MANATEE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT	PDR-11-14(G) MML I, LLC & PGCI IV, LLC/Silverleaf	**TYPE AGENDA ITEM**	Advertised Public Hearing – Consent
DATE REQUESTED	12/08/11 PC	**DATE SUBMITTED/REVISED**	11/29/11
BRIEFINGS? Who?	No	**CONSEQUENCES IF DEFERRED**	N/A
DEPARTMENT/DIVISION	Building & Development Services/Comprehensive Planning and Public Hearings	**AUTHORIZED BY TITLE**	John Osborne, AICP, Planning and Zoning Official
CONTACT PERSON TELEPHONE/EXTENSION	Katie LaBarr, AICP / Principal Planner / 748-4501 ext. 6828 / DTS #20110225/B000071	**PRESENTER/TITLE TELEPHONE/EXTENSION**	Katie LaBarr, AICP / Principal Planner / 748-4501 ext. 6828
ADMINISTRATIVE APPROVAL			

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

I move to continue the public hearing for PDR-11-14(G) to January 12, 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.

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

- n/a

COUNTY ATTORNEY REVIEW

Check appropriate box	
☐	**REVIEWED** **Written Comments:** ☐ **Attached** ☐ **Available from Attorney (Attorney's initials:)**
☒	**NOT REVIEWED (No apparent legal issues.)**
☐	**NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)**
☐	**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	Z-11-09 – Cortez Reinvestments, LLC	**TYPE AGENDA ITEM**	Advertised Public Hearing – Consent
DATE REQUESTED	12/08/11 PC	**DATE SUBMITTED/REVISED**	11/29/11
BRIEFINGS? Who?	None	**CONSEQUENCES IF DEFERRED**	N/A
DEPARTMENT/DIVISION	Building and Development Services/Comprehensive Planning and Public Hearings	**AUTHORIZED BY TITLE**	John Osborne, AICP, Planning and Zoning Official
CONTACT PERSON TELEPHONE/EXTENSION	Rossina Leider/748-4501ext.6859 DTS#20110312	**PRESENTER/TITLE TELEPHONE/EXTENSION**	Rossina Leider/Senior 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-11-09 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

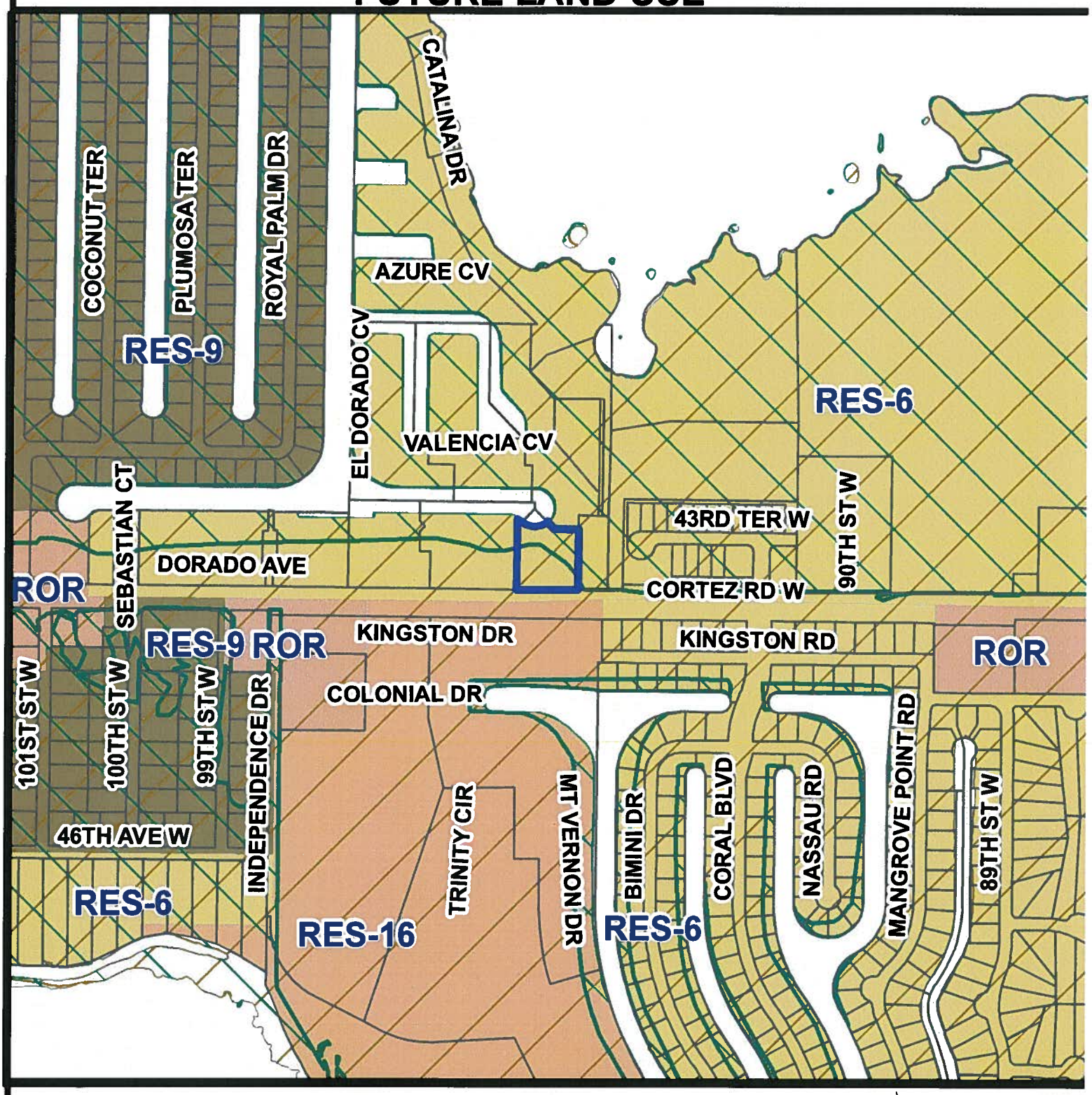
- This is a straight rezone for 1.46 ± acres from RSF-4.5 (Residential - 4.5 dwelling units per acre) and RSF-4.5/CH (Residential - 4.5 dwelling units per acre/Coastal High Hazard Overlay District) to PR-M (Professional –Medium) and PR-M /CH (Professional –Medium/Coastal High Hazard Overlay District.
- The site is located on the north side of Cortez Road West (SR 684), approximately 2,750 feet west of the intersection of Cortez Road and 86th Street West. The site is in the A13 Flood Zone Category and partially within the Coastal Evacuation Area and Coastal High Hazard Area.
- The site is designated RES-6 (Residential, six dwelling units per acre) on the Future Land Use Map.
- The site was developed in 1977 for a commercial services use (bank with drive-through). The existing structure is 3,090 sq. ft. (5,512 sq. ft. under roof) and has operated as a financial institution for more than 30 years until 2010. The building is not currently occupied.
- The implementation of the Land Development Code in1990 changed the zoning of the parcel from C-1A (Resort Commercial) to RSF-4.5 (Residential - 4.5 dwelling units per acre) and the "banking use" became a legal non-conforming use.
- Professional office uses not exceeding 3,000 square feet are exempt from meeting commercial locational criteria in the RES- 6 FLUC if are located on a roadway classified as a minor or principal arterial (Comprehensive Plan Policy 2.2.1.12.4.d). The applicant requests more than 3,000 square feet of office uses (3,090 sq. ft. existing structure) and the site does not meet commercial location criteria (i.e., within 1,500 feet of two functionally classified roadways designated as Collector or higher).
- There are exceptions to the commercial location criteria for small or medium commercial projects which are designated as an "Appropriate Infill Commercial Project" by the BOCC as provided by the Land Use Operative Provision E.4(b) of the Comprehensive Plan. Staff finds that the request can be considered "appropriate infill commercial" and not represents an intrusion into a residential area based on compatibility, appropriate timing, existing development patterns, types of land uses, transition between uses and intensity as follow:
  - Before the "county wide rezone process" taking place in 1990, the site was zoned C-1A (Resort Commercial) and represented a legal conforming land use.
  - The existing structure was built in 1977 before or almost at the same time of the residential developments to the north, west and south of the site.
  - The site was used for a bank facility for approximately 33 years, operating without major incompatibilities and inconveniences to the adjacent residential areas.
  - Professional offices are included in the range of potential uses for consideration in the RES-6 FLUC. There are commercial and office uses zoned GC (General Commercial), NC-M (Neighborhood Commercial – Medium) and PDR (Planned Development Residential) along Cortez Road further east (1,500 feet), west and south (650 feet) of the site.
  - PR-M zoning district allows a range of office uses (banks, professional offices, business services, personal service establishments) potentially less adverse than retail commercial uses and provides a reasonable transition from a major thoroughfare (Cortez Road) to residential areas.
  - The site is ±63,428 square feet and meets minimum dimensional requirements for PR-M zoning district (10,000 sq. ft. lot area and 75 feet lot width) and is large enough to accommodate a commercial/office building and provide adequate setbacks, buffers, access points, parking, and loading areas (Policies 2.10.4.3. (1) and (2) of the Comprehensive Plan).

- Developments within the PR-M Zoning District are limited to 30,000 gross building square feet per project without Special Approval. The potential options to develop the site are:
  - Occupy the existing 3,090 sq. ft structure (5,512 sq. ft. under roof including the drive-thru lanes) as it is right now with a 0.05 Floor Area Ratio (FAR).
  - Enclose the ±2,016 sq. ft. existing drive-thru canopy and use that area for an expansion of the existing facility for a total business area of ±5,106 sq. ft. (total area under roof: 5,512 sq. ft.) with a 0.08 FAR.
  - Demolish the existing structure and built a new facility using the maximum FAR in the PR-M zoning district (0.23 without Special Approval) allowing a maximum of 14,588 ± sq. ft. building.
- All requirements of PR-M zoning district and LDC provisions regarding buffering, access, parking, screening, lighting, etc. will be assessed with future site plan.
- For a project within the Coastal Evacuation and Coastal High Hazard Areas, Special Approval from the Board of County Commissioners is require if future development causes the site to be subdivided (Preliminary Site Plan/Preliminary Plat required) or if a non-residential building exceeds 30,000 square feet is proposed. To achieve "Special Approval", the site would need to be rezone to a "Planned Development" zoning district. At this time, the applicant requests a straight rezone to PR-M as the final use is not known.
- A rezone to PR-M will make this site a conforming land use and minimize the potential for residential homes in the Coastal High Hazard Area and Coastal Evacuation Area of the Manatee County. Staff recommends approval.

COUNTY ATTORNEY REVIEW	
Check appropriate box	
☐	**REVIEWED** **Written Comments:** ☐ **Attached** ☐ **Available from Attorney (Attorney's initials: _____)**
☒	**NOT REVIEWED (No apparent legal issues.)**
☐	**NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)**
☐	**OTHER**

ATTACHMENTS: (List in order as attached)		**INSTRUCTIONS TO BOARD RECORDS:**	
Staff Report		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) 7502110054

Manatee County
Staff Report Map

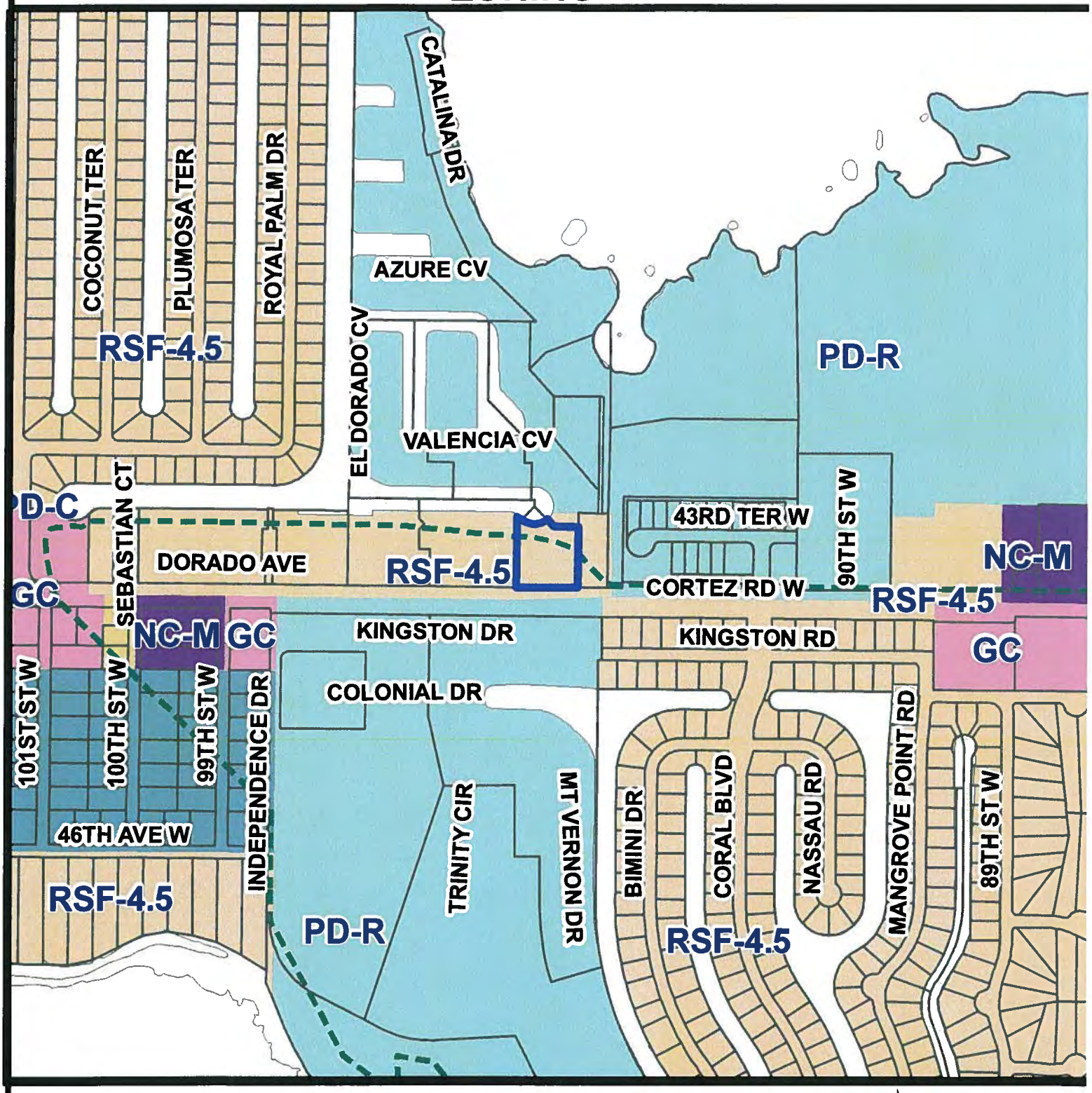
Map Prepared 11/2/2011
1 inch = 543 feet

Project Name:	Cortez Reinvestments LLC
Project #:	Z-11-09
DTS#:	20110312
Proposed Use:	
S/T/R:	Sec 2,1 Twn 35 Rng 16
Acreage:	1.46
Existing Zoning:	RSF-4.5
Existing FLU:	RES-6
Overlays:	NONE
Special Areas:	NONE
CHH:	Y
Watershed:	NONE
Drainage Basin:	DIRECT RUNOFF TO BAY
Commissioner:	John Chappie

CHH - FLU (2008)

Coastal Evacuation Area

ZONING



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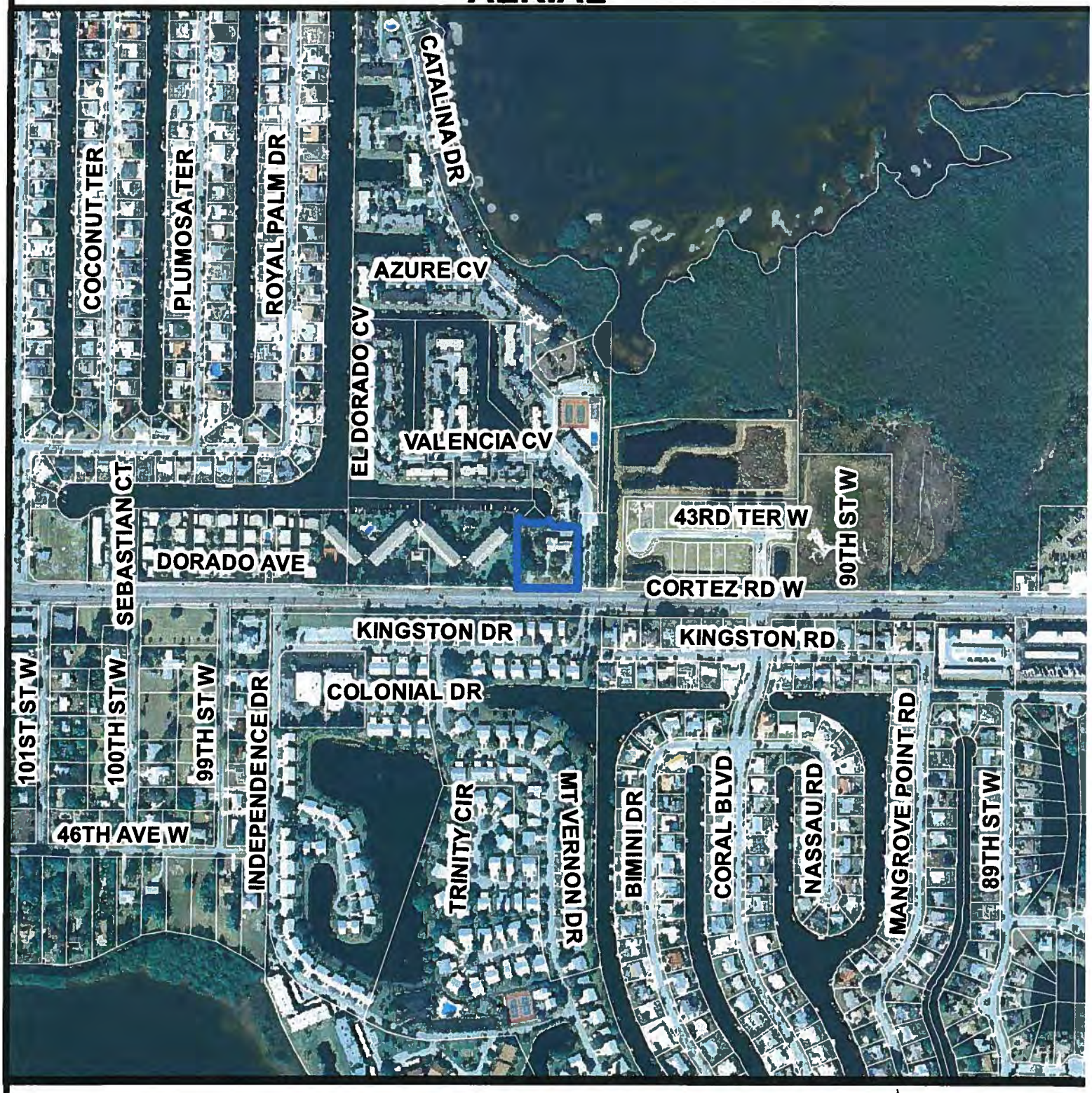
Commissioner:	John Chappie

CHH - Zoning

AERIAL



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Manatee County
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DTS#:	20110312
Proposed Use:	
S/T/R:	Sec 2,1 Twn 35 Rng 16
Acreage:	1.46
Existing Zoning:	RSF-4.5
Existing FLU:	RES-6
Overlays:	NONE
Special Areas:	NONE
CHH:	Y
Watershed:	NONE
Drainage Basin:	DIRECT RUNOFF TO BAY
Commissioner:	John Chappie

P.C. 12/08/11

Z-11-09 – CORTEZ REINVESTMENTS, LLC (DTS # 20110312)

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 a rezone of approximately 1.46 acres north of SR 684 (Cortez Road W) and approximately 2,750 feet west of the intersection of Cortez Road and 86th Street West, at 9416 Cortez Road W., Bradenton from the RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre) and RSF-4.5/CH (Residential Single-Family, 4.5 dwelling units per acre/Coastal High Hazard Area Overlay District) to the PR-M (Professional-Medium) and PR-M/CH (Professional-Medium/Coastal High Hazard Area Overlay District) zoning districts; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

P.C.: 12/08/11 **B.O.C.C.: 01/05/12**

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, and finding that the site qualifies for appropriate infill commercial development, I move to recommend ADOPTION of Manatee County Zoning Ordinance No. Z-11-09, as recommended by the staff.

PROJECT SUMMARY	
CASE#	**Z-11-09 (DTS # 20110312)**
PROJECT NAME	**Cortez Reinvestments, LLC**
APPLICANT(S):	**Cortez Reinvestments, LLC**
PROPOSED ZONING:	**PR-M (Professional- Medium)**
EXISTING ZONING:	**RSF-4.5 (Residential Single-Family – 4.5 Dwelling Units per acre)**
CASE MANAGER:	**Rossina Leider**
STAFF RECOMMENDATION:	**APPROVAL**

DETAILED DISCUSSION

The request is for a rezone of approximately 1.46 acres from RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre) to PR-M (Professional-Medium). The site is located on the north side of SR 684 W (Cortez Road West), approximately 2,750 feet west of the intersection of Cortez Road and 86th Street West (Parcel ID 7502110054), partially within the RES-6/CEA/CHHA Future Land Use Category (FLUC) and Future Land Use Overlay Districts.

The site was developed in 1977 for a commercial services use (bank with drive-through). The existing structure is 3,090 sq. ft. (5,512 sq. ft. under roof) and was operated for a financial institution (Bank of America) until June 2010. The building is currently not occupied.

In 1990, the "banking use" became a legal non-conforming use since the implementation of the Land Development Code changed the zoning of the parcel from C-1A (Resort Commercial) to RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre). In 1989, as part of the "county wide rezone process", Manatee County offered "commercial zoning" to this parcel with a 3-year time frame to apply. The owner did not apply for a rezone at that time and the ability to have commercial zoning expired.

The existing RSF-4.5 zoning district is intended to provide for single-family residential and residential support uses while the proposed PR-M zoning district is intended to provide for office development on a medium scale to serve residential neighborhoods.

The range of potential uses within the RES-6 FLUC allows consideration of professional office uses and is intended to provide for a compliment of residential support uses normally utilized during the daily activities of residents of low or low-moderate density urban areas, subject to commercial location criteria and permits non-residential uses up to 30,000 sq. ft. without Special Approval.

Policy 4.3.1.7 of the Comprehensive Plan prohibits new acute care medical facilities within the Coastal Evacuation Area and discourages existing medical facilities from locating new facilities or expanding existing facilities on sites within the Coastal Planning Area. The maximum Floor Area Ratio (FAR) allowed in RES-6 is 0.23 (0.35 FAR for mini-warehouse use only).

Professional office uses not exceeding 3,000 square feet are exempt from meeting commercial locational criteria in the RES- 6 FLUC if located on a roadway classified as a minor or principal arterial (Comprehensive Plan Policy 2.2.1.12.4.d). This exemption is not applicable in this case according to the following:

- The applicant requests more than 3,000 square feet of office uses (business area of the existing structure is 3,090 sq. ft.).
- The site does not meet commercial locational criteria and is not eligible to be considered for commercial zoning. The site has frontage along the north side of Cortez Road but is not within 1,500 feet of two functionally classified roadways designated as Collector or higher. The nearest commercial node is approximately 0.5 miles to the east, at the intersection of Cortez Road West (Arterial roadway) and 86th Street West (Collector roadway).

However, there are exceptions to the commercial location criteria for small or medium commercial projects which are designated as an "Appropriate Infill Commercial Project" by the BOCC as provided by the Land Use Operative Provision E.4(b) of the Comprehensive Plan.

Policy 2.10.4.3 of the Comprehensive Plan states that no proposed commercial site shall represent an intrusion into any residential area. Intrusion means located between two residential uses or site 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 the vicinity of the proposed use, and pursuant to guidelines contained in commercial locational criteria found in the Operative Provisions Element of the Comprehensive Plan.

Staff finds that the request can be considered "appropriate infill commercial" and does not represent an intrusion into a residential area based on compatibility, appropriate timing, existing development patterns, types of land uses, transition between uses and intensity:

- Before the "county wide rezone process" taking place in 1990, the site was zoned C-1A (Resort Commercial) and represented a legal conforming land use.
- The existing structure was built in 1977 before or almost at the same time of the residential developments to the north, west and south of the site.
- The site was used for a bank facility for approximately 33 years, operating without major incompatibilities and inconveniences to the adjacent residential areas.
- There are commercial and office uses zoned GC (General Commercial), NC-M (Neighborhood Commercial – Medium) and PDR (Planned Development Residential) along Cortez Road further east (1,500 feet), west and south (650 feet) of the site.
- PR-M zoning district allows a range of office uses (banks, professional offices, business services, personal service establishments) potentially less adverse than retail commercial uses and provides a reasonable transition from a major thoroughfare (Cortez Road) to residential areas.

- The site is ±63,428 square feet and meets minimum dimensional requirements for PR-M zoning district (10,000 sq. ft. lot area and 75 feet lot width) and is large enough to accommodate a commercial/office building and provide adequate setbacks, buffers, access points, parking, and loading areas (Policies 2.10.4.3. (1) and (2) of the Comprehensive Plan).

The site has direct access to Cortez Road West (SR 684) classified as a Principal Arterial and to Catalina Drive (private street). The existing right-of-way is 150 feet wide (75 feet half) for Cortez Road and additional right-of-way may be required to be dedicated.

A rezone to PR-M will make this site a conforming land use. The PR-M zoning district is generally consistent with the RES-6 FLUC designation and development trends and timing within the area. There are existing GC and NC-M zoning along Cortez Road further east, west and south of the proposed project site. Additionally, the proposal minimizes the potential for residential homes in the Coastal High Hazard Area and Coastal Evacuation Area of the County.

Staff believes the proposed amendment is appropriate for the site and is compatible with the existing development patterns in the area.

