, generally from the pond east to the beginning of the 20' buffer area. The perimeter buffer may be reduced to approximately 20' where adjacent to parking area. The 35' buffer area shall be planted with 12 red cedar trees. Shrubs shall be provided adjacent to the north edge of the parking area in the 20' buffer area. Both sides of the dumpster that face the neighboring property shall be planted with shrubs.
2. A 6' high opaque fence shall be installed in the 35' perimeter buffer along the northern property, generally from the pond east to the beginning of the 20' buffer area, with the required minimum landscaping per the LDC planted on the exterior side of the fence facing the adjacent property.

3. There shall be no individual outdoor kennel/boarding runs. The outdoor pet area adjacent to the clinic shall be fenced.

B. STORMWATER CONDITIONS:

1. This project shall be required to reduce the calculated pre-development flow rate by twenty-five percent (25%) for all stormwater outfall flow directly or indirectly into the Braden River/Evers Reservoir. Modeling shall be used to determine pre- and post- development flows.
2. This project shall provide 150% water quality treatment for the Braden River Water Protection Overlay (WP-E).

C. ENVIRONMENTAL CONDITIONS:

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Environmental Planning Division for review prior to Final Site Plan approval.
2. Prior to Final Site Plan approval applicant shall address tree removal and replacement in accordance with Section 714.8.7 of the LDC and as per Specific Approval granted to allow the smaller replacement tree sizes.
3. Existing native vegetation located within any required landscape buffer shall be preserved to the greatest extent possible and shall be shown on the Final Site Plan. Care shall be taken to avoid overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.
4. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Planning Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, unless otherwise approved by the Planning Department.
5. 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.

REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED				
None				
STANDARD(S) REQUIRED	Design Proposal	COMPLIANCE		COMMENTS
		Y	N	
BUFFERS				
10' roadway buffer	10' & 20'	Y		10' roadway buffer along SR 70, beginning at 111 th St E and continuing approximately 60' westward to accommodate parking area. The remaining frontage along SR 70 is 20'. A 20' roadway buffer is also proposed along 111 th Street East.
10' perimeter buffer	20' & 35'	Y		A 35' perimeter buffer is proposed along a portion of the northern property. Where the buffer is adjacent to the parking area, the landscape buffer will be reduced to approximately 20'. A large pond provides the perimeter buffer for the remaining portion of the northern property. The small wedge of property, fronting SR 70, south of Lot 58 (in Braden Pines subdivision) will remain vacant and provide an additional buffer.
Buffer landscaping				To be determined with Final Site Plan.
SIDEWALKS				
5' sidewalk – 111 th St E				5' sidewalk to extend along entire eastern boundary of project. To be approved with Final Site Plan.
5' sidewalk - SR 70		Y		6' sidewalk existing along SR 70 project frontage.
ROADS & RIGHTS-OF-WAY				
200+/- on SR 70 East		Y		Existing
Interneighborhood Ties	N/A			

CONCURRENCY

**N/A with a General Development Plan.
Concurrency will be addressed at preliminary or final site plan stage.**

SPECIFIC APPROVALS – ANALYSES, RECOMMENDATIONS, FINDINGS

Applicant Request(s):

- 1. Alternative to LDC Section 714.8.7 which requires replacement tree sizes (caliper).**

The applicant requests Specific Approval to allow replacement tree sizes at 3"/4"/4" instead of 3"/5"/7".

Staff Analysis and Recommendation

Staff is in support of the Specific Approval request. The Land Development Code is slated to reflect the smaller replacement tree sizes with the upcoming amendment to Section 714 – Tree Protection and the smaller sizes will more readily establish and grow when planted.

Finding for Specific Approval

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 714.8.7, the Board finds that the smaller replacement trees have a better chance to establish and grow.

ATTACHMENTS

- 1. Applicable Comprehensive Plan Policies**
- 2. Copy of Newspaper Advertising**

APPLICABLE COMP PLAN POLICIES

Policy: 2.1.2.4 Limit urban sprawl through the consideration of new development, when deemed compatible with existing and future development, in areas which are internal to, or are contiguous expansions of the built environment.

Policy: 2.1.2.5 Permit the consideration of new residential and nonresidential development in areas which are currently undeveloped, which are suitable for new residential or non-residential uses.

