

**B.O.C.C.:** 4/5/2018

**Z-17-06 – Eurice Rezone**  
**(DTS #20170569)**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance 15-17, the Manatee County Land Development Code), relating to zoning in the unincorporated area; providing for the rezoning of approximately ±1.33 acres of the western portion of an approximately ±2.33-acre site located at the northeast corner of the intersection of Ellenton Gillette Road and 57<sup>th</sup> Street East at 5702 36<sup>th</sup> Avenue, from the A-1 (Suburban Agriculture – 1 Dwelling Units/Acre) to the RSF-2 (Residential Single-Family 2.0 Dwelling Units/Acre) zoning district; setting forth findings; proving a legal description; providing for severability, and providing an effective date.

**P.C.:** 3/8/2018

**B.O.C.C.:** 4/5/2018

**RECOMMENDED MOTION:**

Based upon the staff report, evidence presented, comments made at the Public Hearing, the action of the Planning Commission, and finding the request to be **CONSISTENT** with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, I move to **ADOPT** Manatee County Zoning Ordinance No. Z-17-06, as recommended by the Planning Commission.

(Commissioner Trace)

**PLANNING COMMISSION ACTION:**

On March 8, 2018, by a vote of 5 – 0, the Planning Commission recommended approval. Mr. Rutledge and Mr. DeLesline were absent.

**PUBLIC COMMENT AND CORRESPONDENCE:**

March 8, 2018 Planning Commission

There were no public comments.

A revision to the staff report was entered into the record, and has been incorporated in this report.

ROJECT SUMMARY	
<b>CASE NUMBER</b>	Z-17-06 (DTS # 20170569)
<b>PROJECT NAME</b>	Eurice Rezone
<b>LAND OWNER</b>	Bill and Sarah Eurice
<b>APPLICANT(S)</b>	Robert Schmitt, AICP LPA, Inc.
<b>PROPOSED ZONING</b>	RSF-2 (Residential Single-Family 2.0 Dwelling Units/Acre)
<b>EXISTING ZONING</b>	A-1 (Suburban Agriculture – 1 Dwelling Units/Acre)
<b>CASE MANAGER</b>	Ryan Todd, Planner I
<b>STAFF RECOMMENDATION</b>	APPROVAL

**DETAILED DISCUSSION**

**Request:**

The request is for a rezone of ±1.33 acres of the western portion of a ±2.33-acre site from the A-1 (Agricultural Suburban) zoning district to the RSF-2 (Residential Single-Family 2 Dwelling Units/Acre) as shown in Figure 1 below. The site is located at the northeast corner of the intersection of Ellenton Gillette Road, an arterial roadway, and 57<sup>th</sup> Street East.



The site, as well as all parcels within a .5-mile radius, lie within the RES-6 (Residential 6.0 Dwelling Units/Acre), or higher, Future Land Use Category (FLUC). The intent of the RES-6 FLUC is to identify areas which are established for a low density urban, or a clustered low-moderate density urban, residential environment, and to provide for a complement of 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 of the Manatee County Comprehensive Plan lists the range of potential uses for a property within the RES-6 Future Land Use Category as 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. The RES-6 FLUC allows a maximum gross residential density of 6 dwelling units per acre, a maximum net residential density of 12 dwelling units per acre, and a maximum Floor Area Ratio of 0.23.

The existing A-1 zoning district is intended to permit short-term agricultural and related uses and to provide for areas transitioning from rural to suburban or urban character. Table 4-1 of the Manatee County Land Development Code (LDC) establishes the schedule of uses for the A-1 zoning district, which predominantly includes residential and residential support uses. The maximum residential density permitted in an A-1 zoning district is 1.0 dwelling units per acre, whereas the proposed RSF-2 zoning district permits a density of 2 dwelling unit per acre.

While the proposed zoning change would permit a 100% increase in density, the proposed rezone follows the established progression of development in the area. With one exception, density in the area generally decreases from west to east, beginning with a RSMH-6 zoning district adjacent to Terra Ceia Bay, transitioning to RSF-4.5 near US 41 North, and decreasing to RSF-3 across Ellenton Gillette Road from the site. The PWDB Subdivision, located west of the Eurice property, is located within a RSF-3 (Residential Single-Family 3.0 Dwelling Units/Acre). Although the lots in the PWDB Subdivision are nearly 40,000 sq. ft., the lots are narrow with building to building setbacks of approximately 50'. Additionally, the two single-family lots west of the site, 3617 57<sup>th</sup> St. and 3705 57<sup>th</sup> St., are ± 1.17 acres in size, making the proposed rezone of ± 1.33 acres contextually appropriate. Figure 2 below depicts the lot configurations of 3617 and 3705 57<sup>th</sup> St.

Figure 2: Eurice Property and Adjacent Lot Configuration



Similar to the existing A-1 zoning district, the intent of the proposed RSF-2 zoning district is to provide for residences in a suburban environment at low to medium densities, to accommodate residential support uses (as defined in [Chapter 2](#)) and other limited non-residential uses, and to protect these areas from the encroachment of incompatible uses. The RSF-2 zoning district is arguably more compatible with existing adjacent land uses because unlike the existing A-1 zoning district, RSF-2 does not permit more noxious uses such as heavy equipment sales, kennels, breeding facilities, and earthmoving operations.