SITE CHARACTERISTICS AND SURROUNDING AREA	
ADDRESS:	**9416 Cortez Road, Bradenton**
GENERAL LOCATION:	**North of SR 684 (Cortez Road W), ± 2,750 feet west of the intersection of Cortez Road and 86th Street West**
ACREAGE:	**1.46 ± acres**
EXISTING USE(S):	**Existing vacant building (bank)**
FUTURE LAND USE CATEGORY:	**RES-6/CEA/CHHA (Residential, 6 dwelling units per acre/Coastal Evacuation Area/Coastal Planning Area/Coastal High Hazard Area)**
INTENSITY:	**Max F.A.R. permitted:** **- 0.23 in PR-M Zoning** **- 0.23 (0.35 for mini-warehouse only) in RES-6 FLUC**
OVERLAY DISTRICT(S):	**CH (Coastal High Hazard Area Overlay)**
SURROUNDING USES & ZONING	
NORTH	**Multifamily (Palma Sola Harbour Condominium) zoned PDR (Planned Development Residential)**
SOUTH	**Across Cortez Road West, multifamily (Mt. Vernon Condominium) zoned PDR (Planned**

	Development Residential).
EAST	**Catalina Drive zoned RSF-4.5 (Residential Single-Family – 4.5 Dwelling Units per acre). Across Catalina Drive, single-family semi-detached residences (Cortez Subdivision) zoned PDR (Planned Development Residential)**
WEST	**Multifamily (Waterway Condominium) zoned zoned RSF-4.5 (Residential Single-Family – 4.5 Dwelling Units per acre)**
SITE DESIGN DETAILS	
LOT SIZE(S):	**63,428 ± sq. ft. Exceeds minimum lot size required for PR-M zoning (10,000 sq. ft.)**
SETBACKS: (min. required in PR-M zoning) *(*) Greater yard required if adjacent to residential district or FLUC of RES or UF not meeting commercial locational criteria.*	**Front 25'** **Side 10'/20' (*)** **Rear 15'/20' (*)**
OPEN SPACE:	**15% required in PR-M zoning (0.21± acres). No site plan submitted at this time.**
ACCESS:	**Two existing access points:** • **One along Cortez Road** • **One on Catalina Drive**
FLOOD ZONE(S):	**A13 – Panel 120153 0308C**
AREA OF KNOWN FLOODING:	**Yes, Storm surge**
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

PROJECT	LOTS/UNITS	DENSITY/FAR	FLUC	YEAR APPROVED
Cortez Storage	34,000 sq. ft.	0.35	R/O/R	2005
Cortez Subdivision	18 single-family semi-detached units	3.00	RES-6	2007

POSITIVE ASPECTS

- Along Cortez Road, further east, west and south of the site there are office uses and commercial uses and zoning.
- The PR-M zoning district may potentially provide professional services to the nearby residential areas.
- An office development along Cortez Road is more appropriate than the single-family residential development allowed under present zoning.
- PR-M zoning provides a reasonable transition from a Principal Arterial roadway to residential areas.
- The site has direct access from Cortez Road West, a Principal Arterial roadway.
- The proposal minimizes the potential for residential homes in the Coastal High Hazard Area and Coastal Evacuation Area of the County.

NEGATIVE ASPECTS

- Surrounding residents may be impacted by potential adverse impacts (e.g., noise, lights, and traffic).

MITIGATING MEASURES

- All requirements of PR-M zoning district and LDC provisions regarding compatibility, buffering, screening and lighting will be assessed with future site plan when a specific use will be proposed.
- Operating as a banking facility adjacent to residential properties for more than 30 years.
- Professional business hours are usually during the daytime when residents are away from home.

STAFF RECOMMENDED STIPULATIONS

Not applicable. This is a "straight rezone" from RSF-4.5 to PR-M. All requirements of the RES-6 FLUC and PR-M 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)

For a project within the Coastal Evacuation and Coastal High Hazard Areas, Special Approval from the Board of County Commissioners is require if future development causes the site to be subdivided (Preliminary Site Plan/Preliminary Plat required) or if a non-residential building exceeds 30,000 square feet is proposed. To achieve "Special Approval", the site would need to be rezone to a "Planned Development" zoning district. At this time, the applicant requests a straight rezone to PR-M as the final use is not known.

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?**
To the north, east and west the site is surrounded by residential uses within the RSF-4.5 (Residential Single-Family – 4.5 Dwelling Units per acre) and PDR (Planned Development Residential) zoning districts. To the south, across Cortez Road, there are residential and commercial uses zoned PDR. Further west, east and south to the site are commercial and office uses zoned GC (General Commercial) and NC-M (Neighborhood Commercial-Medium).

The proposed zoning (PR-M) is compatible with the existing development pattern and zoning of nearby properties along this segment of the SR 684 corridor and a logical transition from a Principal Arterial roadway to residential areas.

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 site has been zoned RSF-4.5 since the adoption of the Land Development Code in 1990. It is the only property along this segment of Cortez Road that at the time of the "county wide rezone process" had a commercial zoning (C1-A /Resort Commercial) and the site was developed with a non-residential use (bank office facility) that was rezoned from a commercial zoning district (C1-A) to a residential zoning district (RSF-4.5) and became a non-conforming use.

The proposed amendment to PR-M zoning is consistent with the development trend in the area considered the existing commercial and office developments along Cortez Road further east, west and south of the site (zoned GC and NC-M), and given the site was operating as bank office facility for more than 30 years.

3. **Comprehensive Plan. Does the current zoning or the proposed zoning better conform to the current Comprehensive Plan?**
RSF-4.5 and PR-M zoning districts are appropriate for the RES-6 FLUC. However, the proposed zoning better conforms to the Comprehensive Plan.

PR-M zoning district is intended to provide for office development on a medium scale to serve residential neighborhoods. The range of potential uses within the RES-6 FLUC allows consideration of professional office uses and is intended to provide for a compliment of residential support uses normally utilized during the daily activities of residents of low or low-moderate density urban areas, subject to commercial location criteria and permits non-residential uses up to 30,000 sq. ft. without Special Approval.

The site does not meet commercial locational criteria; however, there are exceptions which allow commercial or office uses on a site that is not within a commercial node. Comprehensive Plan Policy 2.2.1.12.4 allows an exemption for office uses not exceeding 3,000 square feet in the RES-6 FLUC and Policy 2.10.4.3 allows projects deemed "infill commercial" to be considered.

The site fronts Cortez Road and was developed in 1977 for a financial institution under a commercial zoning (C1-A). Along this segment of Cortez Road there are a variety of commercial and office uses within commercial and residential zoning districts. Therefore, a

rezone to PR-M may be considered appropriate "infill commercial".

A rezone to anything but residential may be considered an intrusion into the existing residential community. However, the site was used for a bank facility for more than 33 years, operating without major incompatibilities and inconveniences to the adjacent residential areas.

In addition, the proposed zoning district (PR-M) will minimize the potential for residential homes in the Coastal Evacuation Area and Coastal High Hazard Area of the County.

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 planned public improvements.

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. Traffic Impact Statement was not required per the Transportation Planning Division of the Building and Development Services Department. At the time of Final Site Plan a Traffic Impact Statement or a complete Traffic Analysis for this project may be required depending on future proposed use and the FDOT will review the driveway location.

   (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?**
   PR-M zoning district is intended to provide for office development on a medium scale to serve residential neighborhoods. This is an office 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?**
   There is public sewer and water already connected to this property. No insufficient public facilities issues have been raised by staff during review process. There are an eight (8) inch potable water main, a thirty six (36) inch sanitary gravity sewer, a twenty (20) inch potable water main and thirty (30) inch reclaimed water along the Cortez Road roadway. There is an eight (8) inch sanitary gravity sewer along Catalina Drive.

6. **Neighborhood Changes. Will the proposed change adversely affect the health, safety or welfare of the neighborhood?**
The site has frontage along SR 684 and extends northwards. Since the site was developed in 1977 for a commercial services use (bank with drive-through) and the existing structure was operated for a financial institution until 2010, it is not anticipated that the proposed change will have an 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 PR-M zoning district requires a minimum lot size of 10,000 square feet, a minimum lot

width of 75 feet, and a maximum building size of 30,000 square feet. The range of uses permitted in the PR-M zoning district includes office development on a medium scale to serve residential neighborhoods. The potential options to develop the site are:

- Occupy the existing 3,090 sq. ft structure (5,512 sq. ft. under roof including the drive-thru lanes) as it is right now with a 0.05 Floor Area Ratio (FAR).
- Enclose the ±2,016 sq. ft. existing drive-thru canopy and use that area for an expansion of the existing facility for a total business area of ±5,106 sq. ft. (total area under roof: 5,512 sq. ft.) with a 0.08 FAR.
- Demolish the existing structure and built a new facility using the maximum FAR in the PR-M zoning district (0.23 without Special Approval) allowing a maximum of 14,588 ± sq. ft. building.

The proposed amendment is in conformance with all applicable requirements of the LDC. Compliance with the standards of the PR-M 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 since the PR-M zoning district will provide a gradual transition from a major thoroughfare to a residential area. Along Cortez Road, there are commercial zoning designations further east, west and south of the site.

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

The proposed amendment is not a logical expansion of adjacent residential zoning districts. However, the proposed PR-M zoning district will make this site a conforming land use that has operated as a financial institution until 2010. The rezone will reflect the non-residential development pattern of the area further east, west and south of the site.

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

Yes, the timing is appropriate given development trends in the area and that the site was operating for more 30 years as a financial institution.

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?

Any environmental impacts will be addressed with the 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?

No adverse outdoor lighting is proposed with this zoning change. However, during the future

site plan submittal any proposed outdoor lighting will be required to meet LDC Section 709.

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.

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.

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 depending on the proposed use and intensity.

COMPLIANCE WITH LDC
(Note: Compliance with the standards of the PR-M 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 portion of the site subject to rezone is in the RES-6 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 and that the site operated as a financial institution for more than 30 years. There are a variety of commercial and office uses along this segment of SR 684 further to the east, south, and west of the site.

Policy 2.2.1.17.2 Range of Potential Uses.
Uses permitted in the RES-6 Future Land Use Category allows consideration of professional office uses and is intended to provide for a compliment of residential support uses normally utilized during the daily activities of residents of low or low-moderate density urban areas.

Uses like banks, professional offices, business services, personal service establishments permitted in the PR-M zoning district are consistent with the RES-6 Future Land Use Category.

Policy 2.2.1.17.3 Range of Potential Density/Intensity.
The maximum Floor Area Ratio in the RES-6 FLUC is 0.23 without Special Approval. The maximum building area for neighborhood retail uses is medium – 150,000 square feet. Special Approval is required for non-residential building area that exceeds 30,000 square feet.

Policy 2.6.1.1 Compatibility.
The range of land uses permitted in PR-M zoning will be compatible with surrounding land uses

and zoning as previously detailed in this staff report. The PR-M 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
Cortez Road (SR 684)	Palma Sola Boulevard to 119th Street West (Link 2315)	D	B

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	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 - applicable specific area plans - (See also policies under Objs. 2.6.1 - 2.6.3)
Policy:	2.2.1.12	**RES-6:** Establish the Residential-6 Dwelling Units/Gross Acre future land use category as follows:
Policy:	2.2.1.12.1	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 a low density urban, or a clustered low-moderate density urban, residential environment. Also, to provide for a complement of residential support uses normally utilized during the daily activities of residents of these low or low-moderate density urban areas.
Policy:	2.2.1.12.2	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, short-term agricultural uses other than special agricultural uses, agriculturally-compatible residential uses, 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:	2.2.1.12.3	Range of Potential Density/Intensity: Maximum Gross Residential Density: 6 dwelling units per acre Maximum Net Residential Density: 12 dwelling units per acre (except within the WO or CHHA Overlay Districts pursuant to Policies 2.3.1.4 and 4.3.1.5) Maximum Floor Area Ratio: 0.23 (0.35 for mini-warehouse uses only) Maximum Square Footage for Neighborhood Retail Uses: Medium (150,000sf)
Policy:	2.2.1.12.4	Other Information: a) All mixed and multiple-use projects 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 gross residential density exceeds 4.5 dwelling units per acre, or in which any net residential density exceeds 6 dwelling units per acre shall require special approval. c) Any nonresidential project exceeding 30,000 square feet of gross building area shall require special approval. d) Professional office uses not exceeding 3,000 square feet in gross floor area within this category may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and 2.10.4.2, and detailed in the Land Use Operative Provisions Section E (1) provided such office is located on a roadway classified as a minor or principal arterial, 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 2.10.4.2).
Policy:	2.2.2.4	**CEA:** Establish the Coastal Evacuation Area Overlay District as follows:
Policy:	2.2.2.4.1	Definition: The geographic area which lies within the evacuation area for a Category 1 hurricane as established by the Manatee

	County Emergency Management Division of the Public Safety Department in conjunction with the Tampa Bay Regional Planning Council, as updated on a periodic basis.
Policy: 2.2.2.4.2	Purpose: a) To limit population in the Category 1 hurricane evacuation area requiring evacuation during storm events. b) To limit the amount of infrastructure, both private and public, within the CEA Overlay District and thereby limit magnitude of public loss and involvement in mitigating for loss of private infrastructure to Manatee County residents. c) To, through exercise of the police power, increase the degree of protection to public and private property, and to protect the lives of residents within the CEA, and reduce the risk of exposing lives or property to storm damage. d) To accomplish shoreline stabilization along coastal areas by limiting development activity which may adversely impact shoreline stability. e) To protect coastal water quality by reducing impervious surface along coastal areas, thereby reducing the risk of incomplete treatment of stormwater runoff before discharge into coastal waters. f) To encourage, establish, and maintain vegetative and spatial buffer zones, in order to maintain the capacity of natural vegetative communities in mitigating the negative effects of storm surge and tidal velocity, and the erosive effect of wave action.
Policy: 2.2.2.4.3	Applicable Goals, Objectives, and Policies: Goals, objectives, and policies pertaining to the CEA Overlay District are contained under Objectives 4.3.1, 4.3.2, 4.4.2 and 4.4.3 of the Coastal Management Element. Compliance with all goals, objectives, and policies listed in this subsection, and with other applicable goals, objectives, policies, and development regulations is required for all activity within the CEA Overlay District.
Policy: 2.2.2.4.4	Effect of Mapping: a) Any project which is at least partially within the CEA Overlay District shall be submitted for approval under the special approval process, except in the instance of any project on lands owned, leased or operated by the

Manatee County Port Authority. The area designated under the CEA Overlay District on the Future Land Use Map shall also be subject to all goals, objectives and policies for any future land use category overlaid by the CEA District, except where policies associated with the CEA Overlay conflict with such goals, objectives and policies. In this event, policies associated with the CEA Overlay shall override other goals, objectives and policies.

Policy: 2.2.2.4.5 Development Restrictions/conditions

a) Prohibit any amendment to the Future Land Use Map which would result in an increase in allowable residential density on sites within the Coastal Evacuation Area.

Policy: 2.2.2.5 **CHHA:** Establish the Coastal High Hazard Area Overlay District as follows:

Policy: 2.2.2.5.1 Definition: The geographic area below the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges form Hurricanes (SLOSH) computerized storm surge model, as well as those portions of Manatee County located seaward of the 5 foot Mean Sea Level topographic contour, including all areas of known coastal flooding.

Policy: 2.2.2.5.2 Purpose:

a) To limit population in areas most vulnerable to coastal storm events.

b) To limit the amount of infrastructure, both private and public, within the CHHA Overlay District and thereby limit magnitude of public loss and involvement in mitigating for loss of private infrastructure to Manatee County residents.

c) To, through exercise of the police power, increase the degree of protection to public and private property, and to protect the lives of residents within the CHHA, and reduce the risk of exposing lives or property to storm damage.

d) To accomplish shoreline stabilization along coastal areas by limiting development activity which may adversely impact shoreline stability.

e) To protect coastal water quality by reducing impervious surface along coastal areas, thereby reducing the risk of incomplete treatment of stormwater runoff before discharge into coastal waters.

f) To encourage, establish, and maintain vegetative and spatial buffer zones, in order to maintain the capacity of natural vegetative communities in mitigating the negative effects of storm surge and tidal velocity, and the erosive effect of wave action.

Policy: 2.2.2.5.3 Applicable Goals, Objectives, and Policies: Goals, objectives, and policies pertaining to the CHHA Overlay District are contained under Objectives 4.3.1, 4.3.2, 4.4.2 and 4.4.3 of the Coastal Management Element. Compliance with all goals, objectives, and policies listed in these subsections, and with other applicable goals, objectives, policies, and development regulations is required for all activity within the CHHA Overlay District.

Policy: 2.2.2.5.4 Effect of Mapping:

a) Any project which is at least partially within the CHHA Overlay District shall be submitted for approval under the special approval process, except in the instance of any project on lands owned, leased or operated by the Manatee County Port Authority. The area designated under the CHHA Overlay District on the Future Land Use Map shall also be subject to all goals, objectives and policies for any future land use category overlaid by the CHHA District, except where policies associated with the CHHA Overlay conflict with such goals, objectives and policies. In this event, policies associated with the CHHA Overlay shall override other goals, objectives and policies. The extent and coverage of the area designated as CHHA is an approximation, and is subject to a more precise determination on any project within, or proximate to, that area shown on the Future land Use Map as CHHA. At the time of review of any such project for issuance of any development order establishing total or partial development potential, evaluation of a pre-development topographic survey of the site shall be utilized to determine the extent of the CHHA District Overlay.

b) See also objectives listed under Policy 2.2.2.5.3 above.

GOAL: 2.6 Development Compatible With Existing And Proposed Adjacent Land Uses.

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:	2.10.4.1	Limit the location of all new commercial development to well-defined nodes, or compact groupings, to: - provide a reasonable compromise of predictable, yet flexible, commercial locations for all residents and business interests in Manatee County. - increase safety and maintain the vehicular capacity of public roads by discouraging linear "strip" commercial development and the multiple access points which are likely to accompany such linear commercial development. - facilitate compliance with the commercial project access criteria contained in Objective 2.10.3. - maximize the accessibility and viability of commercial development by using location and grouping to maximize the number of trips to the commercial site. - establish conveniently located commercial uses for residents of Manatee County.
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 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, com-pliance 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 com-ponent 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, com-pliance 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.

E. Commercial Locational Criteria (See Objective 2.10.4)

Proposed commercial projects, in addition to meeting limitations on types of permitted uses and requirements limiting gross building area (see policy 2.10.2.1), and having to meet access requirements described under Objective 2.10.3, shall also meet the following criteria to ensure compliance with Policies 2.10.4.1 and 2.10.4.2 requiring "nodal" commercial development. Nothing in this Section shall be interpreted to exempt any commercial use from compliance with all other goals, objectives, and policies, and from compliance with other applicable development regulations.

1) **Small Commercial Projects**

Any such projects, or small commercial components of larger projects, shall be located within a commercial node at the intersection of at least two roadways

functionally classified, at the time of issuance of a Certificate of Level of Service Compliance for the project, as collector or higher. In defining a node, the point of intersection of rights-of-way (as used below) may be determined by Manatee County to be based on a relocated or widened functionally classified roadway where such relocation or widening has not yet been effected, but where preliminary design has established the location of future right of way related to the relocation/widening. The adopted Roadway Functional Classification Map shall be used to determine the functional classification of roadways. The commercial node shall be defined, when completely located within either the Ag/R, IL, or IH categories on the Future Land Use Map, as generally extending a maximum of 800 feet along the frontage of the functionally-classified roadways which define the commercial node. The 800 feet of frontage shall be measured from the point of intersection of the rights-of-way of the intersecting functionally-classified roadways, and is measured along property lines adjacent to the roadway rights-of-way.

Refer to subsection (4) below for clarification on how a node is defined, and refer to subsection (5) for permitted exceptions to the 800-foot limit on extent of the node.

2) **Medium Commercial Projects**

Any such projects, or medium commercial components of larger projects, shall be located within a commercial node at the intersection of at least two roadways functionally-classified, at time of issuance of a Certificate of Level of Service Compliance for the project, as collector or higher. The adopted Roadway Functional Classification Map shall be used to determine the functional classification of roadways. The commercial node shall be defined, when partially or completely located within the Res-1, Res-3, UF-3, Res-6, Res-9, Res-12 and Res-16 categories on the Future Land Use Map, as generally extending a maximum of 1,500 feet along the frontage of the functionally-classified roadways which define the commercial node. The 1,500 feet of frontage shall be measured from the point of intersection of the rights-of-way of the intersecting functionally-classified roadways, and is measured along property lines adjacent to the roadway rights-of-way.

Refer to subsection (4) below for clarification on how a node is defined, and refer to subsection (5) for permitted exceptions to the 1,500-foot limit on extent of the node.

3) **Large Commercial Projects**

Any large commercial projects (i.e. exceeding 150,000 square feet of gross building area) shall be located completely within an area designated as ROR, MU or UF-3 (with limitations, see Policies under 2.2.1.11) on the Future Land Use Map. Also, large projects exceeding 150,000 square feet shall be located within an area of high access and directly
accessed from at least one roadway shown on the Existing Roadway Functional Classification Map (Map 5A) as arterial, at time of review for issuance of a development order. High access location should provide numerous options for trip distribution, provide for multi-modal opportunities and able to move large volume of traffic. Furthermore, require that all access points be limited to functionally classified roadways or frontage roads.

4) **Permitted Exceptions to Limits On Maximum Frontage For A Commercial Node For Small Or Medium Commercial Uses**

a) **75% Rule: Proposed Commercial Project Partially Exceeding Maximum Frontage:** If a proposed commercial project exceeds, in part, the maximum frontage limiting a commercial node (i.e., 800 feet or 1,500 feet for small and medium commercial projects, respectively), compliance with commercial locational criteria shall be established only if the portion of the commercial project's frontage along either (or both) functionally-classified roadways defining the proposed commercial node is at least 75% of the proposed commercial project's total frontage.

b) **Infill Small or Medium Commercial Development:** Approval of a development order permitting a proposed commercial use may also be considered where the Board of County Commissioners finds that the proposed use, though located outside a commercial node as defined in Sections (1) and (2) above, and although not permitted for consideration under the 75% rule described in subsection (1) above, is an "Appropriate Infill Commercial Project."

c) **Commercial Subdivisions (Small or Medium):** Approval of a development order permitting a proposed commercial use may also be considered where the Board of County Commissioners finds that the proposed use, though located on a parcel that is within the distance criteria of a commercial node as defined in Sections (1) and (2) above, however does not have frontage on a roadway classified as a collector or arterial on Map 5B of this Plan, is being developed as part of a platted commercial subdivision, where the land area from which the parcel was subdivided met the commercial node frontage requirements that enabled the direct access required by Policies 2.10.3.2.

d) **Joint Use of Private Internal Roadways for Small or Medium Commercial Development:** Approval of a development order permitting a proposed commercial use where the Board of County Commissioners finds that the proposed use, though located on a parcel that is within the distance criteria of a commercial node as defined in Sections (1) and (2) above, however does not have frontage on a roadway classified as a collector or arterial on Map 5B of this Plan, is being developed making joint use of private internal roadways (e.g., utilizing cross-access easement arrangements) with an adjacent parcel or parcels which meet(s) the commercial node frontage requirements. The proposed use can then be deemed to meet the requirements for direct access called for in Policy 2.10.3.2.

Policy 4.3.1.7

Prohibit the siting of new acute care medical facilities within the Coastal Evacuation Area and discourage existing medical facilities from locating new facilities or expanding existing facilities on sites within the Coastal Planning Area.

Implementation Mechanism:

a) Planning Department review of new acute care medical

facilities for consistency with this policy.

PLANNING
OCT 11 2011
DEPARTMENT

ZONING DISCLOSURE AFFIDAVIT **B4**

File Number 2-11-09

File Name Cortez Rezoning

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 (X) or contract purchaser ( )	
Charles Mitchell, MANAGING Member	[signature] 49%
FCPG MANAGER LLC	[signature] 02
1516 E Hillcrest St. #210 Orlando, FL 32803 for Both above	

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

Signature: [signature]

(Applicant): Cortez RE Investment, LLC

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 29th day of Sept., 2011 by Charles J. Mitchell, Jr., who is personally known to me or who has produced _____ as identification.
(type of identification)

Signature: Kathleen A. Fox

My Commission Expires: 8/13/12

Commission No: DD797683

Kathleen A. Fox
Notary

KATHLEEN A FOX
Print or type name of Notary

Notary
Title or Rank

Rev 12/1/07
B-4

Notary Public State of Florida
Kathleen A Fox
My Commission DD797683
Expires 08/13/2012

2011 LIMITED LIABILITY COMPANY ANNUAL REPORT

FILED
Feb 03, 2011
Secretary of State

DOCUMENT# L10000041231

Entity Name: CORTEZ RE INVESTMENTS LLC

Current Principal Place of Business:

1516 E. HILLCREST STREET
#210
ORLANDO, FL 32803

New Principal Place of Business:

Current Mailing Address:

1516 E. HILLCREST STREET
#210
ORLANDO, FL 32803

New Mailing Address:

FEI Number: 27-2371905 **FEI Number Applied For ( )** **FEI Number Not Applicable ( )** **Certificate of Status Desired ( )**

Name and Address of Current Registered Agent:

EVANS, ROBERT F JR
103 S. OSCEOLA AVE
ORLANDO, FL 32801 US

Name and Address of New Registered Agent:

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE _____
Electronic Signature of Registered Agent Date

MANAGING MEMBERS/MANAGERS:

Title	MGRM
Name	MITCHELL, CHARLES J JR
Address	1516 E HILLCREST STREET #210
City-St-Zip.	ORLANDO, FL 32803

Title	MGRM
Name	FCPG MANAGER LLC
Address	1516 E HILLCREST STREET #210
City-St-Zip	ORLANDO, FL 32803

I hereby certify that the information indicated on this report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 608, Florida Statues

SIGNATURE CHARLES J MITCHELL JR MGRM 02/03/2011
Electronic Signature of Signing Managing Member, Manager, or Authorized Representative / Date

Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

TICE IS HEREBY GIVEN, the **Planning Commission Manatee County** will con- t a Public Hearing on **rsday, December 8, 2011 at) a.m. at the Manatee nty Government ninistrative Center, 1st or Chambers, 1112 Manatee nue West, Bradenton, ida** to consider, act upon, forward a recommendation ne Board of County nmissioners on the following ters:

I-11-14(G) – MML I LLC & CI IV LLC/SILVERLEAF
S #20110225/B000071)
Ordinance of the Board of nty Commissioners of natee County, Florida, arding land development, roving a General elopment Plan for 732 sin- family detached units on roximately 263.35 acres on south side of US 301, south Harrison Ranch Boulevard, t of Chin Road, and north Old Tampa Road; subject to ulations as conditions of roval; setting forth findings; viding a legal description; viding for severability, and viding an effective date.

I-08 – MANATEE MEMORI- HOSPITAL FOUNDATION, . /MANATEE MEMORIAL SPITAL REZONE
S #20110272)
Ordinance of the Board of nty Commissioners of natee County, Florida, ending the official zoning s (Ordinance No. 90-01, the natee County Land elopment Code), relating to ing within the unincorporat- area; providing for the oning of approximately 0.24 es at 604 46th Street West, denton from the RSF-4.5 sidential 4.5 dwelling units gross acre) to the GC neral Commercial) zoning rict; setting forth findings; viding a legal description; viding for severability, and viding an effective date.