Policy: 2.1.2.7 Review all proposed development for compatibility and appropriate timing. This analysis shall include:

- consideration of existing development patterns,
- types of land uses,
- transition between land uses,
- density and intensity of land uses,
- natural features,
- approved development in the area,
- availability of adequate roadways,
- adequate centralized water and sewer facilities,
- other necessary infrastructure and services.
- limiting urban sprawl
- (See also policies under Objs. 2.6.1 - 2.6.3)

Policy: 2.2.1.16 OL: Establish the Low Intensity Office future land use category as follows:

Policy: 2.2.1.16.1 Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas which are established for low intensity office development, or low intensity office development mixed, and compatible, with an existing low density urban or clustered low moderate density urban, residential environment. Also to provide for transitional uses between commercial and residential areas, and to simultaneously prevent the intrusion of additional retail uses into residential environments or into environments which consist of predominantly office uses.

Policy: 2.2.1.16.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Suburban or urban residential uses, neighborhood retail uses (office only, no retail or wholesale), public or semi-public uses, schools, low intensity recreational uses,

and appropriate water-dependent/ water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4).

Policy: 2.2.1.16.3 Range of Potential Density/Intensity:

**Maximum Gross Residential Density:
6 dwelling units per acre**

Minimum Gross Residential Density: 5.0 only in CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "Affordable Housing".

**Maximum Net Residential Density:
12 dwelling units per acre**

16 dwelling units per acre in CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "Affordable Housing". (except within the WO or CHHA Overlay Districts pursuant to Policies 2.3.1.5 and 4.3.1.5)

**Maximum Floor Area Ratio: 0.23
1.00 inside the CRA's and UIRA**

**Maximum Square Footage for Neighborhood
Retail Uses: Small (30,000sf – office only)**

Objective 2.6.1 Compatibility through Screening, Buffering, Setbacks, And Other Mitigative Measures: Require suitable separation between adjacent land uses to reduce the possibility of adverse impacts to residents and visitors, to protect the public health, and to provide for strong communities.

Policy 2.6.1.1 Require all adjacent development that differs in use, intensity, height, and/or density to utilize land use techniques to mitigate potential incompatibilities. Such techniques shall include but not be limited to:

- use of undisturbed or undeveloped and landscaped buffers
- use of increased size and opacity of screening
- increased setbacks
- innovative site design(which may include planned development review)
- appropriate building design
- limits on duration/operation of uses
- noise attenuation techniques
- limits on density and/or intensity [see policy 2.6.1.3]

Policy: 2.6.5.5 Maximize the conservation and/or protection of public or private open space, including common open space, through the land development process by requiring that minimum percentages of the upland area on any project be maintained as undisturbed or landscaped areas.

Objective 2.6.5 Quality in Project Design: Promote appropriate diversity within and between existing and future development projects to achieve high quality, efficient functioning design.

Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on **Thursday, July 14, 2011 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida** to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

Z-11-03 - WARNER CROSSING LLC/REZONE
DTS # 20110075

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 12.8 acres located on the west side of Upper Manatee River Road, north of the intersection of SR 64 and Upper Manatee River Road at 1450 Upper Manatee River Road, Bradenton from the A (General Agriculture) to the GC (General Commercial) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

Z-11-05 - FM CAPITAL CITY CORPORATION
DTS # 20110096

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the

Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 0.93 acres at the northeast corner of SR 70 (53rd Avenue East) and 30th Street East at 2955 53rd Ave. E., Bradenton from the PDC (Planned Development Commercial) and RDD-6 (Residential Duplex District, 6 dwelling units per acre) to the GC (General Commercial) zoning districts; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDO-11-11(G) - PROGRESSIVE VETERINARY PRACTICES
DTS #20110188

An Ordinance of the Board of County Commissioners of Manatee County, Florida,

regarding Land Development, approving a General Development Plan on approximately a 2.25 acre site to build an 8,000± square foot veterinary clinic; located on the north side of SR 70 at 10915 SR 70 East, approximately 1,375 feet west of Lakewood Ranch Blvd. in the PDO/WP-E/ST (Planned Development Office/Watershed Protection-Evers/Special Treatment Overlay District) zoning district; subject to stipulations as conditions of approval; providing for severability, and providing an effective date.

LDA-09-04(R) - AMENDED LOCAL DEVELOPMENT AGREEMENT FOR SUMMER WOODS DEVELOPMENT
DTS#20100212

Request: Approval of a Local Development Agreement providing for the issuance of a five (5) year certificate of level of service compliance; providing for dedication of right-of-way; providing for design, permitting and construction of project entrance improvements including turn lanes; providing for severability, and providing for an effective date. The Local Development Agreement applies to Summer Woods approved as PDR-09-14(Z)(P) (268.14± acres). The proposed use of the properties is residential development. Pursuant to existing zoning, Summer Woods is approved for 562 residential units, each with a maximum height of 35 feet.

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans With Disabilities:

The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Flor
06/29/2011

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Sarasota Herald Tribune

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