I-09 – CORTEZ REINVEST- NTS, LLC
S # 20110312)
Ordinance of the Board of nty Commissioners of natee County, Florida, ending the official zoning s (Ordinance No. 90-01, the natee County Land elopment Code), relating to ing within the unincorporat- area; providing for a rezone of approximately 1.46 acres north of SR 684 (Cortez Road W) and approximately 2,750 feet west of the intersection of Cortez Road and 86th Street West, at 9416 Cortez Road W., Bradenton from the RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre) and RSF-4.5/CH (Residential Single-Family, 4.5 dwelling units per acre/Coastal High Hazard Area Overlay District) to the PR-M (Professional-Medium) and PR-M/CH (Professional-Medium/Coastal High Hazard Area Overlay District) zoning districts; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDC-11-16(Z)(G) – 8154 LLC/BAYSIDE PET RESORT
(DTS #20110291(1))
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 3.24± acres on the west side of U.S. 41, at 8154 N. Tamiami Trail, Bradenton from GC/AI (General Commercial/Airport Impact Overlay) and RSF-3 (Residential Single-Family – 3 Dwelling Units per Gross Acre) to the PDC/AI (Planned Development Commercial/Airport Impact Overlay) and PDC (Planned Development Commercial) zoning district; approve a General Development Plan for use of an existing commercial building for a kennel; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

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
11/22/2011

Sarasota Herald Tribune

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, December 8, 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:

PDR-11-14(G) – MML I LLC & PGCI IV LLC/SILVERLEAF
(DTS #20110225/B000071)
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a General Development Plan for 732 single family detached units on approximately 263.35 acres on the south side of US 301, south of Harrison Ranch Boulevard, west of Chin Road, and north of Old Tampa Road; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

Z-11-08 – MANATEE MEMORIAL HOSPITAL FOUNDATION, INC./MANATEE MEMORIAL HOSPITAL REZONE
(DTS #20110272)
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 0.24 acres at 604 46th Street West, Bradenton from the RSF-4.5 (Residential 4.5 dwelling units per gross acre) to the GC (General Commercial) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

Z-11-09 – CORTEZ REINVESTMENTS, LLC
(DTS # 20110312)
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 a rezone of approximately 1.46 acres north of SR 684 (Cortez Road W) and approximately 2,750 feet west of the intersection of Cortez Road and 86th Street West, at 9416 Cortez Road W., Bradenton from the RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre) and RSF-4.5/CH (Residential Single-Family, 4.5 dwelling units per acre/Coastal High Hazard Area Overlay District) to the PR-M (Professional-Medium) and PR-M/CH (Professional-Medium/Coastal High Hazard Area Overlay District) zoning districts; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDC-11-16(Z)(G) – 8154 LLC/BAYSIDE PET RESORT (DTS #20110291(1))
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 3.24± acres on the west side of U.S. 41, at 8154 N. Tamiami Trail, Bradenton from GC/AI (General Commercial/Airport Impact Overlay) and RSF-3 (Residential Single-Family – 3 Dwelling Units per Gross Acre) to the PDC/AI (Planned Development Commercial/Airport Impact Overlay) and PDC (Planned Development Commercial) zoning district; approve a General Development Plan for use of an existing commercial building for a kennel; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

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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: November 22, 2011

Palma Sola Harbour Condominiums, Inc.
9410 Catalina Dr.
Bradenton, FL 34210

November 25, 2011

Manatee County Board of County Commissioners
1112 Manatee Ave West
Bradenton, FL 34206-1000

Re: Rezone Petition No. Z-11-09

Dear Commissioners:

As the Condominium Association located immediately to the north of the parcel under consideration in Application No. Z-11-09, **we do not object** to the request for PRM zoning on the subject parcel. We have met with the current owners of the property and support their request for a rezone to the PRM zoning district. This site has historically been used as a bank office facility and we support its continued use as an office use. The requested rezone of this property to the PRM district is consistent with the intended use of the property for a commercial office building.

We respectfully request that you approve Rezone Petition No. Z-11-09 to the PRM zoning district .

Sincerely,

Palma Sola Harbour Condominiums, Inc.
Holmes Beach Property Management, LLC
Karl Hankle - PSH Manager

MANATEE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT	PA-11-04/ORD 11-46 8154, LLC	**TYPE AGENDA ITEM**	Advertised Public Hearing – Consent
DATE REQUESTED	12/08/11 PC	**DATE SUBMITTED/REVISED**	11/30/11
BRIEFINGS? Who?	None	**CONSEQUENCES IF DEFERRED**	N/A
DEPARTMENT/DIVISION	Building and Development Services / Comprehensive Planning and Public Hearings	**AUTHORIZED BY TITLE**	John Osborne, AICP, Planning and Zoning Official
CONTACT PERSON TELEPHONE/EXTENSION	Kathleen Thompson / 748-4501 ext. 6841 DTS#20100291	**PRESENTER/TITLE TELEPHONE/EXTENSION**	Kathleen Thompson / Planning Manager / 748-4501 ext. 6841
ADMINISTRATIVE APPROVAL			

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

I move to approve PA-11-04 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 parent parcel, located at 8154 US 41 South, is approximately 3.24+/- acres and has direct access to US 41, a six lane divided arterial.
- The front half of the parent parcel is R/O/R while the remaining western half has a RES-6 future land use designation.
- The applicant requests a Comprehensive Plan map amendment for the western half of the parent parcel, approximately 1.89+/- acres, to change the future land use from RES-6 (Residential – 6 dwelling units/gross acres) to R/O/R (Retail/Office/Residential)
- The parent parcel is the site of the former Rip Van Winkle Bowling Alley which has been closed for several years. The site is within the Entranceway and the front half (existing R/O/R portion) is within the Airport overlay district.
- The parent parcel is adjacent to a motel and a private school to the north, a fast-food restaurant and mini-warehouse to the south, the Sarasota-Bradenton International Airport to the east and a residential subdivision to the west.
- Existing and required landscape buffers will provide screening for the residential subdivision to the west and the Easter Seals facility to the northwest. A buffer cannot be accommodated along the northern side of the building. A southern buffer is not required since a buffer from the U-Store It facility already exists.
- The site is located with the Urban Core which encourages redevelopment and revitalization of the area,
- Staff recommends approval.

COUNTY ATTORNEY REVIEW

Check appropriate box	
☐	**REVIEWED** **Written Comments:** ☐ **Attached** ☐ **Available from Attorney (Attorney's initials: _____)**
☒	**NOT REVIEWED (No apparent legal issues.)**
☐	**NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)**
☐	**OTHER**

ATTACHMENTS: (List in order as attached)		**INSTRUCTIONS TO BOARD RECORDS:**	
Staff Report		N/A	
COST:	n/a	**SOURCE (ACCT # & NAME):**	n/a
COMMENTS:		**AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)**	

P.C 12/08/11

PA-11-04 / ORDINANCE 11-46
8154, LLC

Adoption of a Plan Amendment of Manatee County, Florida, regarding Comprehensive Planning, amending Manatee County Ordinance No. 89-01, as amended the Manatee County Comprehensive Plan; providing a purpose and intent; providing findings; providing for an amendment to the Future Land Use Map of the Future Land Use Element to designate specific real property from the RES-6 (Residential - 6 dwelling units per gross acre) Future Land Use Classification to ROR (Retail, Office and Residential) Future Land Use Classification (1.89± acres); said property being located at 8154 North Tamiami Trail (US 41); providing for severability and providing for an effective date.

P.C.:	**Dec 8, 2011**	**B.O.C.C.:**	**Dec 20, 2011**
App. Rec'd:	**Sept 26, 2011**	**Type of Amendment:**	**Small Scale Map**

RECOMMENDED MOTION:

Based upon the evidence presented, comments made at the public hearing, upon the technical support documents, and finding the request to be CONSISTENT with the provisions of Chapter 163, Part II, Florida Statutes, and the Manatee County Comprehensive Plan, I move to recommend ADOPTION of Manatee County Plan Amendment-11-04/Ordinance 11-46, as recommended by staff.

AERIAL

Parcel ID #(s) 6823700059

Manatee County
Staff Report Map

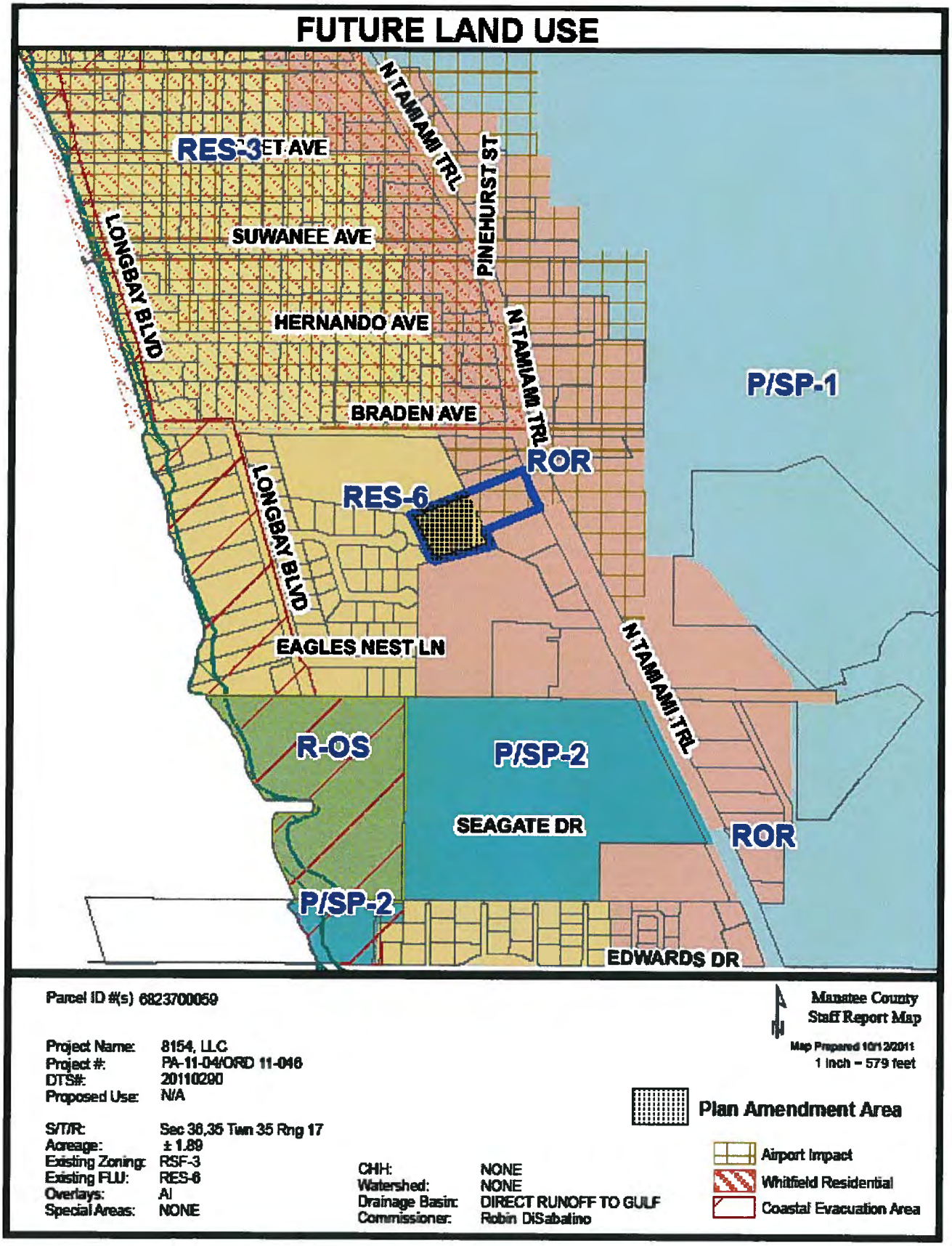
Map Prepared 10/12/2011
1 inch = 579 feet

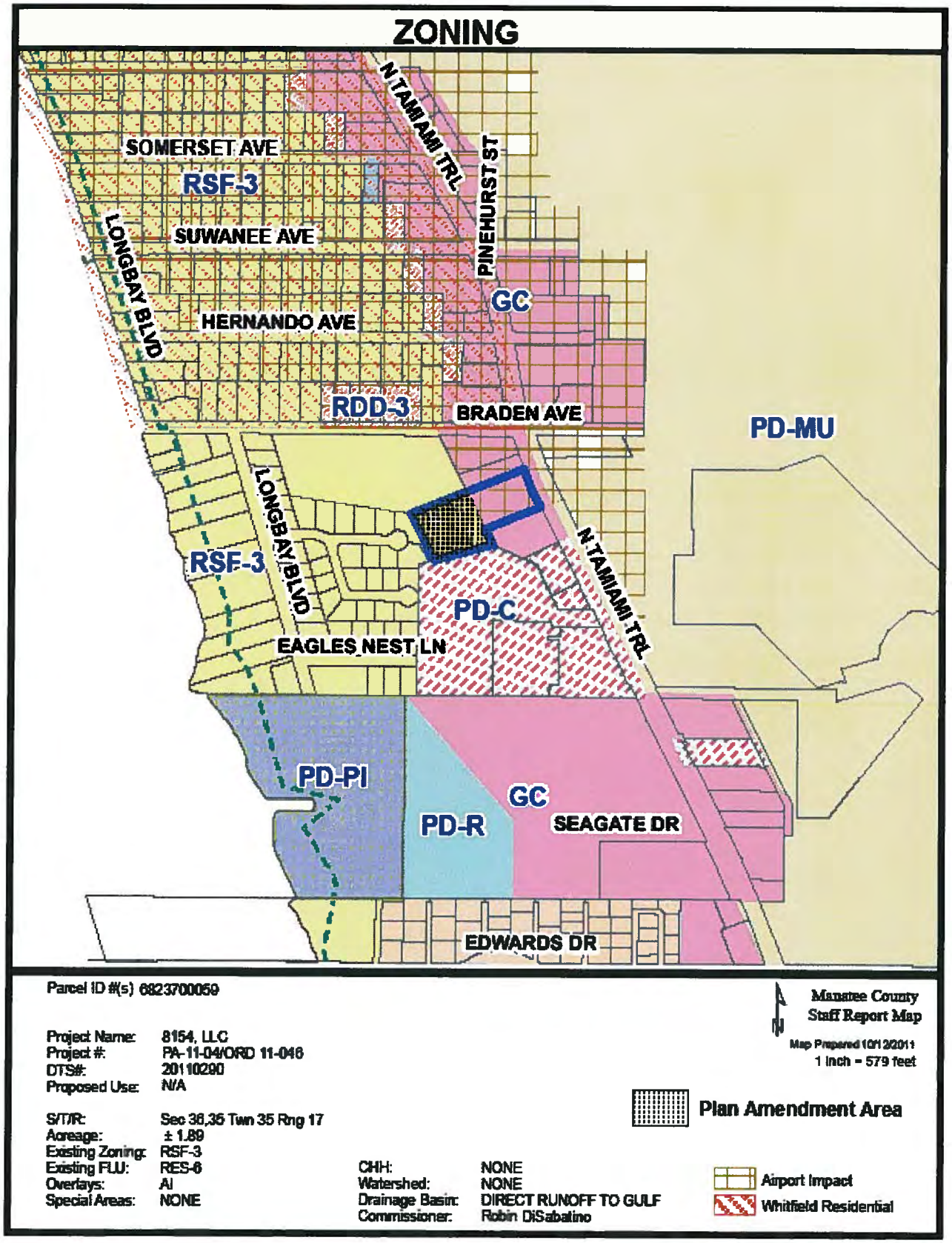
Project Name: 8154, LLC
Project #: PA-11-04/ORD 11-046
DTS#: 20110290
Proposed Use: N/A

S/T/R: Sec 36,35 Twn 35 Rng 17
Acreage: ± 1.89
Existing Zoning: RSF-3
Existing FLU: RES-6
Overlays: AI
Special Areas: NONE

CHH: NONE
Watershed: NONE
Drainage Basin: DIRECT RUNOFF TO GULF
Commissioner: Robin DiSabatino

Plan Amendment Area


FUTURE LAND USE
RES-3
ET AVE
N TAMIAMI TRL
PINEHURST ST
SUWANEE AVE
LONGBAY BLVD
HERNANDO AVE
N TAMIAMI TRL
P/SP-1
BRADEN AVE
ROR
RES-6
LONGBAY BLVD
EAGLES NEST LN
N TAMIAMI TRL
R-OS
P/SP-2
SEAGATE DR
ROR
P/SP-2
EDWARDS DR
Parcel ID #(s) 6823700059
Manatee County
Staff Report Map
Map Prepared 10/12/2011
1 inch = 579 feet
Project Name: 8154, LLC
Project #: PA-11-04/ORD 11-046
DTS#: 20110290
Proposed Use: N/A
S/T/R: Sec 36,35 Twn 35 Rng 17
Acreage: ± 1.89
Existing Zoning: RSF-3
Existing FLU: RES-6
Overlays: AI
Special Areas: NONE
CHH: NONE
Watershed: NONE
Drainage Basin: DIRECT RUNOFF TO GULF
Commissioner: Robin DiSabatino
Plan Amendment Area
Airport Impact
Whitfield Residential
Coastal Evacuation Area


ZONING
SOMERSET AVE
RSF-3
SUWANEE AVE
LONGBAY BLVD
HERNANDO AVE
N TAMIAMI TRL
PINEHURST ST
GC
RDD-3
BRADEN AVE
PD-MU
LONGBAY BLVD
RSF-3
PD-C
EAGLES NEST LN
N TAMIAMI TRL
PD-PI
GC
PD-R
SEAGATE DR
EDWARDS DR
Parcel ID #(s) 6823700059
Manatee County
Staff Report Map
Map Prepared 10/12/2011
1 inch = 579 feet
Project Name: 8154, LLC
Project #: PA-11-04/ORD 11-046
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Proposed Use: N/A
S/T/R: Sec 36,35 Twn 35 Rng 17
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Existing FLU: RES-6
Overlays: AI
Special Areas: NONE
CHH: NONE
Watershed: NONE
Drainage Basin: DIRECT RUNOFF TO GULF
Commissioner: Robin DiSabatino
Plan Amendment Area
Airport Impact
Whitfield Residential

8154, LLC
HERNANDO AVE
N TAMIAMI TRL
BRADEN AVE
BUDGET INN
EASTER SEALS
SARASOTA BRADENTON AIRPORT
ARCHIBALD AVE
MCDONALDS
TUXEDO PARK SUBD.
CONSTANCE DR
U STORE IT STORAGE
THE FLOWER PLACE
N TAMIAMI TRL
EAGLES NEST LN
HILTON GARDEN INN

PLAN AMENDMENT SUMMARY SHEET

Name/Applicant:	**8154, LLC**
Case Numbers:	**PA-11-04 / Ordinance 11-46**
Request:	**Amendment to the Future Land Use Map of the Future Land Use Element to designate specific real property from the RES-6 (Residential - 6 dwelling units per gross acre) future land use classification to ROR (Retail, Office, and Residential) future land use classification (1.89± acres)**
Location:	**Located at 8154 US 41 South, Bradenton FL**
Type:	**Small Scale Map Amendment**
Recommendation:	**Adoption**

Requested Plan Amendment

The entire parcel is approximately 3.24+/- acres and has direct access to US 41, a six lane divided arterial. US 41 is a main corridor into Manatee County. The front half of the parent parcel is R/O/R while the remaining western half has a RES-6 future land use designation.

The applicant is requesting a Comprehensive Plan Future Land Use map amendment for 1.89± acres of the western half of the parent parcel located at 8154 North Tamiami Trail, to change the future land use category from RES-6 (Residential – 6 dwelling units/gross acre) to R/O/R (Retail/ Office/ Residential).

The existing zoning on the front half is General Commercial (GC) with RSF-3 (Residential – 3 single family dwelling units per acre) zoning on the western half of the site. The applicant has also submitted an application to rezone the entire parcel (3.24+/- acres) to PDC (Planned Development – Commercial). [(PDC-11-16(Z)(G)]

The parent parcel is the site of the former Rip Van Winkle Bowling Alley which has been vacant for several years. The site is located within the Entranceway and the front half (existing ROR portion) is within the Airport overlay district.

Budget Inn and Easter Seals Therapy and main office are north of the site. McDonalds and U-Store It Self Storage are located south of the site. There are two residential dwelling units (Tuxedo Park subdivision) immediately west of the site which may warrant an increased buffer and landscaping on the project site. Sarasota Bradenton International Airport is located across the street, on the east side of US 41.

The U Store It facility has an R/O/R future land use designation that extends westward beyond the length of the R/O/R amend request for this site. The U Store It facility is already adjacent to the Tuxedo Park subdivision.

The request for R/O/R allows for more intensive "regional serving" commercial uses up to 300,000 square feet as well as up to 9 dwelling units per acre. However, the site is less than two acres, fronts a major 6 lane divided arterial and is a main corridor into Manatee County. Commercial development is more suited for this site than residential development.

The proposed amendment is surrounded by commercial development and two residential units.

- NORTH and SOUTH are commercial developments
- WEST are two residential units
- EAST, across US 4, is the Sarasota Bradenton International Airport

Plan Amendment Justification

The proposed plan amendment regarding the Future Land Use Map Amendment for approximately 1.89+/- acres for RES-6 (Residential – 6) to Retail/Office/Residential (ROR) meets the Comprehensive Plan provisions regarding justification as a change in circumstances. The corridor is in need of redevelopment and infill and transitions are beginning to occur. The existing future land use designation of RES-6, located behind an existing ROR portion, does not position this site for redevelopment and is not suitable for residential development. The site is located with the Urban Core which encourages redevelopment and revitalization of the area, to continue the vitality and economic prosperity of the area. One of the main advantages of reusing an existing building is that the building's entire infrastructure is already in place.

Summary

Positive Aspects

- The redevelopment of a vacant business is encouraged
- Surrounding area is currently developed with commercial/institutional uses to the north, south and east
- Site has direct access to US 41, a 6 lane divided highway

Negative Aspects

- The western boundary of the property is adjacent to a residential subdivision
- Proposed amendment to R/O/R allows for a more intense development

Mitigating Factors

- The roadway network (6 lane divided arterial) and existing utilities will support the redevelopment of this site
- The site has significant buffers that will provide screening for the residential subdivision to the west
- Even though R/O/R allows for a more intense development, due to the parcel size, any increase would be minor

- Proposed future development of the site will be required to comply with the Manatee County Land Development Code concerning land uses established on the plan amendment site.

Land Use Characteristics and Development Trends

Category/Zoning/Land Use Summary Table			
	Existing FLUC	Zoning	Present Land Use
Site	RES-6	RSF-3	Vacant Building (previously Rip Van Winkle Bowling Alley)
The front half of the site is ROR with a GC zoning district			
North	RES-6 and ROR	GC and RSF-3	Budget Inn, Easter Seals Therapy and main offices
South	ROR	GC and PDC	McDonalds, U-Store It Self Storage
East	ROR	PDMU	US 41 and Sarasota-Bradenton International Airport on the east side of US 41
West	RES-6	RSF-3	Residential units (Tuxedo Park subdivision)

Development History

<u>1981 Comprehensive Zoning and Land Development Code Zoning Designation</u>

A – General Agriculture

<u>1990 Land Development Code Zoning Designation</u>

GC – General Commercial (front half)
RSF-3 – Residential – 3 du/ga (back half – portion subject to this map amendment)

<u>1989 Comprehensive Plan Future Land Use Designation</u>

ROR – Retail/Office/Residential (front half)
RES-6 – Residential – 6 du/ga (back half – portion subject to this map amendment)

Plan Amendment Detailed Review
Land Planning Analysis

Services

Roads

Roadway Name (Link #)	Description	Adopted Level of Service	Operating Level of Service
USN 41 South	Sarasota County to Tallevast Road	D	B

A change in future land use from RES-6 to ROR has the potential to increase traffic impacts if the property is developed at the maximum density. However, due to the parcel size, any increase will be minimal. A detailed traffic analysis/study may be required prior to final site plan approval.

Utilities

EXISTING LAND USE	Acres	Dwelling units GA	Max. Intensity FAR	P P H	Total Capita	GPD Potable Water	**TOTAL GPD Potable Water**	GDP Sanitary Sewer	**TOTAL GPD S/S**	**TOTAL CYPD Solid Waste**
Residential - 6 (RES-6)	1.89	11	6 du/ga	3	33	65	2,145	65	2,145	.12
TOTAL		11								
TOTAL EXISTING GPD/CYPD BASED ON HIGHEST POTENTIAL							**2,145**		**2,145**	**.12**
PROPOSED LAND USE (R/O/R typically calculated at 1/3 each use)	Acres	Dwelling units GA	Max. Intensity FAR	P P H	Total Capita	GPD Potable Water	**TOTAL GPD Potable Water**	GDP Sanitary Sewer	**TOTAL GPD S/S**	**TOTAL CYPD Solid Waste**
ROR 1/3 Residential	.63	6	9 du/ga	3	18	65	1,170	65	1,170	.07
ROR 1/3 Office	.63		9,605 sq ft			.24	2,305	.20	1,921	.08
ROR 1/3 Retail	.63		9,605 sq ft			.12	1,153	.10	9,61	.08
TOTAL	1.89	6	19210				4,628		4,052	.23
TOTAL POTENTIAL GPD/CYPD							**4,628**		**4,052**	**.23**
TOTAL **PROPOSED** GPD/CYPD							**4,628**		**4,052**	**.23**
TOTAL **EXISTING** GPD/CYPD BASED ON HIGHEST POTENTIAL							**2,145**		**2,145**	**.12**
POTENTIAL **INCREASE**							**2,483**		**1,907**	**.11**

Capacity	Solid Waste	Waste Water – SW Plant	Potable Water
Permitted Capacity	32,636,600	15,000,000	52,850,000
Average Daily	-16,755,820	-11,800,000	-37,700,000
	15,880,780	3,200,000	15,150,000
Reserved	- 5,380	- 383,186	-5,568,618
Available Capacity	CYD = 15,875,400	MGD = 2,816,814	MGD = 9,581,382

Public Schools

EXISTING LAND USE	Total Dwelling units	Max. Intensity FAR	Elementary Students Generated*	Middle Students Generated*	High Students Generated*
Residential - 6 (RES-6)	11	6 du/ga	2.068	1.067	.935
TOTAL (rounded)	11		2	1	1
PROPOSED LAND USE (R/O/R typically calculated at 1/3 each use)	**Total Dwelling Units**	**Max. Intensity FAR**	**Elementary Students Generated***	**Middle Students Generated***	**High Students Generated***
ROR 1/3 Residential	6	9 du/ga	1.128	.582	.51
ROR 1/3 Office	0		0	0	0
ROR 1/3 Retail	0		0	0	0
TOTAL (rounded)	6		1	1	1
TOTAL **PROPOSED** GPD/CYPD			1	1	1
TOTAL **EXISTING** GPD/CYPD BASED ON HIGHEST POTENTIAL			2	1	1
POTENTIAL **DECREASE**			-1	No change	No change

*school generation rates based on the highest residential housing typ

Schools

The proposed use for the plan amendment site is not anticipated to generate a need for school facilities. The plan amendment site is located within School Service Area (SSA) 4. Bayshore Elementary, Lee Middle and Bayshore High School are located within SSA 4.

Reclaimed Water

Manatee County reclaimed water facilities are not available in this area of the county.

Transit

There is not a transit stop adjacent to this site. The closest bus stop appears to be Route 99 at Crosley/UFS campus, approximately ¼ mile south of the project site.

Parks

The maximum potential increase in dwelling units is 6 units. Therefore, the proposal will have no impact on County parks

Natural Features

Soils and Topography

There are two main soil types on this site. The soil types, based on the 1983 Soil Survey of Manatee County, on the plan amendment site consist of:

Type 20 – EauGallie Fine Sand is a nearly level, poorly drained soil generally found within broad areas of flatwoods. Slopes are smooth and range from 0 to 2 percent.

Type 42 – Pomello Fine Sand is nearly level, moderately well drained soil occurring on low ridges in flat woods. Slopes are 0 to 2 percent.

Flood Prone Areas/S.L.O.S.H./Hurricane Evacuation

The Federal Emergency Management Agency (FEMA) community map Zone C per FIRM Panel 120153 0339B (revised 3/15/84) provides flood level information about the site and surrounding area.

This panel depicts the entire site as being within the X-unshaded flood zone (an area outside of the 500-Year Floodplain).

The proposed site is not located within an evacuation zone.

Beach Accessibility Evaluation

The plan amendment site is located inland; therefore beach access considerations are not applicable.

Historic Resources

According to the report titled: *An Archaeological Resource Inventory and Archaeological Site Predictive Model for Manatee County, Florida,* by Piper Archaeology/Janus Research (1992), the parcel is not in an area of potential for archaeological sites. There are no known structures or other cultural resources on the site.

Habitat for Endangered, Threatened, or Special Concern Species

The Florida Fish and Wildlife Conservation Commission Biodiversity Hot Spot Map series (1998) indicates very limited species overlap for endangered, threatened or species of special concern on the subject parcel. The site has an existing building as well as a considerable amount of paving making the potential for endangered, threatened or special of special concern unlikely.

Other Natural Resources

Since the site was previously developed, there does not appear to be any wetlands on site as well as no native upland habitat within the project boundaries. The site has very little vegetation.

Urban Development Considerations

Urban Sprawl Analysis

The existing RES-6 future land use category has the maximum potential for 11 dwelling units. The potential for an R/O/R future land use category (9 du/ga) is 17 dwelling units, a difference of 6 dwelling units.

Based on the population projections for Subarea 11, the population can easily be accommodated in the Subarea which has a projected population of approximately 98,886 by 2015 and over 107,000 by year 2035.

The potential population increase as a result of the R/O/R (FLUD) will not affect the overall population projection for the subarea.

Consistency of the Proposed Amendment with the Comprehensive Plan

The proposed plan amendment is anticipated to assist in attaining the following cited goals and objectives, and appears to be consistent with the following cited policies of the Comprehensive Plan.

Objective 2.1.1 - Mapping Methodology for the Future Land Use Map: Follow a mapping methodology limiting urban sprawl which recognizes existing development; projected growth areas; projected population and employment growth; and a possible development density and intensity less than the maximum specified on the Future Land Use Map.

Policy 2.1.1.2 - Designate on the Future Land Use Map land within existing developed areas at densities and intensities which are compatible with the existing development.

The requested R/O/R future land use designation is compatible with existing development in the area

Policy 2.1.1.3 - Designate on the Future Land Use Map, land within currently undeveloped growth areas at densities and intensities which permit significant increases over current land use designations without creating urban sprawl.

The plan amendment site is located within the Urban Core and redevelopment is encouraged. The site fronts a 6 lane divided arterial roadway.

Policy 2.1.1.4 - Promote development in currently undeveloped areas which have the greatest level of public facility availability and investment.

The plan amendment site is in an area with existing public facilities (water, sewer and transportation) and available capacity.

Objective 2.1.2 - Geographic Extent of Future Development: Limit urban sprawl through provision of locations for new residential and non-residential development consistent with the adopted Land Use Concept, to that area west of the Future Development Area Boundary (FDAB) thereby, preserving agriculture as the primary land use east of the FDAB through 2020.

Policy 2.1.2.2 - Limit urban sprawl by prohibiting all future development to the area east of the established FDAB.

The plan amendment site is located within the Future Development Area Boundary.

Policy2.1.2.3 - Permit the consideration of new residential and non-residential development with characteristics compatible with existing development, in areas which are internal to, or are contiguous expansions of existing development if compatible with future areas of development.

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.

The plan amendment site will allow for orderly development in this area of southern Manatee County. Carefully planned non-residential development is consistent with the existing character of the area, which is located in an urbanized area of the County.

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

Policy 2.1.2.6 - Limit urban sprawl through the consideration of new development, when deemed compatible with future growth, in areas which are currently undeveloped yet suitable for improvements.

The site is within a growth area that has existing development and potential for new development.

Objective2.1.3 - Revitalization of the Urban Core Area: Limit urban sprawl through the infill and redevelopment of residential and non-residential uses into the urban core area thereby encouraging the continued vitality and economic prosperity of these areas.

The proposal will be a redevelopment within the Urban Core

Policy 2.10.3.1 Require that access to commercial uses be established on at least one roadway, operating at, or better than, the adopted level of service.

Access will be provided via US 41 (arterial), a 6 lane divided highway.

Policy 2.2.1.12 RES-6: Establish the Residential-6 Dwelling Units/Gross Acre future land use category as follows:

Policy 2.2.1.12.1 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 a low density urban, or a clustered low-moderate density urban, residential environment. Also, to provide for a complement of residential support uses normally utilized during the daily activities of residents of these low or low-moderate density urban areas.

Policy 2.2.1.12.2 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, short-term agricultural uses other than special agricultural uses, agriculturally-compatible residential uses, 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 2.2.1.12.3 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 within the 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 2.3.1.4 and 4.3.1.5)

Maximum Floor Area Ratio:
0.23 (0.35 for mini-warehouse uses only)

1.00 inside the CRA's and UIRA

Maximum Square Footage for Neighborhood
Retail Uses: Medium (150,000sf)

Policy 2.2.1.12.4 Other Information:

a) All mixed and multiple-use projects 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 gross residential density exceeds 4.5 dwelling units per acre, or in which any net residential density exceeds 6 dwelling units per acre shall require special approval.

c) Any nonresidential project exceeding 30,000 square feet of gross building area shall require special approval.

d) Professional office uses not exceeding 3,000 square feet in gross floor area within this category may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and 2.10.4.2, and detailed in the Land Use Operative Provisions Section E (1) provided such office is located on a roadway classified as a minor or principal arterial, 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 2.10.4.2).

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 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, 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.

Attachments:

1. Consistency with State Comprehensive Plan, Florida Administrative Code, and Florida Statutes
2. Copy of Newspaper Advertising

PA-11-04 (Proposed Ordinance 11-46)

The proposed amendment is consistent with
Florida Statutes 163 Part II

163.3184 Process for adoption of comprehensive plan or plan amendment states "in compliance" means consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, 163.3245 and 163.3248

163.3177 Required and optional elements of comprehensive plan; studies and surveys
This plan amendment request maintains the structure of the Comprehensive Plan.

163.3178 Coastal Management
This plan amendment request maintains the structure of the Comprehensive Plan.

163.3180 Concurrency
This plan amendment request maintains the structure of the Comprehensive Plan.

163.3191 Evaluation and appraisal of comprehensive plan
Manatee County completed the required EAR and the EAR based plan amendments in 2004 and 2006. The next EAR update is scheduled for December 2013.

163.3245 Sector plans
There are no sector plans established at this time.

163.3248 Rural Land Stewardship areas
There are no Rural Land Stewardship areas established at this time.

All State goals and policies taken from Chapter 187.201, Florida Statutes.

The proposed amendment is consistent with the following goals and policies of the State Comprehensive Plan:

187.201 (15) (a)
187.201 (15) (b) 1.
187.201 (17) (b) 2.

Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF LAND USE CHANGE

)FFICIAL ACTIONS AFFECTING OR REGULATING USE OR REAL PROPERTY IN UNICORPORATED MANATEE COUNTY – NOTICE TO REAL PROPERTY OWNERS AND GENERAL PUBLIC

e Manatee County Planning Commission will hold a public hearing to consider amendment to the Manatee County Comprehensive Plan and changes to use of certain lands within the unincorporated area of Manatee County h the intent to make a recommendation to the Board of Manatee County mmissioners:

Date: **Thursday, December 8, 2011**
Time: **9:00 A.M. or soon thereafter**
Place: **Manatee County Government Administrative Center**
1112 Manatee Ave. West; Board Chambers (1st Floor)

Additional amendments to the following may be necessary to implement these changes and ensure internal consistency.

PA-11-04 / ORDINANCE 11-046 - 8154, LLC

Adoption of a Plan Amendment of Manatee County, Florida, regarding Comprehensive Planning, amending Manatee County Ordinance No. 89-01, as amended the Manatee County Comprehensive Plan; providing a purpose and intent; providing findings; providing for an amendment to the Future Land Use Map of the Future Land Use Element to designate specific real property from the RES-6 (Residential - 6 dwelling units per gross acre) Future Land Use Classification to ROR (Retail, Office and Residential) Future Land Use Classification (1.89± acres); said property being located at 8154 North Tamiami Trail (US 41); providing for severability and providing for an effective date.

blic is invited to speak at this hearing, subject to proper rules of conduct. hearing may be continued from time to time to a date and time certain. Public may also provide written comments for the Planning Commission consider.

es of Procedure for this public hearing are in effect pursuant to Resolution 239(PC). Copies of this Resolution may be obtained from the Planning artment (See address below).

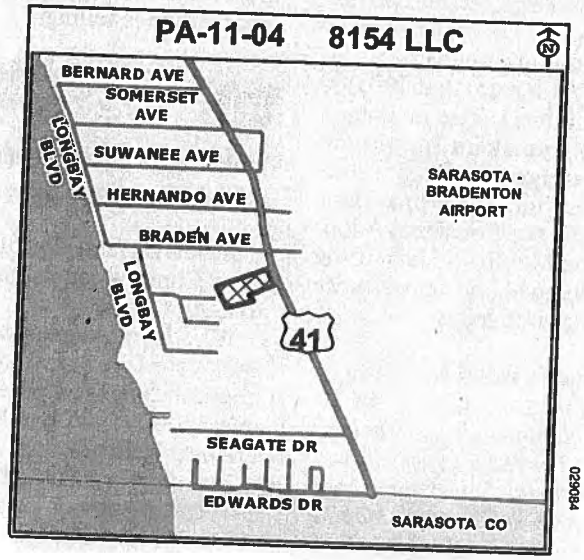
ase Send Comments To: **Manatee County Building and Development Services Department**
Attn: Project Coordinator
1112 Manatee Ave. West, 2nd Floor
Bradenton, FL 34206
Planning.agenda@mymanatee.org

All written comments will be entered into the record.

More Information: Copies of the proposed amendments will be available review and copying at cost approximately seven (7) days prior to the public ring. Information may also be obtained by calling **748-4501, Ext. 6878,** veen 8:00 AM and 5:00 PM.

ericans with Disabilities: The Manatee County Planning Commission s not discriminate upon the basis of any individual's disability status. This -discrimination policy involves every aspect of the Commission's functions uding one's access to and participation in public hearings. Anyone requiring onable accommodation for this meeting as provided for in the ADA, should act Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 second; 745-3790.

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/she will need a record of the proceedings, and for such purpose, he/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.



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Copy of Newspaper Advertising

Sarasota Herald Tribune

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Attn: Project Coordinator
1112 Manatee Ave. West, 2nd Floor
Bradenton, FL 34206
Planning.agenda@mymanatee.org

All written comments will be entered into the record.

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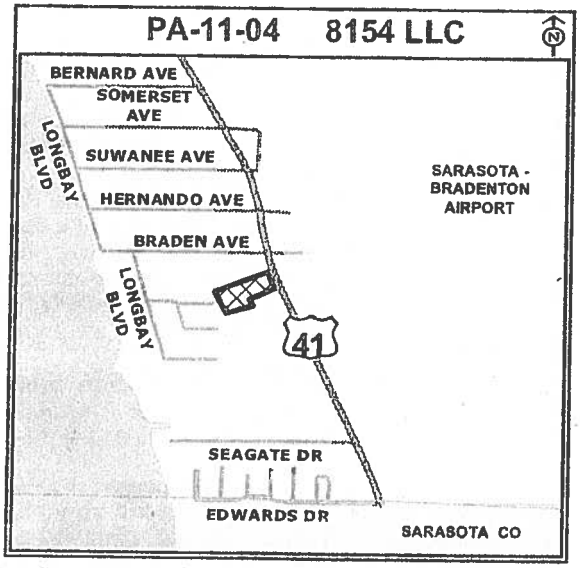
PA-11-04 8154 LLC
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SOMERSET AVE
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HERNANDO AVE
BRADEN AVE
LONGBAY BLVD
LONGBAY BLVD
SARASOTA - BRADENTON AIRPORT
41
SEAGATE DR
EDWARDS DR
SARASOTA CO

MANATEE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT	Ordinance 11-41 – Land Development Code Text Amendment Master Planned Institutional Zoning District	**TYPE AGENDA ITEM**	Advertised Public Hearing – Regular
DATE REQUESTED	12/08/11 PC	**DATE SUBMITTED/REVISED**	11/30/11
BRIEFINGS? Who?	None	**CONSEQUENCES IF DEFERRED**	N/A
DEPARTMENT/DIVISION	Building and Development Services / Comprehensive Planning and Public Hearings	**AUTHORIZED BY TITLE**	John Osborne, AICP, Planning and Zoning Official
CONTACT PERSON TELEPHONE/EXTENSION	Katie LaBarr, AICP, 748-4501 ext. 6828	**PRESENTER/TITLE TELEPHONE/EXTENSION**	Katie LaBarr, AICP, / Principal Planner / 748-4501 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 Ordinance 11-41 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

BACKGROUND/DISCUSSION

- IMG Academies is a School of Special Education seeking to expand their existing facilities.
- The existing site and proposed expansion area has multiple residential zoning districts consisting of a mix of "straight" and planned development categories. None of these are appropriate for this use.
- Because the Land Development Code does not contain a classification that would appropriately address all aspects of such a use, the "MP-I" or Master Planned – Institutional zoning district is proposed.
- The new classification has been prepared so it would lend itself for use with this and other similar types of uses, like churches or other schools of special education, in other areas of the County.
- The procedures for approval would allow a landowner to prepare a long-term master plan for a significantly sized parcel without requiring the detailed engineering often seen in Planned Development categories and thereby allow flexibility in the development of such a use that often occurs over time.
- The Master Plan would still address compatibility concerns by identifying minimum buffer widths and building setbacks.
- Staff recommends approval.

COUNTY ATTORNEY REVIEW

Check appropriate box	
☒	**REVIEWED** **Written Comments:** ☐ **Attached** ☒ **Available from Attorney (Attorney's Initials:** WEC)
☐	**NOT REVIEWED (No apparent legal issues.)**
☐	**NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)**
☐	**OTHER**

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

P.C. 12/08/11

ORDINANCE 11-41

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE TO CREATE A NEW ZONING DISTRICT – "MASTER PLANNED – INSTITUTIONAL" (MP-I) – AND AMENDING THE LAND DEVELOPMENT CODE TO EFFECTUATE THAT ZONING DISTRICT; INCLUDING AMENDMENTS TO CHAPTER 2 – DEFINITIONS; CHAPTER 6 – ZONING DISTRICTS; FIGURE 6-1, USE CHART; FIGURE 6-2, SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS; AND ANY OTHER REVISIONS DEEMED NECESSARY OR APPROPRIATE DURING THE PUBLIC HEARING PROCESS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

P.C.:12/08/11 **B.O.C.C.: 01/05/12**

RECOMMENDED MOTION

Based upon the staff report, evidence presents, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan, I move to recommend ADOPTION of Manatee County Ordinance 11-41, amending the Manatee County Land Development Code, (Ordinance 90-01, as amended), as recommended by the staff.

Background/Discussion:

- IMG Academies is a School of Special Education seeking to expand their existing facilities.
- The existing site and proposed expansion area is classified with multiple residential zoning districts.
- The districts are a mix of "straight" and planned development categories, none of which are particularly appropriate for the use.
- Although a school is generally considered a residential support use and appropriate in residential districts, in this instance, the school contains various accessory uses that may be more appropriate in a district tailored to this special type of use.
- There is no single category – "straight" or planned – that works for a use of this type.
- Because the Land Development Code does not contain a classification that would appropriately address all aspects of such a use, the "MP-I" or Master Planned – Institutional zoning district is proposed.
- The new classification has been prepared in a way so it would lend itself for use with this and other similar types of uses, like churches or other schools of special education, in other areas of the County. The procedures for approval would allow a landowner to prepare a long-term master plan for a significantly sized parcel without requiring the detailed engineering often seen in Planned Development categories and thereby allow flexibility in the development of such a use that often occurs over time.
- The Master Plan would still address compatibility concerns by identifying minimum buffer widths and building setbacks.

Proposal:

Add language to the Land Development Code to implement the new proposed zoning district. The proposed language is below:

Section 201 Definitions

Campus Master Plan shall mean the master plan approved in association with the Master Planned - Institutional zoning district. Such plan shall be similar to a General Development Plan. (see Chapter 6 regarding details required to be shown on the Campus Master Plan)

Section 601. Districts Established

MP-I: Master Planned - Institutional

Section 602. Standard Zoning Districts.

602.1.8. *MP-I: Master Planned Institutional District.* The MP-I District is established to provide for areas for institutional uses such as churches, schools, medical facilities, or other similar uses with multiple buildings and/or facilities in a campus setting. The district is designed to allow for future expansions and eventual build-out of master planned campuses while ensuring compatibility with adjacent land uses. In addition, this district shall allow for vertical integration of structures and a compact form of development in a village setting. This zoning district shall not be construed to grant entitlements to any property approved for a Campus Master Plan in excess of any statutorily prescribed threshold for a development-of-regional-impact review under applicable state law. The permissible uses within the MP-I District shall be limited to those uses authorized pursuant to Figure 6-1 within such District.

602.6 *Procedures for MP-I District.*

602.6.1. *Application for Approval of Rezoning; Campus Master Plan Review.*

602.6.1.1 *Filing of Application.* Any person wishing to rezone property into the MP-I District and to undertake development within the MP-I district shall file an application with the Director in accordance with the provisions of Section 504, and this Section. Such application shall include a copy of a Campus Master Plan.

602.6.1.2. *Review Procedures.* The review and approval procedures for an Institutional Development shall be the same as for a rezoning pursuant to Section 504, Amendments to Official Zoning Atlas.

602.6.1.3 *Campus Master Plan.* In addition to the application required under Section 504, the applicant shall provide a Campus Master Plan for review and approval. The plan shall provide sufficient detail for the Board to determine that compatibility between adjacent uses will be achieved upon buildout. The plan shall include, at a minimum, the following information:

- Property Boundary
- General Range of Uses, including principal and accessory uses
- Range of Density and/or Intensity as appropriate
- Building Height
- External Access Points
- Minimum Setbacks from Property Boundary
- Upland Preservation Areas

- Wetlands, wetland buffers and proposed wetland impacts
- Perimeter buffers

602.6.1.4 *Board of County Commissioner Approval.* In review of the Campus Master Plan, the Board of County Commissioners may limit the range of uses to ensure compatibility with adjacent existing or future land uses. The Board may also approve specific building heights, perimeter buffers, and setbacks not in strict compliance with Figure 6-6 based upon a review of the plan.

602.6.2 *Further Development Review Procedures.* Upon approval of a Zoning Atlas Amendment and accompanying Campus Master Plan by the Board of County Commissioners, the applicant may proceed with approvals of site plans in accordance with Section 508. Such approvals shall be consistent with the approved Campus Master Plan and may be approved in phases. Future development shall occur in accordance with regulations in effect at the time, with the exception of the information contained on the Campus Master Plan. (e.g., details of landscaping, lighting, parking etc will not be shown on the master plan but future approvals will be required to comply with the most current regulations).

602.6.3 *Uses Proposed.* Uses must be consistent with and allowed under the range of potential uses for the applicable Future Land Use Category of the Comprehensive Plan.

602.6.3.1 All proposed uses shall be listed on the Campus Master Plan as Principal or Accessory.

602.6.4 Effect of Approval. Upon approval of the Campus Master Plan by the Board through adoption of a Development Order, the applicant may apply directly for approval of a Preliminary/Final Site plan and may indicate phases on that plan. Subsequent applications may depart from the phasing plan if each site plan provides access and other common improvements adequate to serve all cumulative developments in the event other phases fail to develop timely.

602.6.5 Modification. Minor Modifications may be approved by the Director after a finding of consistency with the Campus Master Plan and Comprehensive Plan. Should future development conditions warrant a major modification to the Campus Master Plan, such an amendment shall be reviewed and approved in the same manner as the original plan.

602.6.6 Expiration. Upon approval, the Campus Master Plan shall not expire.

602.6.7 Other Permits Required. Nothing in this Section shall eliminate the obligation of the applicant to obtain any required permits from State or Federal agencies.

602.6.8 Revocability. In the event the Director determines, in his or her sole discretion, that the applicant has failed to suitably monitor the progress of the development under the Campus Master Plan so as to trigger or have a factual basis to conclude that the numerical thresholds will be exceeded such as to trigger review as a development-of-regional-impact, the Director shall notify the applicant in writing of his or her determination. The applicant(s) receiving such notice shall have the right to appeal pursuant to Section 516, LDC, of the decision or interpretation of the Director in the enforcement of this Code requirement. The applicant shall record a notice to buyers in the public records at such time as any parcel or portion of the property is sold or transferred to another legal entity of the requirement of a subsequent purchaser to comply with the monitoring requirements regarding numerical thresholds and development-of-regional-impact review.

Such appeal shall be heard by the Board. The Board, at its option, based upon evidence in the record and exclusive of all other remedies available to the Board pursuant to Land Development Code and applicable law, may revoke the approval of a portion of the Campus Master Plan for which no Preliminary/Final Site Plan has been issued in order to prevent issuance of further development orders and prevent the exceedence of numerical thresholds for development-of-regional-impact-review. In the event the approval of all or a portion of the Campus Master Plan is revoked by the Board, the Board shall adopt a resolution providing for such revocation and a Notice of Revocation shall be recorded in the public records.

FIGURE 6-1: *The following uses shall be Permitted under the "MP-I" zoning category. All other uses shall not be allowed.*

- Retail Sales, Neighborhood Convenience
- Retail Sales, Neighborhood General
- Eating Establishment
- General Retail Sales Uses
- Bank
- Bank/Drive Through
- Business Services
- Professional Office
- Clinic
- Hospital
- Medical and Dental Laboratories
- Nursing Home
- Bed and Breakfast
- Boarding House
- Dormitories
- Hospital Guest House
- Hotel
- Office

- Personal Service Establishment
- Research and Development Activity
- Cultural Facilities
- Correctional Facilities, Community and Major
- Low Intensity Recreation
- Medium Intensity Recreation
- Passive Recreational Uses
- Group Housing
- Residential Care Facilities, Large and Small
- Churches or other Places of Worship
- College or University
- Day Care Center, Small, Medium or Large or Accessory
- Schools, Elementary, Middle or High
- Schools of Special Education

FIGURE 6-6 MASTER PLANNED – INSTITUTIONAL BULK, PLACEMENT AND DIMENSIONAL REQUIREMENTS:

Unless otherwise specified on the Campus Master Plan, the following minimum requirements shall apply:

Minimum Land Area: 40 acres

Roadway Buffer/Setback from exterior roadways: 25 feet/40 feet (structures)

Perimeter Buffer/Setback from adjacent property*: 20 feet/30 feet (structures)

Maximum Density and F.A.R : Based upon maximums in Future Land Use Categories

Maximum Building Height: 7 stories or 84 feet**

Minimum Open Space: 25%

*Perimeter buffer/setback from residential property: 30 feet/40 feet

**Building in excess of 35 feet must be located a minimum of 100 feet from any property boundary or 500 feet from any waterfront property boundary. The Board of County Commissioners may allow structures in excess of 35 feet within closer proximity to property boundaries under the provisions of Section 603.7.4.9.

- The proposed amendment is consistent with the Comprehensive Plan because the creation of a new Master Planned Institutional zoning district will enable institutional uses to have a zoning district that is specific to such use. The Master Plan that will be approved with the Zoning Ordinance will provide enough detail to address Policy 2.6.1.1, to address incompatibilities associated with use, height, intensity/density. In addition, there are areas of the county that are well suited to campuses with a mixture of uses and the location of those campuses will not adversely affect the surrounding neighborhoods.

- Staff recommends approval.

Applicable Comprehensive Plan Policies:

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]

Objective: 2.6.2

Residential Compatibility/transition: Residential uses compatible with adjacent residential and nonresidential uses.

Policy: 2.6.5.2

Encourage, in locations which are suited to diverse uses, mixed and multiple use projects to provide for integration and synergy between land uses. Nothing in this policy shall preclude single use or homogenous projects if mixing of uses on a single project, or intrusion of a different use into a homogenous area, will create inappropriate diversity or incompatibilities between adjacent land uses.

Policy: 2.6.5.5

Ensure urban infill projects are compatible to their setting and designed to contribute to the overall enhancement of the existing

neighborhood. Compatibility consideration will include building massing, vertical character and setbacks within the existing urban neighborhood. Urban neighborhood projects shall preserve the street grid pattern, on street parking and sidewalks characteristic of existing urban neighborhoods.

Objective: 2.8.1

Incentives: Periodically review land development regulations and strategies to ensure incentives for reduction of inconsistent land uses and incentives for redevelopment and renewal of blighted areas are effective.

ORDINANCE 11-41

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE TO CREATE A NEW ZONING DISTRICT – "MASTER PLANNED – INSTITUTIONAL" (MP-I) – AND AMENDING THE LAND DEVELOPMENT CODE TO EFFECTUATE THAT ZONING DISTRICT; INCLUDING AMENDMENTS TO CHAPTER 2 – DEFINITIONS; CHAPTER 6 – ZONING DISTRICTS; FIGURE 6-1, USE CHART; FIGURE 6-2, SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS; AND ANY OTHER REVISIONS DEEMED NECESSARY OR APPROPRIATE DURING THE PUBLIC HEARING PROCESS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida:

Section 1. Purpose and Intent. This ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulation Act, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings for the adoption of this ordinance:

1. Sections 601 and 602 of the Manatee County Land Development Code ("the Code"), and Definitions, in Section 201 of the Code establish zoning districts for the County and set forth the permissible uses and procedures for developments within such districts.

2. It is in the interest of the public health, safety and welfare to adopt the amendments to Sections 601 and 602, and Section 201 of the Code, in order to establish a ne w zoning district, "Master Planned - Institutional" (MP-I), and to set forth the permissible uses and procedures for development within the MP-I District, and to provide definitions to implement such amendments.

3. The Manatee County Planning Commission held a duly noticed and advertised public hearing on December 8, 2011, the staff report has reviewed the amendments set forth in this ordinance and has found these amendments to the Land Development Code to be consistent with the Manatee County Comprehensive Plan and recommended their adoption to the Board.

4. The Board of County Commissioners held a duly noticed public hearing on January 5, 2012 on proposed Ordinance 11-41 to receive public comment and review and consider the Staff Report and the report of the Planning Commission on this proposed ordinance.

5. The Board of County Commissioners after considering public comment, the recommendations of the Planning Commission and Planning staff, has found proposed Ordinance 11-41 consistent with the Comprehensive Plan, and in furtherance of the public health, safety and welfare and has adopted this ordinance as set forth herein.

Section 3. Amendment of Chapter 2, Definitions and Rules of Construction, Land Development Code.

Chapter 2, Section 201 is hereby amended as follows, with additions to text indicated by underlining and deletions indicated by ~~strike-out~~:

Campus Master Plan shall mean the master plan approved in association with the Master Planned - Institutional zoning district. Such plan shall be similar to a General Development Plan. (see Chapter 6 regarding details required to be shown on the Campus Master Plan)

Section 4. Amendment of Section 601. Districts Established. Section 601, Districts Established, is hereby amended as follows, with additions to text indicated by underlining and deletions indicated by ~~strike-out~~:

MP-I: Master Planned - Institutional

Section 5. Amendment of Section 602. Standard Zoning Districts. Section 602, Standard Zoning Districts, is hereby amended as follows, with additions to text indicated by underlining and deletions indicated by ~~strike-out~~:

602.1.8. *MP-I: Master Planned Institutional District.* The MP-I District is established to provide for areas for institutional uses such as churches, schools, medical facilities, or other similar uses with multiple buildings and/or facilities in a campus setting. The district is designed to allow for future expansions and eventual build-out of master planned campuses while ensuring compatibility with adjacent land uses. In addition, this district shall allow for vertical integration of structures and a compact form of development in a village setting. This zoning district shall not be construed to grant entitlements to any property approved for a Campus Master Plan in excess of any statutorily prescribed threshold for a development-of-regional-impact review under applicable state law. The permissible uses within the MP-I District shall be limited to those uses authorized pursuant to Figure 6-1 within such District.

602.6 *Procedures for MP-I District.*

602.6.1. *Application for Approval of Rezoning; Campus Master Plan Review.*

602.6.1.1 *Filing of Application.* Any person wishing to rezone property to the MP-I District and to undertake development within the MP-I district shall file an application with the Director in accordance with the provisions of Section 504, and this Section. Such application shall include a copy of a Campus Master Plan.

602.6.1.2. *Review Procedures.* The review and approval procedures for an Institutional Development shall be the same as for a rezoning pursuant to Section 504, Amendments to Official Zoning Atlas.

602.6.1.3 *Campus Master Plan.* In addition to the application required under Section 504, the applicant shall provide a Campus Master Plan for review and approval. The plan shall provide sufficient detail for the Board to determine that compatibility between adjacent uses will be achieved upon buildout. The plan shall include, at a minimum, the following information:

- Property Boundary
- General Range of Uses, including principal and accessory uses
- Range of Density and/or Intensity as appropriate
- Building Height
- External Access Points
- Minimum Setbacks from Property Boundary
- Upland Preservation Areas
- Wetlands, wetland buffers and proposed wetland impacts
- Perimeter buffers

602.6.1.4 *Board of County Commissioner Approval.* In review of the Campus Master Plan, the Board of County Commissioners may limit the range of uses to ensure compatibility with adjacent existing or future land uses. The Board may also approve specific building heights, perimeter buffers, and setbacks not in strict compliance with Figure 6-6 based upon a review of the plan.

602.6.2 *Further Development Review Procedures.* Upon approval of a Zoning Atlas Amendment and accompanying Campus Master Plan by the Board of County Commissioners, the applicant may proceed with approvals of site plans in accordance with Section 508. Such approvals shall be consistent with the approved Campus Master Plan and may be approved in phases. Future development shall occur in accordance with regulations in effect at the time, with the exception of the information contained on the Campus Master Plan. (e.g., details of landscaping, lighting, parking

etc will not be shown on the master plan but future approvals will be required to comply with the most current regulations).

602.6.3 *Uses Proposed.* Uses must be consistent with and allowed under the range of potential uses for the applicable Future Land Use Category of the Comprehensive Plan.

602.6.3.1 All proposed uses shall be listed on the Campus Master Plan as Principal or Accessory.

602.6.4 Effect of Approval. Upon approval of the Campus Master Plan by the Board through adoption of a Development Order, the applicant may apply directly for approval of a Preliminary/Final Site plan and may indicate phases on that plan. Subsequent applications may depart from the phasing plan if each site plan provides access and other common improvements adequate to serve all cumulative developments in the event other phases fail to develop timely.

602.6.5 Modification. Minor Modifications may be approved by the Director after a finding of consistency with the Campus Master Plan and Comprehensive Plan. Should future development conditions warrant a major modification to the Campus Master Plan, such an amendment shall be reviewed and approved in the same manner as the original plan.

602.6.6 Expiration. Upon approval, the Campus Master Plan shall not expire.

602.6.7 Other Permits Required. Nothing in this Section shall eliminate the obligation of the applicant to obtain any required permits from State or Federal agencies.

602.6.8 Revocability. In the event the Director determines, in his or her sole discretion, that the applicant has failed to suitably monitor the progress of the development under the Campus Master Plan so as to trigger or have a factual basis to conclude that the numerical thresholds will be exceeded such as to trigger review as a development-of-regional-impact, the Director shall notify the applicant in writing of his or her determination. The applicant(s) receiving such notice shall have the right to appeal pursuant to Section 516, LDC, of the decision or interpretation of the Director in the enforcement of this Code requirement. The applicant shall record a notice to buyers in the public records at such time as any parcel or portion of the property is sold or transferred to another legal entity of the requirement of a subsequent purchaser to comply with the monitoring requirements regarding numerical thresholds and development-of-regional-impact review.

Such appeal shall be heard by the Board. The Board, at its option, based upon evidence in the record and exclusive of all other remedies available to the Board pursuant to Land Development Code and applicable law, may revoke the approval of a portion of the Campus Master Plan for which no Preliminary/Final Site Plan has been

issued in order to prevent issuance of further development orders and prevent the exceedence of numerical thresholds for development-of-regional-impact-review. In the event the approval of all or a portion of the Campus Master Plan is revoked by the Board, the Board shall adopt a resolution providing for such revocation and a Notice of Revocation shall be recorded in the public records.

Section 6. Amendment of Figure 6-1. Schedule of Permitted, Administrative and Special Use by District. Figure 6-1, Schedule of Permitted, Administrative and Special Use by District, is hereby amended as follows, with additions to text indicated by underlining and deletions indicated by ~~strike out~~:

FIGURE 6-1: *The following uses shall be Permitted under the "MP-I" zoning category. All other uses shall not be allowed.*

- Retail Sales, Neighborhood Convenience
- Retail Sales, Neighborhood General
- Eating Establishment
- General Retail Sales Uses
- Bank
- Bank/Drive Through
- Business Services
- Professional Office
- Clinic
- Hospital
- Medical and Dental Laboratories
- Nursing Home
- Bed and Breakfast
- Boarding House
- Dormitories
- Hospital Guest House
- Hotel
- Office
- Personal Service Establishment
- Research and Development Activity
- Cultural Facilities
- Correctional Facilities, Community and Major
- Low Intensity Recreation
- Medium Intensity Recreation
- Passive Recreational Uses
- Group Housing
- Residential Care Facilities, Large and Small
- Churches or other Places of Worship

- College or University
- Day Care Center, Small, Medium or Large or Accessory
- Schools, Elementary, Middle or High
- Schools of Special Education

Section 7. Creation of Figure 6-6. MP-I Master Planned – Institutional Bulk, Placement and Dimensional Requirements. Figure 6-6, MP-I – Master Planned – Institutional Bulk, Placement and Dimensional Requirements is hereby created as follows, with additions to text indicated by underlining and deletions indicated by ~~strike out~~:

FIGURE 6-6 MP-I Master Planned – Institutional Bulk, Placement and Dimensional Requirements.
Unless otherwise specified on the Campus Master Plan, the following minimum requirements shall apply:

Minimum Land Area:	40 acres
Roadway Buffer/Setback from exterior roadways:	25 feet/40 feet (structures)
Perimeter Buffer/Setback from adjacent property*:	20 feet/30 feet (structures)
Maximum Density and F.A.R :	Based upon maximums in Future Land Use Categories
Maximum Building Height:	7 stories or 84 feet**
Minimum Open Space:	25%

*Perimeter buffer/setback from residential property: 30 feet/40 feet
**Building in excess of 35 feet must be located a minimum of 100 feet from any property boundary or 500 feet from any waterfront property boundary. The Board of County Commissioners may allow structures in excess of 35 feet within closer proximity to property boundaries under the provisions of Section 603.7.4.9.

Section 8. Codification. The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Sections 3 and 4 of this ordinance into the Land Development Code.

Section 9. Applicability. The amendments set forth in this ordinance shall apply to all applications, decisions or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

Section 10. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render

invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 11. Effective Date. This Ordinance shall become as provided by law.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 5th day of January, 2012

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

By: _____
Carol Whitmore, Chairman

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

By: _____
Deputy Clerk

Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF LAND DEVELOPMENT CODE CHANGES IN UNINCORPORATED MANATEE COUNTY

The Manatee County Planning Commission will hold a public hearing to consider amendments to certain provisions of the Manatee County Land Development Code (Ordinance 90-01, as amended) and make a recommendation to the Board of County Commissioners as to the consistency of the proposed Ordinances with the Comprehensive Plan and as to whether the proposed ordinance should be adopted, adopted with modifications, or denied.

Date: Thursday, December 8, 2011
Time: 9:00 AM or soon thereafter
Place: Manatee County Government Administrative Center
1112 Manatee Avenue West,
1st Floor Chambers

ORDINANCE 11-41

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE TO CREATE A NEW ZONING DISTRICT – "MASTER PLANNED – INSTITUTIONAL" (MP-I) – AND AMENDING THE LAND DEVELOPMENT CODE TO EFFECTUATE THAT ZONING DISTRICT; INCLUDING AMENDMENTS TO CHAPTER 2 – DEFINITIONS; CHAPTER 6 – ZONING DISTRICTS; FIGURE 6-1, USE CHART; FIGURE 6-2, SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS; AND ANY OTHER REVISIONS DEEMED NECESSARY OR APPROPRIATE DURING THE PUBLIC HEARING PROCESS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The public is invited to speak at this hearing, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The public may also provide written comments for the Planning Commission to consider.

Interested parties may examine the proposed Ordinances and 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) 748-4501 EXT. 6878; e-mail to: planning.agenda@mymanatee.org

Rules of procedure for this public hearing are in effect pursuant to Resolution 05-239(PC). A copy of this Resolution is available for review or purchase from the Building and Development Services Department (see address below).

Please send comments to: Manatee County Building and
Development Services Department
Attn: Project Coordinator
1112 Manatee Ave. West 2ND Floor
Bradenton, FL 34205

All written comments will be entered into the record.

For More Information: Copies of the proposed amendment will be available for review and copying at cost approximately ten (10) days prior to the public hearing. Information may also be obtained by calling 748-4501 x 6878, between 8:00 AM - 5:00 PM.

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, FAX 745-3790.

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/she will need a record of the proceedings, and for such purpose, he/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.

SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida

020903

Copy of Newspaper Advertising

Sarasota Herald Tribune

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The public is invited to speak at this hearing, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The public may also provide written comments for the Planning Commission to consider.

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SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida

1573159

MANATEE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT	PDC-11-16(Z)(G) 8154, LLC	**TYPE AGENDA ITEM**	Advertised Public Hearing – Regular
DATE REQUESTED	12/08/11 PC	**DATE SUBMITTED/REVISED**	12/01/11
BRIEFINGS? Who?	None	**CONSEQUENCES IF DEFERRED**	N/A
DEPARTMENT/DIVISION	Building and Development Services / Comprehensive Planning and Public Hearings	**AUTHORIZED BY TITLE**	John Osborne, AICP, Planning and Zoning Official
CONTACT PERSON TELEPHONE/EXTENSION	Kathleen Thompson, AICP / 748-4501 ext. 6841 DTS#20100291	**PRESENTER/TITLE TELEPHONE/EXTENSION**	Kathleen Thompson, AICP / Planning Manager / 748-4501 ext. 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 PDC-11-16 (Z)(P) 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

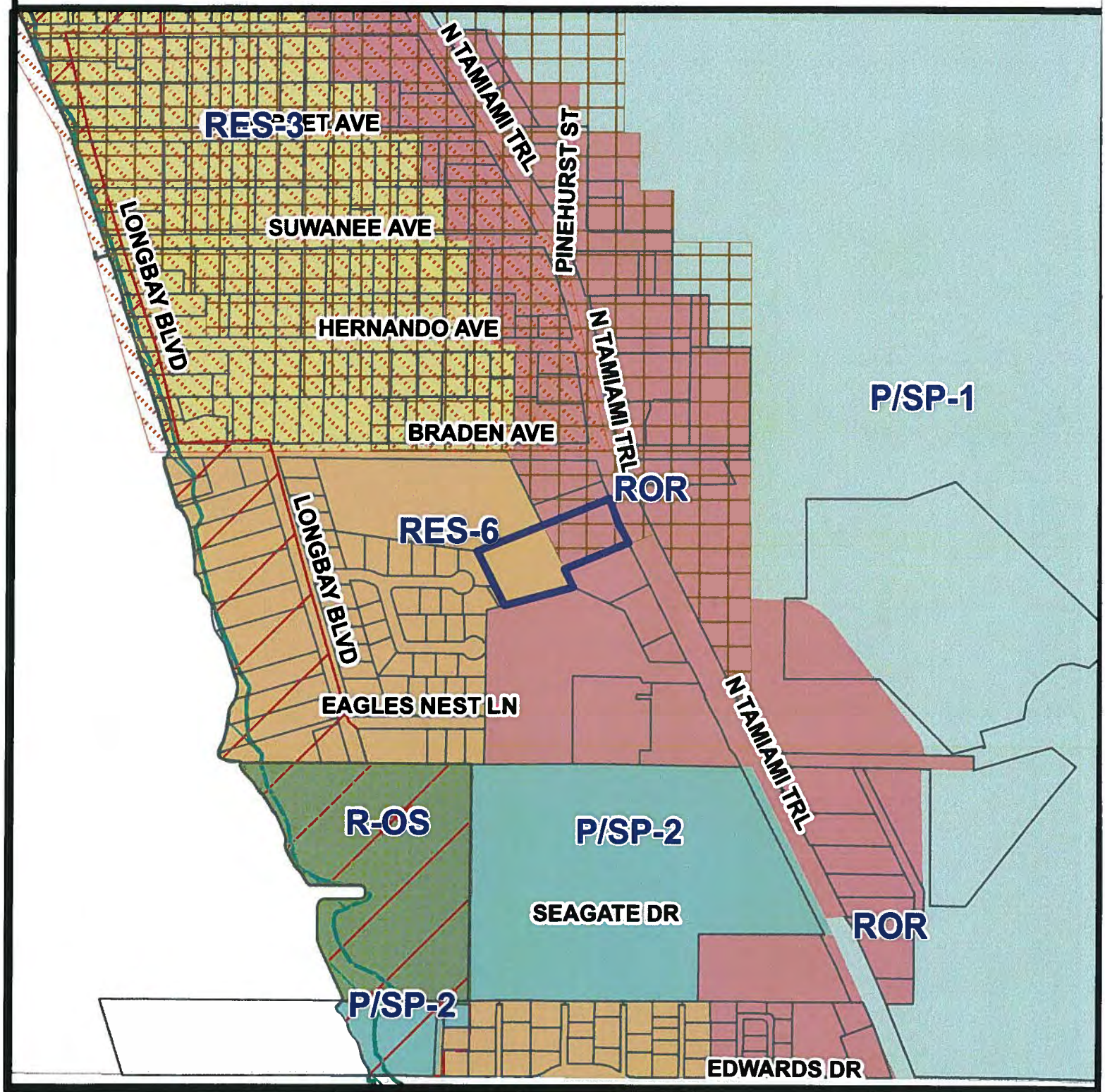
- The applicant requests approval of a rezone from GC/AI to PDC/AI and RSF-3 to PDC and approval of a General Development Plan for a Kennel/Pet Resort.
- The site is located at 8154 US 41 South, approximately 225' south of Braden Avenue. The site fronts a 6 lane divided arterial.
- The site contains a vacant building that was occupied by the Rip Van Winkle Bowling Alley. The bowling alley closed in 2004 and has remained vacant.
- The site is adjacent to a hotel and school to the north and a fast food restaurant and mini storage facility to the south. Sarasota Bradenton International Airport is located across the street on the east side of US 41.
- There are two residential dwelling units immediately west of the site.
- The site is located within the Urban Core where redevelopment is encouraged.
- The northern property line, adjacent to the existing building and the southern property line will not be required to provide a landscape buffer. The existing and required landscape buffers will provide screening for the residential subdivision to the west and the Easter Seals facility to the northwest.
- Staff recommends approval with stipulations.

COUNTY ATTORNEY REVIEW

Check appropriate box	
☐	**REVIEWED** **Written Comments:** ☐ **Attached** ☐ **Available from Attorney (Attorney's initials: _____)**
☒	**NOT REVIEWED (No apparent legal issues.)**
☐	**NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)**
☐	**OTHER**

ATTACHMENTS: (List in order as attached)		**INSTRUCTIONS TO BOARD RECORDS:**	
Staff Report		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) 6823700059

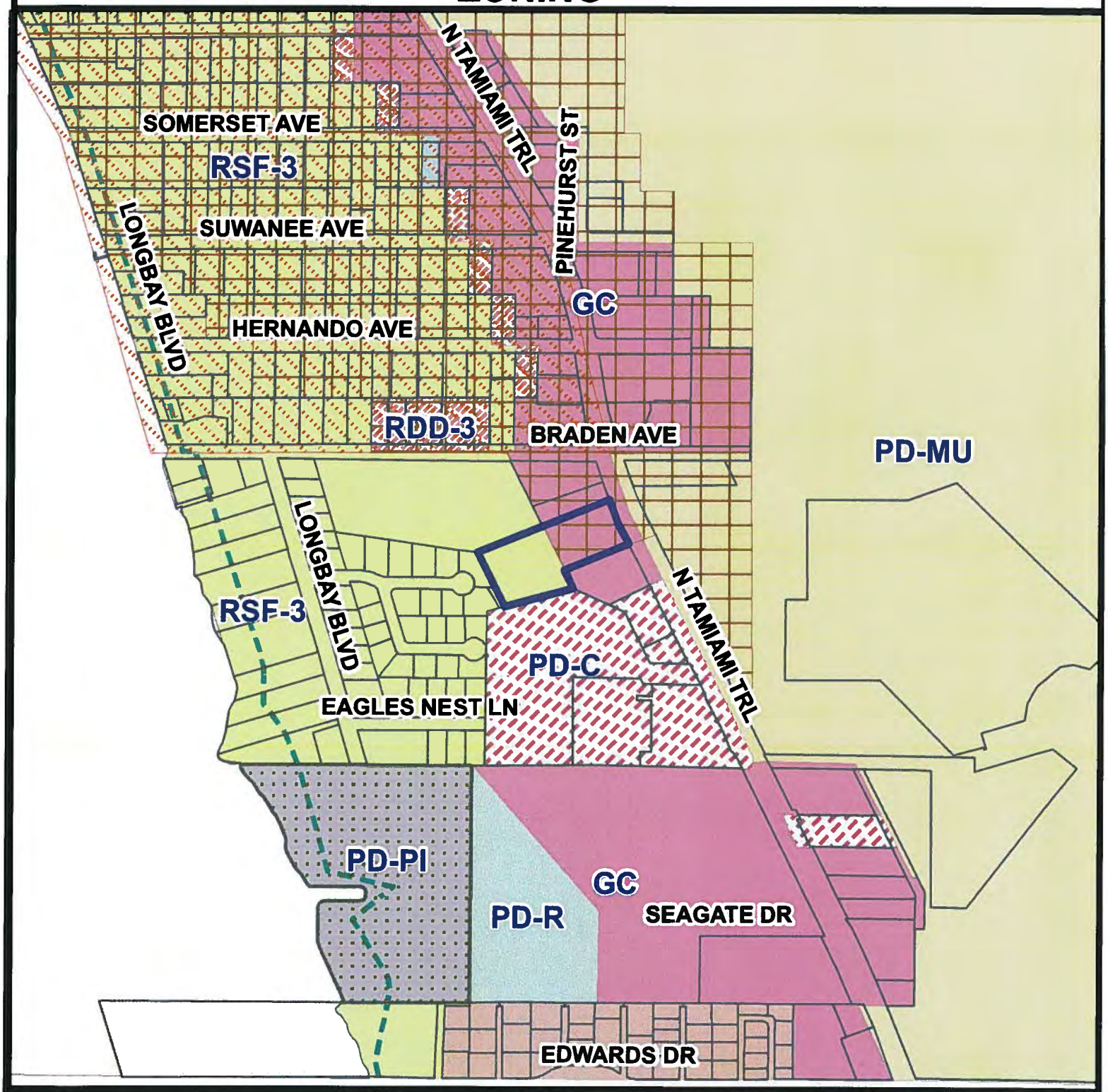
Manatee County
Staff Report Map

Map Prepared 10/12/2011
1 inch = 579 feet

Airport Impact
Whitfield Residential
Coastal Evacuation Area

Project Name:	8154, LLC
Project #:	PDC-11-16 (Z)(G)
DTS#:	2011
Proposed Use:	Pet Kennel/Resort
S/T/R:	Sec 36,35 Twn 35 Rng 17
Acreage:	Re-zone - ± 3.24
Existing Zoning:	GC, RSF-3
Existing FLU:	ROR, RES-6 (R/O/R pending approval of PA-11-04)
Overlays:	AI
Special Areas:	NONE
CHH:	NONE
Watershed:	NONE
Drainage Basin:	DIRECT RUNOFF TO GULF
Commissioner:	Robin DiSabatino

ZONING



Parcel ID #(s) 6823700059

Manatee County
Staff Report Map

Map Prepared 10/12/2011
1 inch = 579 feet

Airport Impact
Whitfield Residential
Historical/Archaeological

Project Name:	8154, LLC
Project #:	PDC-11-16 (Z)(G)
DTS#:	2011
Proposed Use:	Pet Kennel/Resort
S/T/R:	Sec 36,35 Twn 35 Rng 17
Acreage:	Re-zone - ± 3.24
Existing Zoning:	GC, RSF-3
Existing FLU:	ROR, RES-6 (R/O/R pending approval of PA-11-04)
Overlays:	AI
Special Areas:	NONE
CHH:	NONE
Watershed:	NONE
Drainage Basin:	DIRECT RUNOFF TO GULF
Commissioner:	Robin DiSabatino

AERIAL

Parcel ID #(s) 6823700059

Manatee County
Staff Report Map

Map Prepared 10/12/2011
1 inch = 579 feet

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Commissioner:	Robin DiSabatino

P.C. 12/08/11

PDC-11-16(Z)(G) – 8154 LLC/BAYSIDE PET RESORT (DTS #20110291(1))

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 3.24± acres on the west side of U.S. 41, at 8154 N. Tamiami Trail, Bradenton from GC/AI (General Commercial/Airport Impact Overlay) and RSF-3 (Residential Single-Family – 3 Dwelling Units per Gross Acre) to the PDC/AI (Planned Development Commercial/Airport Impact Overlay) and PDC (Planned Development Commercial) zoning district; approve a General Development Plan for use of an existing commercial building for a kennel; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

App Received:

P.C.: 12/8/11 **B.O.C.C.: 12/20/11**

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 ADOPTION of Manatee County Zoning Ordinance No. PDC-11-16(Z)(G); APPROVAL of the General Development Plan with Stipulations A.1 – A.6 and B.1 – B.6, GRANTING Special Approval for a project located in the Entranceway, ADOPTION of the Findings for Specific Approval; and GRANTING Specific Approval of an alternative(s) to Section(s) 715.3.2.c.2, 715.3.1.d and 737.5.1.1. of the Land Development Code, as recommended by staff.

PROJECT SUMMARY	
CASE#	**PDC-11-16(Z)(G) (DTS #20110291(1)**
PROJECT NAME	**8154 LLC/BAYSIDE PET RESORT**
APPLICANT(S):	**8154, LLC**
PROPOSED ZONING:	**PDC/AI (Planned Development Commercial/ Airport Impact Overlay) and PDC**
EXISTING ZONING:	**GC/AI and RSF-3 zoning - 3.24+/- acres**
PROPOSED USE(S):	**Kennel/Pet Resort**
CASE PLANNER:	**Kathleen Thompson, AICP**
STAFF RECOMMENDATION:	**APPROVAL with stipulations**

DETAILED DISCUSSION

The applicant requests approval of a rezone to PDC/AI and PDC and approval of a General Development Plan for a Kennel. The site contains a vacant building that was built in 1958 and once was occupied by the Rip Van Winkle Bowling Alley. As the building was constructed for a bowling alley, it appears to be soundproofed. George Palermo Architect, Inc. certified the building is constructed with reinforced masonry which renders the wall impervious to sound transmission. The roof structure of structural steel and steel deck also render the roof impervious to sound transmission. In addition to the envelope performance, all exterior windows have been omitted with the exception of the front entrance.

The bowling alley closed in 2004 and the building has remained vacant since that time.

The site is located on a 6-lane divided highway (US-41) and is located within the Entranceway. The front half of the property is within the Airport overlay district.

Budget Inn and Easter Seals Therapy and main office are north of the site. McDonalds and U-Store It Self Storage are located south of the site. There are two residential dwelling units (Tuxedo Park subdivision) immediately west of the site. The Sarasota Bradenton International Airport is located across the street, on the east side of US 41.

The applicant requests specific approval to reduce the required buffers and screening along the north front half and the southern property line. The existing building and pavement on the north side of the property is too close to the property line and would not accommodate plantings. The southern edge of the property is immediately adjacent to an existing McDonald's fast food restaurant and the U-Store It Self Storage facility.

The site is located with the Urban Core which encourages redevelopment and revitalization of the area with a goal to continue the vitality and economic prosperity of the area. One of the main advantages of reusing an existing building is that the building's entire infrastructure is already in place.

This area of Manatee County has experienced some redevelopment over the last 10-15 years, including the construction of the Hilton Garden Inn hotel on a site that was once occupied by a drive-inn theatre. In 1995 the County approved a mini-storage facility (AP-95-22) that lies south of the subject site. The mini-warehouse was later expanded to a facility of +/-84,000 square feet with approval of a rezone to Planned Development Commercial (PDC) on November 25, 1997 (PDC-97-04). Additionally, Manatee County purchased the Crosley Estate, which lies south of the subject site, and it has been rehabilitated and is now both a historical museum and a facility that is leased for special events.

Access to/from the site shall be determined by the Florida Department of Transportation (FDOT). If the existing driveways are closed or relocated, the proposed landscaping, parking and traffic circulation as shown on this general development plan may need to be reconfigured. Any reconfiguration will be addressed at the Final Site Plan stage.

The adjacent neighbor to the northwest, Easter Seals, and McDonald's to the south, have submitted letters in support of this proposal.

There is approximately 321feet between the building that will house the kennel and the residential subdivision to the west.

A neighborhood meeting was held on site Thursday, November 17, 2011.

Staff recommends Approval of the Rezone and GDP.

SITE CHARACTERISTICS AND SURROUNDING AREA	
ADDRESS:	**8154 US 41 South (aka 8154 N. Tamiami Trail), Bradenton**
GENERAL LOCATION:	**West side of U.S. 41 across from Sarasota-Bradenton International Airport**
SIZE:	**± 3.24 acres**
EXISTING USE(S):	**Vacant Commercial Building**

FUTURE LAND USE CATEGORY:	**RES-6, ROR (Comp Plan Amendment PA-11-04 from RES-6 to R/O/R is pending)**
DENSITY:	**N/A**
SPECIAL APPROVAL(S):	**Entranceway**
OVERLAY DISTRICT(S):	**AI (Airport Impact) on front half of parcel**
SPECIFIC APPROVAL(S):	**Section 715.3.2.c.2 requires screening buffers between zoning district boundaries.** **Section 715.3.1.d requires that no more than 10 parking spaces in a row be allowed without landscaping island.** **Section 737.5.1.1 requires that landscape buffers consist of one decorative or canopy tree every 25 feet on center.**
SURROUNDING USES & ZONING	
NORTH	**Budget Motel GC/AI** **Private School (Easter Seals) RSF-3**
SOUTH	**McDonald's and U-Store It** **PD-C**
EAST	**Sarasota-Bradenton International Airport** **PD-MU/AI**
WEST	**Tuxedo Park residential subdivision** **RSF-3**
SITE DESIGN DETAILS	
LOT SIZE(S):	**3.24+/- acres**
SETBACKS:	**Front – 30' (thoroughfare)** **Side - North 9.3-10.0' / South 10'** **Rear – 20'** **Waterfront – N/A**
OPEN SPACE:	**25% required** **44% (1.43+/- acres) proposed**
RECREATIONAL AMENITIES:	**N/A**
RECREATIONAL ACREAGE:	**N/A**
BUFFERS:	**North: 10'/0'** **South: 0'** **West: 35'**

ROADWAY BUFFER(S):	**20' adjacent to collector or higher**
ACCESS:	**Two-existing driveways on US-41 subject to FDOT final approval**
FLOOD ZONE(S)	**N/A**
AREA OF KNOWN FLOODING	**N/A**
UTILITY CONNECTIONS	**County water & sewer**
ENVIRONMENTAL INFORMATION	
Overall Wetland Acreage:	**N/A**
Proposed Impact Acreage:	**N/A**

POSITIVE ASPECTS

- **Approval of the Rezone/GDP will allow for the redevelopment of an existing building.**
- **The County's Entranceway will be enhanced with the elimination of existing pavement in favor of a large landscaped area.**
- **The project provides 44% open space, which is significantly more than required (25%).**
- **Surrounding area is currently development with commercial/institutional uses to north, south and east.**
- **The site has direct access to US 41, a 6 lane divided highway**

NEGATIVE ASPECTS

- **The western boundary of the proposed kennel is adjacent to an existing residential subdivision.**

MITIGATING MEASURES

- **There is a separation of more than 300' between the building to house the kennel and the existing residential subdivision.**

- **The existing building was built with sound-proof construction materials for the previous bowling alley.**
- **The roadway network and existing utilities will support the redevelopment of this site.**
- **The existing and required landscape buffers will provide additional screening for the residential subdivision to the west and the Easter Seals facility to the northwest.**

STAFF RECOMMENDED STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. **There shall be no individual outdoor kennel/boarding runs in the vacant existing grassed area behind the building. This area shall remain vacant.**
2. **The outdoor pet area attached to the back side of the building, running north to south the full width of the lot, shall be fenced and used for exercise/play and bathroom relief area.**
3. **The proposed fenced in area for exercise, play and relief shall be moved approximately 7 feet closer to the west side/back side of the building to ensure a 200 foot separation between the kennel area and residential area.**
4. **The entrance gates/fence along the east, running from the southern property line extending north to the edge of payment, shall be a six foot (6') solid/opaque fence.**
5. **Access to/from the site shall be determined by the Florida Department of Transportation (FDOT). If the existing driveways are closed or relocated, the proposed landscaping, parking and traffic circulation as shown on this general development plan may need to be reconfigured. Any reconfiguration will be addressed at the Final Site Plan stage.**
6. **The Planned Development Commercial [(PDC-11-16(Z)(G)] shall not be effective until the corresponding Plan Amendment 11-04 becomes effective.**

B. 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. **Landscaping within the roadway buffer planting area may be planted in an informal arrangement with trees planted towards the west side of the planting area at a quantity equal to 1 tree every 30 feet. Shrubs may be planted in informal groupings, in lieu of a hedge, as long as the 60% opacity at 5 feet is achieved within 3 years of planting.**

3. **Hedge material in the amount of 33 shrubs per 100 linear feet shall be provided within the north buffer, on the inside of the chain link fencing within the 20' portion of the buffer and outside of the chain link fencing within the 10' portion of the buffer, in accordance with Section 715.3.2.c.2 of the LDC.**

4. **Landscape material within the west 35' buffer shall include 1 canopy tree every 50', 4 understory trees per 100 linear feet and 33 shrubs per 100 linear feet, all placed inside the chain link fence.**

5. **Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Environmental Planning Division. 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. Tree protection methodology shall be approved with the Final Site Plan.**

6. **A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the Environmental Planning Division for review and approval prior to Final Site Plan approval. The Well Management Plan shall include the following information:**

   - **Digital photographs of the well along with nearby reference structures (if existing).**
   - **GPS coordinates (latitude/longitude) of the well.**
   - **The methodology used to secure the well during construction (e.g. fence, tape).**
   - **The final disposition of the well - used, capped, or plugged.**

REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED
None

COMPLIANCE WITH LDC				
Standard(s) Required	Design Proposal	Compliance		Comments
		Y	N	

BUFFERS				
20' roadway buffer, US-41		Y		
Buffer landscaping	North 20'/0' South 0' West 35'		N	Specific Approval requested for elimination of landscaping and screening for a portion of north and all of south side.
TREES				
Tree replacement 0 trees removed 0 req'd. replacement	No trees planned for removal.	Y		
SIDEWALKS				
5' internal sidewalks	N/A			
5' sidewalk, exterior	Exists along US-41	Y		
ROADS & RIGHTS-OF-WAY				
Dedicate ±15 ' ROW for US-41	Applicant does not show r/w dedication		N	No additional right of way is required. Waiver has been granted since US-41 is a constrained facility.
Visibility triangles	Existing	Y		
ENVIRONMENTAL ISSUES				
Exotic species removal	N/A	Y		
% Open space	44% shown	Y		LDC requires 25%

COMPLIANCE WITH THE LAND DEVELOPMENT CODE SECTION 504.5 - REZONE CRITERIA

COMPATIBILITY

There is a motel and a private school to the north, a fast-food restaurant and mini-warehouse to the south, the Sarasota-Bradenton International Airport to the east and a residential subdivision to the west. The rezone request is compatible with surrounding development patterns to the north, south and east.

The subject property is located on a 6-lane arterial roadway and lies between other non-residential land uses. Through the planned development process, the site can be designed to be fully compatible with the surrounding development.

TIMING, TRENDS CHANGES TO EXISTING CONDITIONS

This portion of the US-41 corridor is in need of redevelopment and transitions are beginning to occur, but the subject site is not well-poised for redevelopment with the current zoning. This is evidenced by the length of time that the existing building has

remained vacant. The timing of this request is appropriate given the development trends in the area. Therefore, the rezone appears to be appropriate given the development trends.

IMPACTS TO INFRASTRUCTURE

Approval of PDC zoning will not 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. Approval of a rezone to PDC with a General Site Plan may affect the traffic numbers on the nearby roadways, but is not expected to reduce the adopted Level of Service below the acceptable standard. The project is located in the Abel Elementary, Harlee Middle, and Bayshore High School districts, but approval of the project will not impact these schools since it is a non-residential project, which does not generate additional students for the area.

GENERAL HEALTH, SAFETY, AND WELFARE CONCERNS

This project should have no negative impact on the public health, safety, and welfare in this location.

ENVIRONMENTAL AND HISTORIC RESOURCE IMPACTS

There are no wetlands on site. There are no known historical or archaeological resources on the site.

COMPLIANCE WITH THE LAND DEVELOPMENT CODE PLANNED DISTRICTS – REZONE REVIEW CRITERIA SECTION 603.4

1. ***Physical Characteristics of the Site; Relation to Surrounding Property.***
The proposed 3.24+/- acre parcel is suitable for the development proposed without hazard to person or property, on or off site as proposed. The site is an existing vacant commercial building with existing utilities and fronts a 6 lane divided highway.

2. ***Relation to Public Utilities, Facilities and Services.***
The site will have direct access from US 41. The area is already served by County EMS, Fire and Law Enforcement.

   There is an existing 8" potable water main and an 8" gravity sewer along US 41 right of way. Reclaimed water is not available.

   Concurrency is deferred with the GDP application. A Certificate of Level of Service (CLOS) will be applied for with the future PSP/FSP application.

3. ***Relation to Major Transportation Facilities.***
The project will have direct access to US 41, a 6 lane divided arterial.

4. ***Compatibility.*** **Planned Development districts shall be located and designed so as to minimize the negative effects of external impacts resulting from factors such as traffic, noise, or lights. Project control shall be accomplished through such techniques as buffering, architectural design, site design, height limitations, and density or intensity limitations.**

   The proposed rezone to PDC is compatible with the surrounding zoning and uses. The subject project is compatible with nearby development, and the proposed expansion of the commercial corridor depth is consistent with the existing depth of commercial zoning in this area. Through the planned development process, the site can be designed to be fully compatible with the surrounding development.

5. ***Transitions.*** **Planned Development districts shall be responsive to the character of the area. When located in an area where land use types and/or intensities or densities vary, Planned Development districts shall be designed in such a manner as to provide for gradual changes in intensity and/or density.**
   The character of this area fronting US 41 is commercial. The project is a redevelopment of an existing commercial facility. The Planned Development process shall ensure compatibility with the surrounding area.

6. ***Design Quality.*** **All planned developments proposing specific approval of requirements for development under standard zoning district regulations shall be designed so as to be sensitive to the impacts of the specific approval requested.**
   The quality of the conceptual design of this proposed development complies with applicable Land Development Code Requirements and is intended to be sensitive to any impact it may have on surrounding properties.

   Existing and required landscape buffers will provide screening for the residential subdivision to the west and the Easter Seals facility to the northwest.

7. ***Relationship to Adjacent Property.***
   The site plan is designed at a conceptual level with the subject rezone. Refinement of the plan will occur with submittal of a Preliminary/Final Site Plan. The project will comply with all LDC standards for protection of adjacent properties, including buffers and screening.

   Existing and required landscape buffers will provide screening for the residential subdivision to the west and the Easter Seals facility to the northwest.

8. ***Access.*** **Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes or traffic dividers and extra width of the approach street shall be required where existing or anticipated traffic flows indicate need.**
   The site will have direct access to US 41, a 6 lane divided highway.

9. ***Streets, Drives, Parking and Service Areas.***
   Sidewalks, parking, loading, drive-isles, etc. will comply with the Land Development Code and will be shown on the preliminary/final site plan.

10. ***Pedestrian Systems.*** **All residential Planned Development districts and other Planned Development districts shall provide internal or external walkways where pedestrian circulation requires them.**
This area of US 41 does have a sidewalk.

11. ***Natural and Historic Features, Conservation and Preservation Areas.*** **Planned Development districts shall be designed to preserve the natural features of the land and historic resources, such as existing trees, natural topography, and archaeological and historic sites, as much as possible.**
The existing site is currently developed with a commercial building and parking lot. There are no preservation or historic features located on this site.

12. ***Density/Intensity.*** **Density and/or intensity shall not exceed maximums established in the Comprehensive Plan. Planned Development district densities/intensities shall be established after consideration of the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions, and site design.**
The existing intensity (floor area ratio) is approximately 0.15. This is in conformance with the R/O/R future land use designation.

13. ***Height.*** **Height in a specific Planned Development district shall be determined after review of the nature of surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed.**
The existing building is approximately 33 feet in height.

14. ***Fences and Screening.*** **Fences or vegetative screening at periphery of Planned Development district shall be provided to protect occupants from undesirable views, lighting, noise or other off-site influence, or to protect occupants of adjoining districts from similar adverse influences. When adjacent development is of either similar use or intensity, such screening may be reduced at the discretion of the planner.**
Existing and required landscape buffers will provide screening for the residential subdivision to the west and the Easter Seals facility to the northwest.

15. ***Yards and Setbacks.***
Front: 30' (fronting a thoroughfare); Side: front half of northern property 9.3'+/- , remaining back half 10'; south and east 10', Rear 20'

16. ***Signs.***
Any signage for this project shall be addressed separately with a sign permit.

17. ***Landscaping.*** **Landscaping shall be equal to or exceed the standards stipulated under Section 715, Landscaping.**
Existing and required landscaping along the western and northwest property line will meet or exceed the standards of Section 715. Specific approval has been requested to modify Section 715 for the buffer along the northeast and southern property line.

18. ***Water Conservation***
A landscape plan will be required with the Final Site Plan. The plan will provide irrigation design and specific plant materials. Water used for irrigation shall be the lowest quality of available water which adequately and safely meets water use needs by requiring stormwater reuse, alternative irrigation sources, reclaimed water use and gray water irrigation systems.

(Comp Plan Policy 3.2.3.2). A minimum of 44% open space will be provided for this project.

19. ***Utility Standards.*** **All utility improvements shall adhere to the requirements of the Manatee County Public Works Standards for all construction. Specific deviations from the Standards, due to an existing site constraint or dimensional conflict, may individually be approved in writing by the Public Works Director. The remote radio alarm system is not required for privately owned lift stations. No utility system will be accepted for operation and maintenance by the County until all aspects adhere to the Manatee County Public Works standards.**
The existing building is connected to County water and sewer.

20. ***Stormwater-Management.*** **Stormwater Management facilities shall adhere to the requirements of Section 717, Stormwater Management and the Manatee County Development Standards.**
No new stormwater management systems are planned for the site. The plan shows removal of existing pavement area which will reduce stormwater runoff.

21. **No Planned Development shall be approved if it is inconsistent with the Comprehensive Plan.**
The project is consistent with the Comprehensive Plan. See "Compliance with the Comprehensive Plan" below and applicable policies attached to the staff report.

22. ***Minimum Open Space Requirements.*** **Minimum open space requirements shall be as required by each specific planned development.**
The minimum open space required is 25%. The applicant is proposed 44%.

CONCURRENCY

CLOS APPLIED FOR: Y _____ N _X___
TRAFFIC STUDY REQ'D: Y _____ N _X___

AFFECTED ROADWAY	LINK(S)	ADOPTED LOS	EXISTING LOS
US 41 South	# 3270	D	B

The traffic concurrency study has been reviewed and approved by the Building & Dev. Service Dept, Transportation Management Division, and have no objection. The applicant has addressed the Comprehensive Plan requirements and provided analysis to substantiate the findings. Wastewater and potable water determined with FSP/Construction Plans

SPECIFIC APPROVALS – ANALYSES, RECOMMENDATIONS, FINDINGS

1. Request:

LDC Section 715.3.2.c.2 requires screening buffers between zoning district boundaries based on the screening buffer matrix, as well as landscape material or an opaque fence, to be placed within the required buffer zones. The applicant is requesting relief from the required plantings or fence along the north boundary, adjacent to the existing building, relief from the planting of landscape material or placement of an opaque fence within the south buffer, as well as relief from placement of an opaque fence within the west landscape buffer. In lieu of the opaque fence the applicant is proposing a vinyl coated chain link fence, in accordance with Section 737 of the LDC.

Staff Analysis and Recommendation:

North Buffer: The applicant is proposing a 20' wide screening buffer along the north property line adjacent to the school use that tapers to a 10' buffer adjacent to the existing rear parking lot. Within this buffer the applicant is proposing a vinyl coated chain link fence that will be placed 10' from the property line and will continue at 10' from the property line where adjacent to the existing parking lot. Existing cabbage palms will remain within the first 10' inside the property line where the 20' buffer is proposed and hedge material will be planted on the inside of the fence in the 20' buffer and outside of the fence with the 10' buffer. The required plantings for the north buffer are: 1 canopy tree every 30 feet and 33 shrubs per 100 linear feet. However, due to overhead power lines over this buffer, and the fact that there are existing cabbage palms in the buffer, staff is recommending no trees in this location. Staff supports planting of 33 shrubs per 100 linear feet along the length of the north buffer being provided.

South Buffer: The applicant is proposing no buffer plantings or opaque fence for the south property line, adjacent to the mini-warehouse use and the drive thru eating establishment (McDonald's). There is an existing chain link fence on this site as well as the screening plant material located on the adjacent mini-warehouse site. Also, the back of the nearest mini-warehouse building serves as a screening wall for the adjacent use so there is nothing to screen on this side of the project. There is a shared driveway and a cross-access easement between the project and the McDonald's site to the south, which precludes the applicant from installing a buffer in this location without interfering with the easement. McDonald's has a landscape island with trees and grass adjacent to the driveway that serves as a buffer between uses. Staff supports the request to forgo the opaque fence or landscape materials in this location, as screening is either already achieved or would interfere with existing improvements and cross-access arrangements.

West Buffer: The applicant is proposing a 35' landscape buffer along the west property line. Staff is recommending that landscape material be provided in this buffer to include 1 canopy tree every 50', 4 understory trees per 100 linear feet and 33 shrubs per 100 linear feet, all placed inside the chain link fence.

Fence: The applicant requests specific approval for the use of a chain link fence in the entranceway in lieu of a solid-opaque fence. The chain link fencing will be dark in color such as black, dark brown or dark green

Finding for Specific Approval:

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.2.c.2, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because screening is already or will be achieved in these locations, or there are existing improvements in place to prevent placement of screening buffers and materials which would necessitate removal of the improvements.

2. **Request:**

LDC Section 715.3.1.d requires that no more than 10 parking spaces in a row be allowed without a landscape island. The applicant is requesting relief from this requirement as the project is considered redevelopment and the applicant is providing the required landscape area within the larger roadway buffer planting area shown on the site plan.

Staff Analysis and Recommendation:

This is considered a redevelopment project with existing pavement over the entire area between the building and U.S. 41. The applicant will be removing pavement to accommodate a landscaping area to serve as the roadway buffer, as well as to serve as a vehicle use area landscape island, so the planting area normally provided every 10 parking spaces will be included within this planting area. Also, required landscape materials will be provided in this planting area to make up for the missing landscape island materials. Staff supports the alternative being proposed for this Specific Approval request.

Finding for Specific Approval:

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.1.d, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the project is considered redevelopment and the required vehicle use landscape island is being provided within the roadway buffer planting area along with required planting materials.

3. **Request:**

LDC Section 737.5.1.1 requires that landscape buffers consisting of at least one (1) decorative or canopy tree, meeting the requirements of Section 715, be planted every twenty-five (25) feet on center. Staff is recommending a reduction to the quantity of canopy trees for the roadway buffer.

Staff Analysis and Recommendation:

Staff has determined that the spacing and quantity of canopy trees appears excessive for the roadway buffer and has recommended 1 canopy tree every 30 feet on center. The remainder of the required plantings will be in accordance with Section 737, however, they will be allowed to be planted in an informal arrangement as per the staff provided stipulation.

Finding for Specific Approval:

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 737.5.1.1, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the project is considered redevelopment and the required planting area and required planting materials will be provided in accordance with the LDC, only they will be in a slightly different configuration.

ATTACHMENTS

1. **Applicable Comprehensive Plan Policies**
2. **Review Comments**
3. **Zoning Disclosure Affidavit**

COMPLIANCE WITH COMPREHENSIVE PLAN

The site is located in the R/O/R and RES-6 Future Land Use Categories. A Comprehensive Map change is pending (PA-11-04) to revise the RES-6 portion of the parent parcel to R/O/R. Approval of this rezone cannot be granted without approval of the map amendment. A list of Comprehensive Plan Policies applicable to this request is attached, assuming R/O/R is approved for this site. This project was specifically reviewed for compliance with the following policies:

Policy 2.1.1.4 Promote development in currently undeveloped areas, which have the greatest level of public facility availability and investment.

Response: *Approval of the rezone will allow new development to occur in an area where there has been a great level of investment in public facilities. Public Facilities are existing in the area.*

OBJECTIVE 2.1.2 **Geographic Extent of Future Development:** Limit urban sprawl through provision of locations for new residential and non-residential development consistent with the adopted Land Use Concept, to that area west of the Future Development Area Boundary (FDAB) thereby, preserving agriculture as the primary land use east of the FDAB through 2025.

Reference:
* FDAB, (see TSD, Land Use Element)
* Adopted Land Use Concept, (see TSD, Land Use Element, BOCC Resolutions 87-276 & 87-278)
* See also all policies under Goal 2.6

Policy 2.1.2.2 Limit urban sprawl by prohibiting all future development to the area east of the established FDAB except as follows:

a) Small commercial development providing for the needs of the agricultural community,
b) Agro-Industrial and industrial development where associated with approved mining operations,
c) Residential development in excess of 0.2 du/ga or the development of any residential lot less than 1 acre in size during clustering except:
   - farm worker housing
   - residential within Myakka City
   - legal lots of record prior to May 11, 1989
   - redevelopment per policy 2.9.3.2
d) Plan amendments resulting from a change in the Future Land Use Concept. Such uses shall be allowed, only if developed consistent with all Goals, Objectives and Policies of this Comprehensive Plan.

Response: ***This site is located west of the Future Development Area Boundary.***

Policy 2.1.2.3	Permit the consideration of new residential and non-residential development with characteristics compatible with existing development, in areas which are internal to, or are contiguous expansions of existing development if compatible with future areas of development.
Response:	***The rezone will allow for consideration of new non-residential development, which can be considered an expansion of the existing development located immediately north, south and east of the site.***
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.
Response:	***The rezone will allow for redevelopment within the southern area of Manatee County. Promoting greater intensity in areas that are supported by public infrastructure is good planning and one way to limit sprawl.***
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)
Response:	***The rezone will allow for redevelopment in an area that is supported by existing infrastructure and services.***
GOAL 2.2	**A Pattern of Future Land Uses Providing Adequate Recognition of Existing Development And Providing Adequate Guidance to All Parties For The Potential Location, General Types, And General Range of Densities And Intensities Which May Be Considered For New Development or Redevelopment.**
OBJECTIVE 2.2.1	**Future Land Use Categories:** Establish and define a suitable number, and range, of future land use categories to be shown on the Future Land Use Map to guide the location of land uses, limit the general range of uses, and to provide limits on densities and intensities.
Policy 2.2.1.1	Establish and define the following land use categories comprising, in aggregate, a part of the Future Land Use Classification System, which shall be utilized to prepare the Future Land Use Map required by § 163.3177 (6)(a), F.S. No land shall be designated on the Future Land Use Map using any future land use

category or overlay district other than those listed in Table 2-1 as part of the Future Land Use Classification System. The future land use categories and overlays listed in this summary table are more completely defined and described in other policies contained within this Element.

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** 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, 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.

Response: ***R/O/R is consistent with the intent of the category. Approval of the request will increase the allowable density/intensity in an area where there has been a significant investment in infrastructure.***

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.

Response: ***The developer proposes a kennel/pet resort for this site which is consistent with the range of potential uses in the R/O/R category.***

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 Ratio for Hotels: 1.0

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

Response: ***Redevelopment of this site will comply with the intensity limitations set forth in the R/O/R category.***

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.
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.	
Response:	***The developer proposes to upgrade and enhance an existing vacant structure.***	
Policy: 2.6.5.5	Ensure urban infill projects are compatible to their setting and designed to contribute to the overall enhancement of the existing neighborhood. Compatibility consideration will include building massing, vertical character and setbacks within the existing urban neighborhood. Urban neighborhood projects shall preserve the street grid pattern, on street parking and sidewalks characteristic of existing urban neighborhoods.	
Response:	***The proposed project is considered infill/redevelopment and is compatible with existing development.***	
Policy:2.9.3.5	Encourage the development of street scape enhancements within the urban area of Manatee County. Enhancements may include but not be limited to, street furniture, decorative lighting, landscaping, sidewalks on both sides of the street. (See also Objectives 5.3.3)	
Response:	***The proposal for this site is to eliminate existing pavement fronting US-41 and add landscaping and hardscape features to upgrade the site.***	
OBJECTIVE 2.9.4	**Community Image:** Develop an aesthetically pleasing environment which enhances the image of Manatee County as a high quality community in which to live, work, and visit.	
Response:	***The site is an existing vacant commercial structure that has been vacant for numerous years. The redevelopment of the site along with enhanced landscaping will create an enhanced image in this area of Manatee County.***	
GOAL: 2.10	**Commercial Development Consistent with Need for Office, Wholesale or Retail Uses, and Consistent with Sound Planning Principles.**	
Objective: 2.10.1	**Commercial Project Design/Location: Improved design and location of commercial development.**	

Policy: 2.10.1.2	Promote the development of commercial uses in planned commercial centers, and discourage scattered, incremental commercial development.
Response:	***The rezone to Planned Development Commercial (PDC) will ensure a well planned project that is consistent with the surrounding area.***

Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

'ICE IS HEREBY GIVEN, **the Planning Commission ianatee County** will con- : a Public Hearing on **'sday, December 8, 2011 at a.m. at the Manatee nty Government iinistrative Center, 1st r Chambers, 1112 Manatee nue West, Bradenton,** ida to consider, act upon, forward a recommendation ie Board of County ımissioners on the following ters:

:-11-14(G) – MML I LLC & :I IV LLC/SILVERLEAF
; #20110225/B000071)
)rdinance of the Board of nty Commissioners of atee County, Florida, ırding land development, 'oving a General elopment Plan for 732 sin- 'amily detached units on 'oximately 263.35 acres on south side of US 301, south arrison Ranch Boulevard, t of Chin Road, and north ld Tampa Road; subject to ılations as conditions of 'oval; setting forth findings; iding a legal description; iding for severability, and iding an effective date.

-08 – MANATEE MEMORI- IOSPITAL FOUNDATION, /MANATEE MEMORIAL SPITAL REZONE
; #20110272)
)rdinance of the Board of nty Commissioners of atee County, Florida, nding the official zoning s (Ordinance No. 90-01, the atee County Land elopment Code), relating to ng within the unincorporat- rea; providing for the ning of approximately 0.24 s at 604 46th Street West, lenton from the RSF-4.5 idential 4.5 dwelling units gross acre) to the GC ıeral Commercial) zoning ict; setting forth findings; iding a legal description; iding for severability, and iding an effective date.

-09 – CORTEZ REINVEST- ITS, LLC
; # 20110312)
)rdinance of the Board of nty Commissioners of atee County, Florida, nding the official zoning s (Ordinance No. 90-01, the atee County Land elopment Code), relating to ng within the unincorporat- rea; providing for a rezone of approximately 1.46 acres north of SR 684 (Cortez Road W) and approximately 2,750 feet west of the intersection of Cortez Road and 86th Street West, at 9416 Cortez Road W., Bradenton from the RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre) and RSF-4.5/CH (Residential Single-Family, 4.5 dwelling units per acre/Coastal High Hazard Area Overlay District) to the PR-M (Professional-Medium) and PR-M/CH (Professional-Medium/Coastal High Hazard Area Overlay District) zoning districts; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDC-11-16(Z)(G) – 8154 LLC/BAYSIDE PET RESORT
(DTS #20110291(1))
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 3.24± acres on the west side of U.S. 41, at 8154 N. Tamiami Trail, Bradenton from GC/Ai (General Commercial/Airport Impact Overlay) and RSF-3 (Residential Single-Family – 3 Dwelling Units per Gross Acre) to the PDC/Ai (Planned Development Commercial/Airport Impact Overlay) and PDC (Planned Development Commercial) zoning district; approve a General Development Plan for use of an existing commercial building for a kennel; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

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
11/22/2011

Sarasota Herald Tribune

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, December 8, 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:

PDR-11-14(G) – MML I LLC & PGCI IV LLC/SILVERLEAF
(DTS #20110225/B000071)
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a General Development Plan for 732 single family detached units on approximately 263.35 acres on the south side of US 301, south of Harrison Ranch Boulevard, west of Chin Road, and north of Old Tampa Road; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

Z-11-08 – MANATEE MEMORIAL HOSPITAL FOUNDATION, INC./MANATEE MEMORIAL HOSPITAL REZONE
(DTS #20110272)
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 0.24 acres at 604 46th Street West, Bradenton from the RSF-4.5 (Residential 4.5 dwelling units per gross acre) to the GC (General Commercial) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

Z-11-09 – CORTEZ REINVESTMENTS, LLC
(DTS # 20110312)
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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

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MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida
Date of pub: November 22, 2011

MANATEE COUNTY GOVERNMENT
PLANNING DEPARTMENT
ZONING DISCLOSURE AFFIDAVIT

Project name: 8154, LLC / Bayside Pet Resort

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 (X) or contract purchaser ( )	
8154, LLC - Ben Price (Managing Member)	100%
7519 Pennsylvania Avenue, Suite 102	
Sarasota, FL 34243	

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

Signature: [signature]

(Applicant): Ben E. Price

STATE OF FLORIDA
COUNTY OF Manatee

The foregoing instrument was sworn to (or affirmed) and ~~subscribed before me~~ this 1st day of December 2011, by Ben E. Price, who is personally known to me or who has produced _____ as identification.
(type of identification)

Tammy Dillon
Notary Signature

Tammy Dillon
Print or type name of Notary

My Commission Expires: 9/26/15

Commission No: EE 133507

Title or Rank

Revised 2/8/10
B-4

NOTARY PUBLIC STATE OF FLORIDA
TAMMY DILLON
MY COMMISSION # EE 133507
EXPIRES: September 26, 2015
Bonded Thru Budget Notary Services

To:
Cc:
Bcc:
Subject: Fw: George Palermo Soundproofing Letter for 8154 US Tamiami Trail

Hi Kathleen -

Please find attached a letter from the architect, which explains how the building is soundproofed.

Misty Servia

Planning Department Manager

King

Trusted Professional Services Since 1977

TAMPA - JACKSONVILLE - SARASOTA - MIAMI - AUSTIN - DALLAS

2930 UNIVERSITY PARKWAY, SARASOTA, FL 34243
V: 941-358-6500 x136 F: 941-358-6540 M: 941-256-4261
www.KingEngineering.com

----- Forwarded by Misty M. Servia/King on 11/02/2011 11:25 AM -----

"Tammy Dillon" <tammy.dillon@35bp.com>

11/02/2011 09:28 AM

To: "Misty M. Servia" <mservia@kingengineering.com>
cc:
Subject: George Palermo Soundproofing Letter
Project(s):

Hi Misty,

In case you read this on your Blackberry attached is George Palermo's letter regarding the soundproofing.

In case you can't open the attachment I copied it below:

Manatee County Planning and Zoning
Bradenton, Florida

RE: BAYSIDE PET RESORT AND SPA

The proposed building envelope at the above-referenced project at 8154 North Tamiami Trail, Sarasota, Florida is constructed of reinforced masonry. The sound transmission coefficient of these walls is approximately 50 which renders the walls impervious to sound transmission. The roof structure of structural steel and steel deck has a covering of 3.3" of ISO insulation which provides an equivalent sound transmission coefficient.

In addition to the envelope performance, all exterior windows have been omitted with the exception of the front entry. Five insulated exterior skylights in the roof assembly do not contribute to the transmission of sound as they are located at least 40' from the building perimeters.

Thank you,
GEORGE PALERMO ARCHITECT, INC.

George Palermo, AIA, NCARB
Architect

Tammy Dillon
Office of Ben E. Price
941.355.9500
941.355.0800 Fax

Please consider the environment before printing this e-mail

111027 8154 Soundproofing Letter from George Palermo.pdf

To:
Cc:
Bcc:
Subject: Fw: McDonald's letter of support - 8154 N. TAMIAMI TRAIL PROPERTY

Kathleen,

Please see the attached email below showing support for the Bayside Pet Resort project from the owner of McDonalds, just south of the Bayside Pet Resort. Thanks for including it in the agenda packet.

Misty Servia

Planning Department Manager

King

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V: 941-358-6500 x136 F: 941-358-6540 M: 941-256-4261
www.KingEngineering.com

From: Robert Davies [mailto:robert.davies@partners.mcd.com]
Sent: Monday, November 28, 2011 12:02 PM
To: HUFFPROP@ERINET.COM
Subject: 8154 N. TAMIAMI TRAIL PROPERTY

TO WHOM IT MAY CONCERN:

I AM THE OWNER OF THE MCDONALD'S RESTAURANT LOCATED AT 8164 N. TAMIAMI TRIAL, SARASOTA. RECENTLY I MET WITH MR. ROBERT HUFF TO REVIEW HIS PLANS FOR THE PARCEL ADJACENT TO MY RESTAURANT.

THE PARCEL LOCATED AT 8154 N. TAMIAMI TRAIL HAS BEEN A DETERIORATING EYE SORE FOR YEARS. MR. HUFF'S PROPOSAL FOR REHABILITATING THE SITE IS EXTENSIVE AND INCLUSIVE OF THE BUILDING AND LANDSCAPE AREAS.

MR. HUFF HAS AN EXTENSIVE BACKGROUND IN BUSINESS AND DEVELOPMENT. I AM IN FULL SUPPORT OF HIS PROPOSED DEVELOPMENT OF BAYSIDE PET RESORT.

FELL FREE TO CALL ME AT R.J.D. ENTERPRISES, INC AT 941-923-9824 IF YOU HAVE ANY QUESTIONS.

SINCERELY,

BOB DAVIES, OWNER
MCDONALD'S RESTAURANT
8164 N. TAMIAMI TRAIL
SARASOTA, FL 34243

To:
Cc:
Bcc:
Subject: Fw: Bayside Pet Resort - Letter from Easter Seals in Favor of the Project

---

Hi Kathleen -

Please include this letter in support of the project with your agenda package. Thanks.

Misty Servia

Planning Department Manager

King

Trusted Professional Services Since 1977

TAMPA - JACKSONVILLE - SARASOTA - MIAMI - AUSTIN - DALLAS

2930 UNIVERSITY PARKWAY, SARASOTA, FL 34243
V: 941-358-6500 x136 F: 941-358-6540 M: 941-256-4261

www.KingEngineering.com SKMBT_C55211111612400.pdf

Easter Seals Southwest Florida

Exceptional People. Exceptional Lives.

Wm. Laddison Waldo
President & CEO

Board of Directors:
Stephen Bolander
Chair
Rose-Anne Frano, Esq.
Vice Chair
Paul R. Gesko
Treasurer
Scott L. Rockwell
Secretary

John Berkey
Kristin Jensen
Meridian Kristi
F. John LaCivita
Lisa M. Mead
Sarah Peel
Robert Vecchione
Frank Zlickis

Adult Services:
Adult Day Training
Employment Services
VIP Academy High School
Art Initiative

Children's Programs:
Project Rainbow Respite
Pediatric Therapy

November 14, 2011

To Whom it May Concern:

Easter Seals Southwest Florida is supportive of the pending plans for development on US 41 of the Bayside Pet Resort and Spa in the former long since closed bowling alley near our campus.

We believe that an occupied building fully renovated and as a thriving business is far more beneficial to the community than having vacant property. There will be opportunities for our clients to learn from and experience the work of the proposed venture.

Please feel free to contact me at any time.

Sincerely,

Wm. Laddison Waldo

Wm. Laddison Waldo
President & CEO

We provide exceptional services for persons with disabilities and their families across a lifetime by empowering individuals to live their lives to the fullest extent.

350 Brader Avenue • Sarasota, FL 34243 • (941) 355-7637
www.easterseals-swf.org

MANATEE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT	Z-11-08 – Manatee Memorial Foundation, LLC/Manatee Memorial Foundation Rezone	**TYPE AGENDA ITEM**	Advertised Public Hearing – Regular
DATE REQUESTED	12/08/11 PC	**DATE SUBMITTED/REVISED**	12/05/11
BRIEFINGS? Who?	None	**CONSEQUENCES IF DEFERRED**	N/A
DEPARTMENT/DIVISION	Building and Development Services / Comprehensive Planning and Public Hearings	**AUTHORIZED BY TITLE**	John Osborne, AICP, Planning and Zoning Official
CONTACT PERSON TELEPHONE/EXTENSION	Sharon Tarman, AICP / 748-4501 ext. 6863 DTS#20110272	**PRESENTER/TITLE TELEPHONE/EXTENSION**	Sharon Tarman, AICP / Planner / 748-4501 ext. 6863
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-11-08 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

- Manatee Memorial Hospital Foundation, LLC located at 604 46th Street West, Bradenton has filed an application requesting rezone of approximately 0.24 acres from RSF-4.5 (Residential – 4.5 dwelling unit per gross acre) to GC (General Commercial) district.
- The site is on the south side of Manatee Avenue, east side of 46th Street West, and approximately 230 feet south of Manatee Avenue West.
- The site is designated RES-6 (Residential 6 dwelling units per gross acre) on the Future Land Use Map.
- The applicant intends to expand the parking lot for the Manatee Memorial Hospital Foundation retail store as stated in the application. However, as a "straight rezone" the proposed use cannot be guaranteed. In order to mitigate this concern, the applicant has agreed to a finding of consistency that will include a limitation that the property may only be used as a residence or as a parking facility, with associated landscape buffers and storm water facilities, for the commercial operation located to the north of the subject rezone parcel. As a stand-alone parcel, the site would not meet commercial locational criteria, however, due to the common ownership of the parcels fronting onto Manatee Avenue, a functionally classified roadway, the subject parcel may be considered for commercial zoning.
- If uses, other than those specified in the development order, are proposed for the rezone parcel, then an amendment to the development order would be necessary involving the public hearing process, with notice to the surrounding property owners.
- With the finding, staff recommends approval.

COUNTY ATTORNEY REVIEW

Check appropriate box	
☒	**REVIEWED** **Written Comments:** ☐ **Attached** ☒ **Available from Attorney (Attorney's initials: SAS)**
☐	**NOT REVIEWED (No apparent legal issues.)**
☐	**NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)**
☐	**OTHER**

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

P.C. 12/08/2011

Z-11-08 – Manatee Memorial Hospital Foundation, Inc./ Manatee Memorial Hospital Rezone (DTS #20110272)

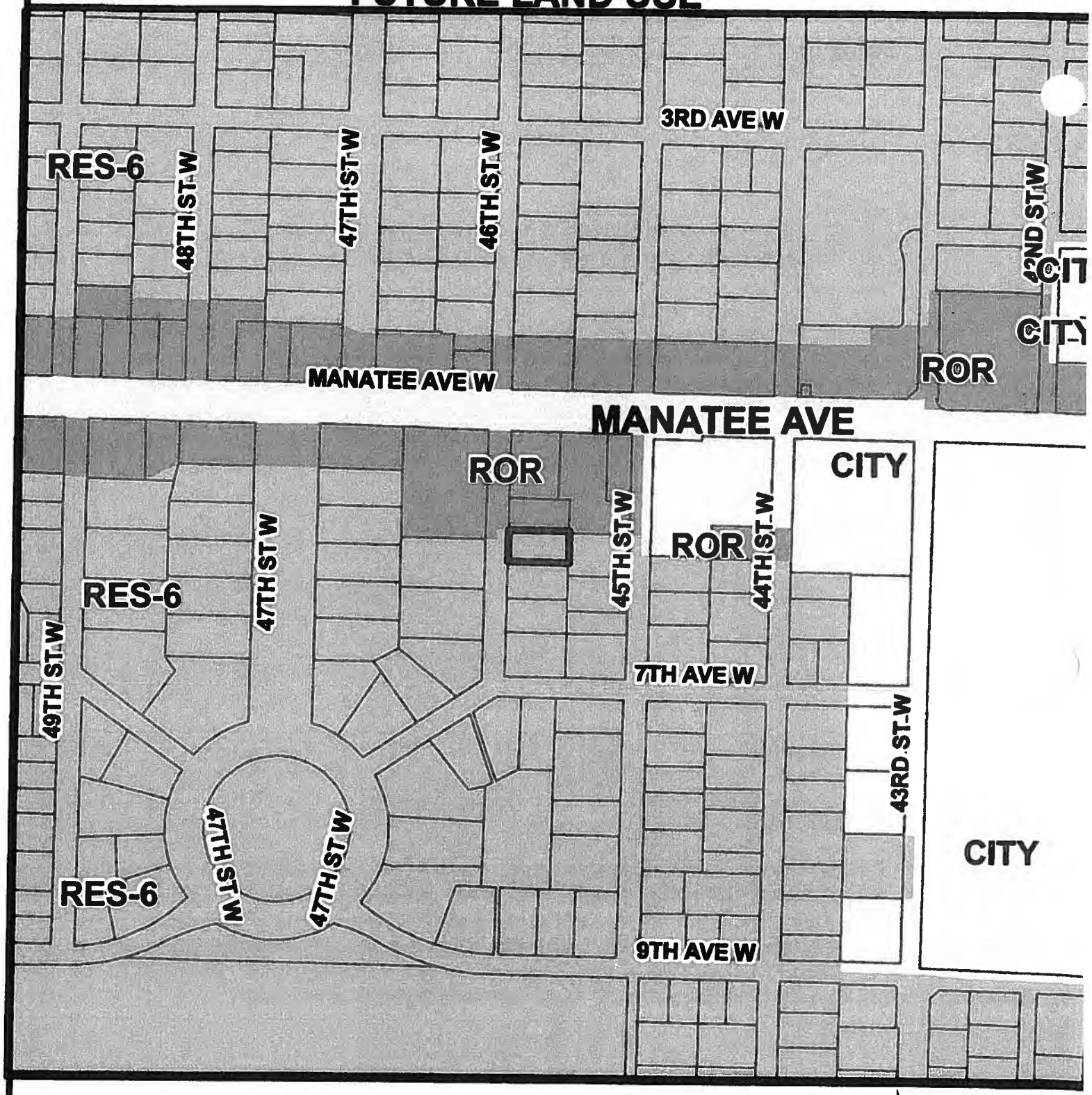
An Ordinance of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 0.24± acres at 604 46th Street West, Bradenton from the RSF-4.5 (Residential 4.5 dwelling units per gross 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.: 12/08/2011 **B.O.C.C.: 01/05/2012**

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request, with the uses limited to residential uses or parking with associated storm water facilities to serve the commercial use on the contiguous parcel north of the rezone parcel CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, I move to recommend APPROVAL of Manatee County Zoning Ordinance No. Z-11-08, as recommended by staff.

FUTURE LAND USE



Parcel ID #(s) 3642800001

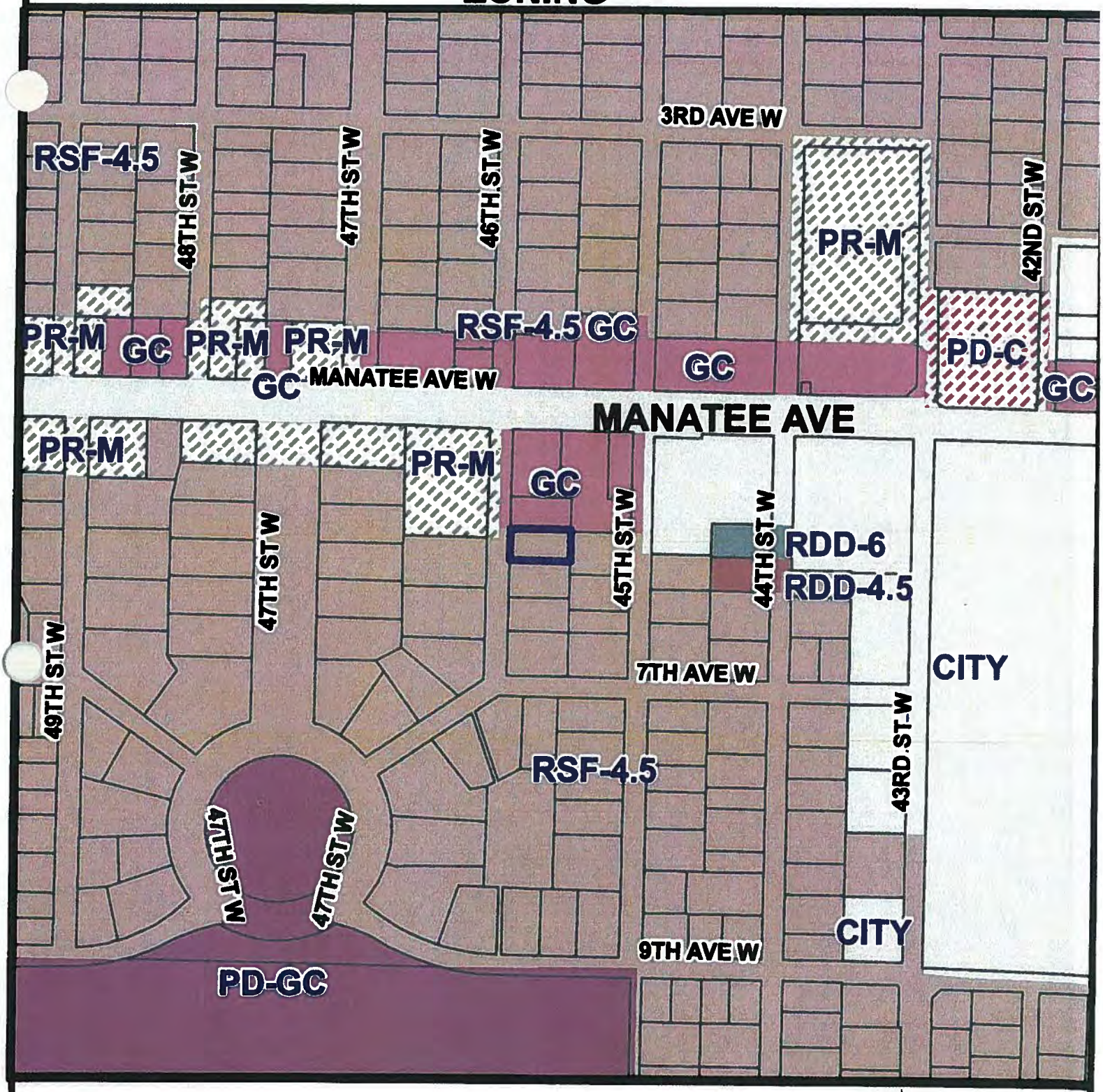
N

Manatee County
Staff Report Map

Map Prepared 10/6/2011
1 inch = 317 feet

Project Name:	Manatee Memorial Hospital Foundation Rezone
Project #:	Z-11-08
DTS#:	20110272
Proposed Use:	Rezone to GC
S/T/R:	Sec 28 Twn 34 Rng 17
Acreage:	0.24
Existing Zoning:	RSF-4.5
Existing FLU:	RES-6
Overlays:	NONE
Special Areas:	NONE
CHH:	NONE
Watershed:	NONE
Drainage Basin:	MANATEE RIVER BL DAM
Commissioner:	John Chappie

ZONING



Parcel ID #(s) 3642800001

Manatee County
Staff Report Map

Map Prepared 10/6/2011
1 inch = 317 feet

Project Name:	Manatee Memorial Hospital Foundation Rezone
Project #:	Z-11-08
DTS#:	20110272
Proposed Use:	Rezone to GC
S/T/R:	Sec 28 Twn 34 Rng 17
Acreage:	0.24
Existing Zoning:	RSF-4.5
Existing FLU:	RES-6
Overlays:	NONE
Special Areas:	NONE
CHH:	NONE
Watershed:	NONE
Drainage Basin:	MANATEE RIVER BL DAM
Commissioner:	John Chappie

AERIAL

Parcel ID #(s) 3642800001

Manatee County
Staff Report Map

Map Prepared 10/5/2011
1 inch = 317 feet

Project Name:	Manatee Memorial Hospital Foundation Rezone
Project #:	Z-11-08
DTS#:	20110272
Proposed Use:	Rezone to GC

S/T/R:	Sec 28 Twn 34 Rng 17
Acreage:	0.24
Existing Zoning:	RSF-4.5
Existing FLU:	RES-6
Overlays:	NONE
Special Areas:	NONE

CHH:	NONE
Watershed:	NONE
Drainage Basin:	MANATEE RIVER BL DAM
Commissioner:	John Chappie

PROJECT SUMMARY	
CASE#	**Z-11-08 (DTS # 20110272)**
PROJECT NAME	**Manatee Memorial Hospital Foundation Rezone**
APPLICANT(S):	**Manatee Memorial Hospital Foundation, Inc.**
PROPOSED ZONING:	**GC (General Commercial)**
EXISTING ZONING:	**RSF-4.5 (Residential Single Family 4.5 dwelling units per gross acre)**
CASE MANAGER:	**Sharon Tarman**
STAFF RECOMMENDATION:	**Approval of the request to rezone to GC**

DETAILED DISCUSSION

The request is for a "straight rezone" from RSF-4.5 (Residential 4.5 dwelling units per gross acre) to GC (General Commercial). The site is located at 604 46th Street West. The rezone area is 0.24± acres. The site currently has a residential structure on it. The applicant owns the two properties to the north (GC zoning) where the Manatee Memorial Hospital Foundation retail store is located (4517 Manatee Avenue West).

The applicant intends to expand the parking lot for the Manatee Memorial Hospital Foundation retail store as stated in the application. However, as a "straight rezone" the proposed use cannot be guaranteed. In order to mitigate this concern, the applicant has agreed to a finding of consistency that will include a limitation that the property may only be used as a residence or as a parking facility, with associated landscape buffers and stormwater facilities, for the commercial operation located to the north of the subject rezone parcel. As a stand-alone parcel, the site would not meet commercial locational criteria, however, due to the common ownership of the parcels fronting onto Manatee Avenue, a functionally classified roadway, the subject parcel may be considered for commercial zoning.

History

This site is in a subdivision known as Westwego Park that was platted in 1924 (Plat Book 2, Page 104) and includes the south thirty-one feet of Lot 7 and the north forty-four feet of Lot 8. Since 1981 the zoning (R1B-One Family Dwelling District) and the use has been residential. The home on the site was built in 1963, per the County records.

The zoning changes in the area are as follows:

- In 1989, the parcel directly to the north of this site requested and was granted a rezone

from R-1A (Single Family Residential, 4.4 dwelling units per acre) to C (Neighborhood Commercial). The Future Land Use Category has been R/O/R (Retail/Office/Residential) since 1989. It is currently zoned GC (General Commercial). This is the parking lot for the retail store located on the southeast corner of Manatee Avenue West (SR 64) and 46th Street West.

- The parcel located at the southeast corner of Manatee Avenue West (SR 64) and 46th Street West was built in 1960. It has been used and zoned commercial [C1A (Highway Business District)] since 1981.
- The property at the southwest corner of Manatee Avenue West (SR 64) and 46th Street West is a bank with drive-thru lanes. The site received a conditional use permit (SP-88-36) to allow 3 drive-thru lanes in conjunction with a 3,500 sq. ft. banking facility. The Future Land Use Category has been R/O/R (Retail/Office/Residential) since 1981.

Comprehensive Plan

The site in question is in the RES-6 FLUC which lists neighborhood commercial uses for consideration in the range of potential uses, with a maximum Floor Area Ratio (FAR) of 0.23, subject to commercial locational criteria and frontage on a functionally classified roadway.

- The project site is located within a commercial node, as defined by the Manatee County Comprehensive Plan Land Use Operative E.2) as generally extending a maximum of 1,500 feet along the frontage of two functionally classified roadways designated as Collector or higher (Manatee Avenue West and 43rd Street West) and is eligible to be considered for commercial zoning.

Land Development Code

The RSF-4.5 district is generally consistent with the RES-6 FLUC designation.

The existing RSF-4.5 zoning district is intended to provide for single-family residential and residential support uses.

The proposed GC zoning district is generally consistent with the RES-6 FLUC designation, however, staff has concerns with the potential range of uses allowed under this zoning category. In order to mitigate this concern, the development order will include findings of consistency with the Comprehensive Plan limited to specific future uses on the rezone parcel. If uses, other than those specified in the development order are proposed for the rezone parcel, then an amendment to the development order would be necessary involving the public hearing process, with notice to the surrounding property owners The GC zoning district is intended to provide a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. The project site has existing GC zoning to the north and northeast and PR-M to the northwest.

The site has direct access to 46th Street West (local road) and to Manatee Avenue West (SR 64) classified as a Principal Arterial, through the commonly owned property to the north. Policy 2.10.3.4 of the Comprehensive Plan allows access to a local street within the Urban Core if such access is a safer alternative to direct access to the thoroughfare. The access will be evaluated during the review of the off street parking plan and/or final site plan upon submission. The existing commercial building on the remainder of the applicant's property currently has access to both Manatee Avenue and to 46th Street West. Access to the lanes of Manatee Avenue heading in a westerly direction can only be gained by utilizing 46th Street West as there is a median along the frontage of the property.

The rezone area has residential zoning and uses along the east, south and west, across 46th Street West. The balance of the lands owned by the applicant are already zoned GC and is are

adjacent to both commercial and professional development along Manatee Avenue West. While GC zoning contains specific buffer and setback requirements for commercial development adjacent to residential development within the Land Development Code, there are concerns of compatibility.

SITE CHARACTERISTICS AND SURROUNDING AREA	
ADDRESS:	**604 46th Street West, Bradenton**
GENERAL LOCATION:	**South of Manatee Avenue West, east side of 46th Street West**
ACREAGE:	**0.24 ± acres**
EXISTING USE(S):	**Residential**
FUTURE LAND USE CATEGORY(S):	**RES-6 (Residential 6 dwelling units per gross acre)**
INTENSITY:	**Max F.A.R. permitted:** - **0.23/0.35 with Special Approval in GC Zoning** - **0.35 for mini-warehouse without Special Approval in GC Zoning** - **0.23 (0.35 for mini-warehouse only) in RES-6 FLUC**
OVERLAY DISTRICT(S):	**None**

SURROUNDING USES & ZONING	
NORTH	**Retail Sales / GC (General Commercial)**
SOUTH	**Single-family / RSF-4.5 (Residential Single Family – 4.5 dwelling units per gross acre)**
EAST	**Single-family / RSF-4.5 (Residential Single Family – 4.5 dwelling units per gross acre)**
WEST	**Across 46th Street West** **Single-family / RSF-4.5 (Residential Single Family – 4.5 dwelling units per gross acre)**

SITE DESIGN DETAILS	
LOT SIZE(S):	0. 24± acres or 10,454 sq. ft. Exceeds minimum lot size (7,500 sq. ft.) required for GC zoning
SETBACKS: (Min. required in GC zoning)	Front 25' Side 10/20' (adjacent to residential district) Rear 15/20' (adjacent to residential district)
OPEN SPACE:	15% required in GC zoning. No site plan submitted at this time.
ACCESS:	46th Street West
FLOOD ZONE(S):	C – Panel 120153 0326B, revised 3/15/84
AREA OF KNOWN FLOODING:	No
UTILITY CONNECTIONS:	Water and Sewer are available.

ENVIRONMENTAL INFORMATION	
Overall Wetland Acreage:	No plan has been submitted as part of this request.
Proposed Impact Acreage:	No plan has been submitted as part of this request.

NEARBY DEVELOPMENT

NON-RESIDENTIAL				
PROJECT	SQ. FT.	FAR	FLUC	YEAR APPROVED
Taco Bell	2,078	0.09	R/O/R	2010
Westside Auto Sales & Service (fka Powell Motor Company)	1,674	0.09	R/O/R	1997
Premiere Weight Loss Center (fka McCarthy Medical Office)	3,330	0.19	R/O/R	1993
Bradenton Urgent Care (fka Fay, Hack – Office)	4,070	0.20	R/O/R	1993

RESIDENTIAL				
PROJECT	LOTS / UNITS	DENSITY	FLUC	YEAR APPROVED
Westwego Park	203		RES-6	1924

POSITIVE ASPECTS

- The site is adjacent to GC zoning to the north and northeast side.
- There is PR-M zoning northwest of the site across 46th Street West.

NEGATIVE ASPECTS

- The site does not have direct access to a functionally classified roadway, collector or higher, as required by Comprehensive Plan Policy 2.10.3.2.
- The proposed commercial development will intrude into an established residential neighborhood.
- The site is adjacent to residential homes on the east and south sides. On the west side of 46th Street West there are residential homes.
- Rezone to GC may carry commercial traffic into a residential neighborhood which is inconsistent with Comprehensive Plan Policy 2.10.3.1.

MITIGATING MEASURES

- The site is part of a larger parcel all under common ownership that has frontage and direct access to Manatee Avenue West.
- Policy 2.10.3.4 of the Comprehensive Plan allows access to a local street if it provides a safer alternative to direct access to the functionally classified roadway.
- The staff and applicant have agreed to a finding of consistency based upon a limitation of use to residential or parking and associated facilities (i.e landscape buffers, stormwater) to support the commercial establishment on the remainder of the property to the north.

STAFF RECOMMENDED STIPULATIONS

Not applicable. This is a "straight rezone" from RSF-4.5 to GC.

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. **<u>Compatibility with Neighbors</u>. Is the requested change compatible with the existing development pattern and the zoning of nearby properties?**

   The request is compatible with the existing development pattern and zoning of nearby properties. The request for the commercial (GC) zoning could represent an intrusion into a residential neighborhood, however, the development order will contain limitations of use for the property. This site is zoned residential (RSF-4.5) and has a single family residential home on it. The properties to the south, east, and west (across 46th Avenue West) also have

the same zoning (RSF-4.5) and have single family residential homes.

This site is in a subdivision known as Westwego Park that was platted in 1924 (Plat Book 2, Page 104) and includes the south thirty-one feet of Lot 7 and the north forty-four feet of Lot 8. Since 1981 the zoning (R1B-One Family Dwelling District) and the use has been residential. The home on the site was built in 1963, per the County records.

The commercial uses adjacent to the north, northwest and northeast of the site front on Manatee Avenue West (SR 64), a Principal Arterial. These sites have commercial zoning, GC, PR-M, and GC, respectively and are within the ROR FLUC.

2. **<u>Changes from Original Conditions</u>. 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?**

There has not been a change in the conditions upon which the original zoning designation was based. Since 1981, this site along with the properties to the south, east, and west (across 46th Street West), have been residentially zoned and have single family residential homes.

The zoning changes in the area are as follows:

- *In 1989, the parcel directly to the north of this site requested and was granted a rezone from R-1A (Single Family Residential, 4.4 dwelling units per acre) to C (Neighborhood Commercial). The Future Land Use Category has been R/O/R (Retail/Office/Residential) since 1989. It is currently zoned GC (General Commercial). This is the parking lot for the retail store located on the southeast corner of Manatee Avenue West (SR 64) and 46th Street West.*
- *The parcel located at the southeast corner of Manatee Avenue West (SR 64) and 46th Street West was built in 1960. It has been used and zoned commercial [C1A (Highway Business District)] since 1981.*
- *The property at the southwest corner of Manatee Avenue West (SR 64) and 46th Street West is a bank with drive-thru lanes. The site received a conditional use permit (SP-88-36) to allow 3 drive-thru lanes in conjunction with a 3,500 sq. ft. banking facility. The Future Land Use Category has been R/O/R (Retail/Office/Residential) since 1981.*

3. **<u>Comprehensive Plan</u>. Does the current zoning or the proposed zoning better conform to the current Comprehensive Plan?**

The RSF-4.5 and GC zoning districts are appropriate for the RES-6 FLUC. The expansion of the GC zoning district on this site could allow a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs (i.e. drive-thru eating establishments, eating establishments, retail sales, bank, professional office, mini-warehouse, etc.). However, the development order will contain limitations on the future use of the property. This district shall only be applied at appropriate locations: to conveniently meet these needs; in conformance with the goals, objectives and policies and locational criteria of the Comprehensive Plan; compatible with surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets.

The RES-6 FLUC permits neighborhood retail uses up to 30,000 square feet without special approval.

See Compliance with Comprehensive Plan for further analysis of each applicable policy.

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

It does not appear that there is any conflict with existing or planned public improvements.

5. <u>Sufficient Public Facilities</u>. 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?

The project is for a straight rezone so the impact to traffic patterns or congestion will be addressed during any future site plan review.

(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?

The project is for a straight rezone so the impact to population density or development intensity will be addressed during any future site plan review.

(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?

The project is for a straight rezone so the impact to public facilities will be addressed during any future site plan review.

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

The proposed change may potentially adversely affect the health, safety and welfare of the neighborhood with the intrusion of commercial uses into an existing, well established residential neighborhood. However, the development order will contain a limitation on the future use of the property.

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

The GC zoning district requires 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 drive-thru eating establishments, eating establishments, retail sales, bank, and professional office.

The maximum Floor Area Ratio (FAR) in the GC zoning district is 0.25 (without Special Approval). Based on the maximum FAR (.23) allowed in RES-6, the parcel (0.24± acres) could accommodate a 2,613 ± square foot building except for a mini-warehouse use which allows a maximum 0.35 FAR (3,659 ± square foot building).

The proposed amendment is in conformance with all applicable requirements of the LDC. Compliance with the standards of a straight zoning district and all other requirements of the LDC are reviewed and verified with future site plan submittals. The GC zoning district requires a twenty (20') foot setback if adjacent to a residential district or future land use designation of RES. The required buffer along the east and south property lines could be fifteen (15') feet and include 2 1/2 canopy trees and thirty-three shrubs or a six (6') foot high fence with 2 canopy trees and 3 1/3 understory trees per the LDC Figure 715.D.

8. <u>Orderly Development</u>. 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. The commercial zoning district and uses [GC and PR-M (Professional-Medium)] are along Manatee Avenue West while the residential zoning and uses are along the local roads within ROR FLUC. This parcel is commonly owned with property that contains an established commercial development.

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, GC (General Commercial), to the north The commercial zoning district and uses [GC and PR-M (Professional-Medium)] are along Manatee Avenue West.

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

The timing of this request is appropriate with the development trends in this area.

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

The request is a straight rezone only. Impact to historic resources is addressed during site plan review.

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

The request is a straight rezone only. Environmental impacts are addressed during site plan review.

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?

The request is a straight rezone only. Outdoor lighting is addressed during site plan review. However, commercial uses typically have associated lighting, therefore potentially adverse impacting the residents surrounding the site.

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

The proposed change will not adversely affect the health, safety or 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.

Not applicable.

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

While staff has raised concerns with compatibility and intrusion, the inclusion of a limitation of

the future use of the property will mitigate these concerns.

COMPLIANCE WITH LDC

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

602.1.5.3 GC: General Commercial District.

The purpose of this district is to provide for a variety of retail use and services in free-standing parcels or shopping centers to serve the community's general commercial needs. This district shall only be applied at appropriate locations; to conveniently meet these needs; in conformance with the goals, objectives and policies and locational criteria of the Comprehensive Plan; compatible with surrounding land uses and zoning districts; where it will not adversely impact the facilities and services of the County; where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets.

Figure 6-1 – Commercial Uses-Services

The GC district would allow a variety of uses of retail uses and services in free-standing parcels. These uses could be a drive-thru eating establishments, eating establishments, retail sales, bank, professional office, mini-warehouse, etc.

COMPLIANCE WITH COMPREHENSIVE PLAN

The site is in the RES-6 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 trend of development in this area is to locate commercial along Manatee Avenue West (SR 64), which is a Principal Arterial. The property is commonly owned with the existing commercial development to the north and the inclusion of the rezone parcel will allow additional parking and re-configuration of existing parking as an enhancement to the overall property.

The project site has residential zoning and uses on the south, east and west, across 46th Street West. To the north, northeast, and northwest are commercial uses that front on Manatee Avenue West (SR64) Principal Arterial.

Policy 2.2.1.12.2 Range of Potential Uses.

Uses potentially permitted in the RES-6 Future Land Use Category include suburban or urban residential uses, neighborhood retail uses, short-term agricultural uses other than special agricultural uses, agriculturally-compatible residential uses, public or semi-public uses, schools, low intensity recreational uses, and appropriate water-dependent/water-related/water-enhanced uses. However, the development order will contain a limitation of the future use of the property as a residence or for parking associated with the commercial establishment to the north.

Range of neighborhood retail uses, such as a gas station, mini-warehouse, or a drive-thru eating

establishment are not appropriate in an existing, well established residential neighborhood.

Policy 2.6.1.1 Compatibility.
The range of land uses, such as a gas station, mini-warehouse, or a drive-thru eating establishment, permitted in GC zoning are not compatible with surrounding land uses and zoning to the south, east and west, as previously detailed in this staff report. The GC zoning district expansion into the residential area will create an incompatibility of surrounding land uses and zoning. However, the development order will contain a limitation of the future use of the property as a residence or for parking associated with the commercial establishment to the north.

Policy 2.10.1.2 Commercial Development
Promote the development of commercial uses in planned commercial centers, and discourage scattered, incremental commercial development.

Policy 2.10.3.2 Required Access.
Require that all proposed small and medium commercial uses can be directly accessed from at least one roadway shown on the Roadway Functional Classification Map as collector or higher, at time of issuance of a development order. Access which is limited only to roadways that carry traffic within residential neighborhoods shall be considered unacceptable for commercial uses. An exception shall be made for neotraditional projects that have commercial uses located internally to the project and whose main project access is located on a road designated as a collector or higher. An exception shall be made for DRIs and Large Project developments that have mixed uses with a residential component and meet minimum development characteristics to have commercial uses located internally to neighborhoods if the main neighborhood access is located on a road designated as a collector or higher.

Policy: 2.10.3.4 Permit exceptions to Policies 2.10.3.2 and 2.10.3.3 only in instances where required access criteria are conflicting with other access criteria associated with an Entranceway, as described in Policies 2.9.4.1 & 2.9.4.2 and in Urban Core Areas where access on a local road provides a safer alternative than direct access to the functionally classified roadway, or within the MU-C Future Land Use Category and its Sub Areas.

Policy 2.10.4. Locational Criteria and Development Standards.

Policy 2.10.4.1
Limit the location of all new commercial development to well-defined notes, or compact groupings, to:

- provide a reasonable compromise of predictable, yet flexible, commercial locations for all residents and business interests in Manatee County.
- increase safety and maintain the vehicular capacity of public roads by discouraging linear "strip" commercial development and the multiple access points which are likely to accompany such linear commercial development.
- facilitate compliance with the commercial project access criteria contained in Objective 2.10.3.
- maximize the accessibility and viability of commercial development by using location and grouping to maximize the number of trips to the commercial site.
- establish conveniently located commercial uses for residents of Manatee County.

Policy 2.10.4.2 Locational Criteria and Development Standards.
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 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, com-pliance 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 com-ponent 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, com-pliance 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.

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
Manatee Avenue West (SR 64)	**51st Street West to 43rd Street West (Link 3036**	**D**	**F**

REQUIRED IMPROVEMENTS:
1. N/A at this time. Any CLOS requirements are reviewed at Final Site Plan when a specific use is proposed. Traffic safety and operational concerns are 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	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 - applicable specific area plans - (See also policies under Objs. 2.6.1 - 2.6.3)
Policy:	2.2.1.12	**RES-6:** Establish the Residential-6 Dwelling Units/Gross Acre future land use category as follows:
Policy:	2.2.1.12.1	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 a low density urban, or a clustered low-moderate density urban, residential environment. Also, to provide for a complement of residential support uses normally utilized during the daily activities of residents of these low or low-moderate density urban areas.
Policy:	2.2.1.12.2	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, short-term agricultural uses other than special agricultural uses, agriculturally-compatible residential uses, 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:	2.2.1.12.3	Range of Potential Density/Intensity: Maximum Gross Residential Density: 6 dwelling units per acre Maximum Net Residential Density: 12 dwelling units per acre (except within the WO or CHHA Overlay Districts pursuant to Policies 2.3.1.4 and 4.3.1.5) Maximum Floor Area Ratio: 0.23 (0.35 for mini-warehouse uses only) Maximum Square Footage for Neighborhood Retail Uses: Medium (150,000sf)
Policy:	2.2.1.12.4	Other Information: a) All mixed and multiple-use projects 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 gross residential density exceeds 4.5 dwelling units per acre, or in which any net residential density exceeds 6 dwelling units per acre shall require special approval. c) Any nonresidential project exceeding 30,000 square feet of gross building area shall require special approval. d) Professional office uses not exceeding 3,000 square feet in gross floor area within this category may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and 2.10.4.2, and detailed in the Land Use Operative Provisions Section E (1) provided such office is located on a roadway classified as a minor or principal arterial, 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 2.10.4.2).
GOAL:	**2.6**	**Development Compatible With Existing And Proposed Adjacent Land Uses.**
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]
GOAL:	2.10	**Commercial Development Consistent with Need for Office, Wholesale or Retail Uses, and Consistent with Sound Planning Principles.**
Policy:	2.10.1.1	Encourage the development of new commercial uses as "infill" development and discourage the "expansion" of existing commercial areas not meeting commercial locational criteria contained in Objective 2.10.4.
Policy:	2.10.1.2	Promote the development of commercial uses in planned commercial centers, and discourage scattered, incremental commercial development.
Objective:	2.10.3	**Required Access:** Adequate, safe and appropriate access to new commercial uses approved following plan adoption.
Policy:	2.10.3.1	Require that all access to commercial uses be established on at least one roadway, operating at or better than, the adopted level of service. Access which is limited only to roadways that carry traffic within residential neighborhoods shall be considered unacceptable for commercial uses. An exception shall be made for neotraditional projects that have commercial uses located internally to the project and whose main project access is located on a road designated as a collector or higher. An

		exception shall be made for DRIs and Large Project developments that have mixed uses with a residential component and meet minimum development characteristics to have commercial uses located internally to neighborhoods if the main neighborhood access is located on a road designated as a collector or higher.
Policy:	2.10.3.2	Require that all proposed small and medium commercial uses can be directly accessed from at least one roadway shown on the Roadway Functional Classification Map as a collector or higher, at time of issuance of a development order. An exception shall be made for neotraditional projects that have commercial uses located internally to the project and whose main project access is located on a road designated as a collector or higher. An exception shall be made for DRI's and Large Project development that have mixed uses with a residential component and meet minimum development characteristics to have commercial uses located internally to neighborhoods if the main neighborhood access is located on a road designated as a collector or higher.
Policy:	2.10.3.4	Permit exceptions to Policies 2.10.3.2 and 2.10.3.3 only in instances where required access criteria are conflicting with other access criteria associated with an Entranceway, as described in Policies 2.9.4.1 & 2.9.4.2 and in Urban Core Areas where access on a local road provides a safer alternative than direct access to the functionally classified roadway, or within the MU-C Future Land Use Category and its Sub Areas.
Objective:	2.10.4	**Locational Criteria and Development Standards:** Consistency of all commercial uses approved with required locational criteria and development standards.
Policy:	2.10.4.1	Limit the location of all new commercial development to well-defined nodes, or compact groupings, to: - provide a reasonable compromise of predictable, yet flexible, commercial locations for all residents and business interests in Manatee County. - increase safety and maintain the vehicular capacity of public roads by discouraging linear "strip" commercial development and the multiple access points which are likely to accompany such linear commercial development. - facilitate compliance with the commercial project access criteria contained in Objective 2.10.3. - maximize the accessibility and viability of commercial development by using location and grouping to maximize the number of trips to the commercial site. - establish conveniently located commercial uses for residents of Manatee County.

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 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, com-pliance 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.

ZONING DISCLOSURE AFFIDAVIT **B4**

File Number Z-11-08/20110272

File Name MMH Foundation, LLC

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 ( )	
See attached Exhibit	Not for Profit

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

Signature: Carolyn L. Keller

(Applicant): _____

STATE OF FLORIDA
COUNTY OF Manatee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 7th day of September, 2011 by Carolyn Louise Keller, who is personally known to me or who has produced Florida DL. as identification.
(type of identification)

Signature: Olga Llorens

My Commission Expires: _____

Commission No: _____

_____
Notary

_____
Print or type name of Notary

_____
Title or Rank

Rev. 12/1/07
B-4

Notary Public State of Florida
Olga Llorens
My Commission DD852698
Expires 01/19/2013

2011 NOT-FOR-PROFIT CORPORATION ANNUAL REPORT

FILED
Mar 15, 2011
Secretary of State

DOCUMENT# N46432

Entity Name: THE MANATEE MEMORIAL HOSPITAL FOUNDATION, INC.

Current Principal Place of Business:

206 SECOND STREET EAST
BRADENTON, FL 34208

New Principal Place of Business:

Current Mailing Address:

206 SECOND STREET EAST
BRADENTON, FL 34208

New Mailing Address:

FEI Number: 65-0392921 **FEI Number Applied For ( )** **FEI Number Not Applicable ( )** **Certificate of Status Desired (X)**

Name and Address of Current Registered Agent:

DESEAR, VERNON
1209 3RD ST. DR. E.
PALMETTO, FL 34221 US

Name and Address of New Registered Agent:

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: _____
Electronic Signature of Registered Agent Date

OFFICERS AND DIRECTORS:

Title: DC
Name: KELLER, CAROLYN
Address: 1206 ESTREMADURA DR. W
City-St-Zip: BRADENTON, FL 34209

Title: DV
Name: GOODSON, MARK
Address: 620 17TH ST. W.
City-St-Zip: PALMETTO, FL 34221

Title: DT
Name: DIETSCH, BEVERLY
Address: 120 MOCKINGBIRD LANE
City-St-Zip: ELLENTON, FL 34222

Title: D
Name: DESEAR, VERNON
Address: 1209 3RD ST. DR. E.
City-St-Zip: PALMETTO, FL 34221

Title: DS
Name: RICHARDSON, CAROLYN
Address: 9716 OAK RUN DRIVE
City-St-Zip: BRADENTON, FL 34211

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 617, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: CAROLYN RICHARDSON DS 03/15/2011
Electronic Signature of Signing Officer or Director Date

Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

ICE IS HEREBY GIVEN, the **Planning Commission anatee County** will con- a Public Hearing on **sday, December 8, 2011 at a.m. at the Manatee nty Government inistrative Center, 1st r Chambers, 1112 Manatee ue West, Bradenton, da** to consider, act upon, forward a recommendation e Board of County missioners on the following ers:

-11-14(G) – MML I LLC & I IV LLC/SILVERLEAF #20110225/B000071)
rdinance of the Board of nty Commissioners of atee County, Florida, rding land development, oving a General lopment Plan for 732 sin- amily detached units on oximately 263.35 acres on outh side of US 301, south rrison Ranch Boulevard, of Chin Road, and north d Tampa Road; subject to lations as conditions of oval; setting forth findings; ding a legal description; ding for severability, and ding an effective date.

08 – MANATEE MEMORI- OSPITAL FOUNDATION, /MANATEE MEMORIAL PITAL REZONE #20110272)
rdinance of the Board of nty Commissioners of atee County, Florida, nding the official zoning (Ordinance No. 90-01, the atee County Land lopment Code), relating to g within the unincorporat- rea; providing for the ing of approximately 0.24 s at 604 46th Street West, enton from the RSF-4.5 dential 4.5 dwelling units ross acre) to the GC eral Commercial) zoning ct; setting forth findings; ding a legal description; ding for severability, and ding an effective date.

09 – CORTEZ REINVEST- TS, LLC # 20110312)
rdinance of the Board of ty Commissioners of tee County, Florida, ding the official zoning (Ordinance No. 90-01, the tee County Land opment Code), relating to g within the unincorporat- ea; providing for a rezone of approximately 1.46 acres north of SR 684 (Cortez Road W) and approximately 2,750 feet west of the intersection of Cortez Road and 86th Street West, at 9416 Cortez Road W., Bradenton from the RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre) and RSF-4.5/CH (Residential Single-Family, 4.5 dwelling units per acre/Coastal High Hazard Area Overlay District) to the PR-M (Professional-Medium) and PR-M/CH (Professional-Medium/Coastal High Hazard Area Overlay District) zoning districts; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDC-11-16(Z)(G) – 8154 LLC/BAYSIDE PET RESORT
(DTS #20110291(1))
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 3.24± acres on the west side of U.S. 41, at 8154 N. Tamiami Trail, Bradenton from GC/AI (General Commercial/Airport Impact Overlay) and RSF-3 (Residential Single-Family – 3 Dwelling Units per Gross Acre) to the PDC/AI (Planned Development Commercial/Airport Impact Overlay) and PDC (Planned Development Commercial) zoning district; approve a General Development Plan for use of an existing commercial building for a kennel; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

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
11/22/2011

Sarasota Herald Tribune

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, December 8, 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:

PDR-11-14(G) – MML I LLC & PGCI IV LLC/SILVERLEAF
(DTS #20110225/B000071)
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a General Development Plan for 732 single family detached units on approximately 263.35 acres on the south side of US 301, south of Harrison Ranch Boulevard, west of Chin Road, and north of Old Tampa Road; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

Z-11-08 – MANATEE MEMORIAL HOSPITAL FOUNDATION, INC./MANATEE MEMORIAL HOSPITAL REZONE
(DTS #20110272)
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 0.24 acres at 604 46th Street West, Bradenton from the RSF-4.5 (Residential 4.5 dwelling units per gross acre) to the GC (General Commercial) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

Z-11-09 CORTEZ REINVESTMENTS, LLC
(DTS # 20110312)
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 a rezone of approximately 1.46 acres north of SR 684 (Cortez Road W) and approximately 2,750 feet west of the intersection of Cortez Road and 86th Street West, at 9416 Cortez Road W., Bradenton from the RSF-4.5 (Reside Single-Family, 4.5 dwelling units acre) and RSF-4.5/CH (Reside Single-Family, 4.5 dwelling units acre/Coastal High Hazard Area Ove District) to the PR-M (Professio Medium) and PR-M/CH (Professio Medium/Coastal High Hazard Overlay District) zoning districts; set forth findings; providing a l description; providing for severab and providing an effective date.

PDC-11-16(Z)(G) – 8154 LLC/BAYS PET RESORT (DTS #20110291(1))
An Ordinance of the Board of Cou Commissioners of Manatee Cou Florida, regarding land developm amending the official zoning a (Ordinance 90-01, the Manatee Cou Land Development Code), relating zoning within the unincorporated a providing for the rezoning approximately 3.24± acres on the w side of U.S. 41, at 8154 N. Tamiami T Bradenton from GC/AI (Gen Commercial/Airport Impact Overlay) RSF-3 (Residential Single-Family – Dwelling Units per Gross Acre) to PDC/AI (Planned Developm Commercial/Airport Impact Overlay) PDC (Planned Development Commerc zoning district; approve a Gen Development Plan for use of an exist commercial building for a kennel; subj to stipulations as conditions of appro setting forth findings; providing a le description; providing for severabil and providing an effective dat

All interested parties are invite at this public hearing and be hea subject to proper rules of cond Additionally, any written comments fi with the Director of the Building Development Services Department wil heard and considered by the Plann Commission and entered into the reco

It is important that all parties present t concerns to the Planning Commissio as much detail as possible. The iss identified at the Planning Commiss hearing will be the primary basis for final decision by the Board of Cou Commissioners. Interested parties m examine the Official Zoning Atlas, applications, related documents, a may obtain assistance regarding the matters from the Manatee Cou Building and Development Servi Department, 1112 Manatee Avenue We 2nd Floor, Bradenton, Florida, telepho number (941) 748-4501x6878; e-mail planning.agenda@mymanatee.org

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

Americans With Disabilities: The Bo of County Commissioners of Manat County does not discriminate upon basis of any individual's disability stat This non-discrimination policy involv every aspect of the Board's functio including one's access to a participation in public hearings. Anyo requiring reasonable accommodation this meeting as provided for should contact Kaycee Ellis TDD ONLY 742-5802 an seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUE FROM TIME TO TIME PENDIN ADJOURNMENTS.
MANATEE COUNTY PLANNIN COMMISSION
Manatee County Building a Development Services Department
Manatee County, Florida