The parcels adjacent to this site are currently zoned A-1 and RSF-3, and are used for residential purposes.

The applicant has stated that a single-family residence is proposed for the site.

Staff finds the proposed zoning district to be compatible with adjacent zoning districts and land uses, and recommends APPROVAL.

**SITE CHARACTERISTICS AND SURROUNDING AREA**

<b>ADDRESS</b>	5702 36 <sup>th</sup> Avenue East Palmetto, 34221	
<b>GENERAL LOCATION</b>	The site is located at the northeast corner of the intersection of Ellenton Gillette Road and 57 <sup>th</sup> Street East.	
<b>ACREAGE</b>	Overall = ±2.33 acres	Rezone = ±1.33 acres
<b>EXISTING USE(S)</b>	Overall = Single Family Residential	Rezone = Vacant
<b>FUTURE LAND USE CATEGORY(S)</b>	RES-6 (Residential 6.0 Dwelling Units/Acre)	
<b>DENSITY FOR RSF-2</b>	2.0 Dwelling Units/Acre	
<b>OVERLAY DISTRICT(S)</b>	None	
<b>SPECIAL APPROVAL(S)</b>	N/A	
<b>SPECIFIC APPROVAL(S)</b>	N/A	

**SURROUNDING USES & ZONING**

<b>NORTH</b>	A-1 ● Single Family Residential
<b>SOUTH</b>	A-1 ● Single Family Residential
<b>EAST</b>	A-1 ● Single Family Residential
<b>WEST</b>	RSF-3 ● Single Family Residential

**SITE DESIGN DETAILS**

<b>LOT STANDARDS (RSF-2)</b>	
Minimum Lot Size: 15,000 sq. ft. Minimum Lot Width: 80ft.	Proposed Lot Size: 57,935 sq. ft. Proposed Lot width: 311 ft.

<b>SETBACKS (MINIMUM)</b>	Front: 25 feet Side: 10 feet Rear: 25 feet
<b>MINIMUM OPEN SPACE</b>	N/A
<b>MAXIMUM BUILDING HEIGHT</b>	35' maximum within RSF-2 zoning district
<b>MAXIMUM BUILDING SIZE</b>	N/A
<b>MINIMUM UNIT FLOOR AREA</b>	1,200 square feet
<b>MAXIMUM DENSITY</b>	2.0 Dwelling Units/Acre
<b>ACCESS</b>	Access off 36 <sup>th</sup> Ave.
<b>FLOOD ZONE(S)</b>	Zone X per FIRM Panel 12081C0159E, effective 3/17/2014
<b>AREA OF KNOWN FLOODING</b>	Yes, rainfall
<b>UTILITY CONNECTIONS</b>	<p>The following water and wastewater facilities are in the vicinity of this development project:</p> <ul style="list-style-type: none"> <li>- Water: 12" PVC potable water main along Ellenton-Gillette Road (36<sup>th</sup> Ave. E and 6" potable water main along 57<sup>th</sup> St. E (Briggs Rd.).</li> <li>- Sewer: 8" PVC sanitary gravity sewer along 54<sup>th</sup> St. E located within the Cypress Pond Estates, which is approximately 1,200 LF from the Eurice property.</li> <li>- Reclaimed: According to Manatee County GIS, there is not any public (County owned) reclaimed water main along Ellenton-Gillette Road (36<sup>th</sup> Ave. E) or 57<sup>th</sup> St. E (Briggs Rd.).</li> </ul>

**ENVIRONMENTAL INFORMATION**

<b>Overall Wetland Acreage</b>	There appears to be no wetlands on the site.
<b>Proposed Impact Acreage</b>	There appears to be no wetlands on the site.

**NEARBY DEVELOPMENT**

**RESIDENTIAL**

Project	Lots / Units	Gross Density (du/acre)	FLUC	Zoning	Lot Size (Minimum)	Year Approved
PWDB Subdivision	9	1.09	RES-6	RSF-3	39,945 sq. ft.	1999
Sugar Mill Lakes PH I	247	3.97	RES-6	PD-R	7,150 sq. ft.	2002
Cypress Pond Estates	78	4.39	RES-6	PD-R	4,000 sq. ft.	2010

<b>Willow Walk</b>	718	2.59	RES-3, RES-6	PD-R	4,800 sq. ft.	2014
<b>Silver Stone</b>	799	2.76	RES-3, RES-6	PD-R	4,800 sq. ft.	2017

**COMPLIANCE WITH MANATEE COUNTY LAND DEVELOPMENT CODE (LDC)**

The proposed straight rezone is not eligible to receive a Certificate of Level of Service for concurrency. The applicant has submitted the required form acknowledging that concurrency will be required as the project proceeds and that there is no guarantee that service will be available at the time of development.

**TRANSPORTATION**

**Major Transportation Facilities**

The site is located on Ellenton Gillette Road, north of 57<sup>th</sup> Street East. Ellenton Gillette Road is designated as a four-lane arterial with a planned right of way width of 120 feet in the Comprehensive Plan's Future Traffic Circulation Plan.

**Transportation Concurrency**

The Applicant is seeking a rezone approval at this time, and cannot obtain concurrency until the Preliminary Site Plan (PSP)/Final Site Plan (FSP) review stage(s) of this project. At that time, the Applicant will be required to submit a traffic study to determine if any off-site concurrency-related improvements are required by the project. The applicant did provide a Traffic Impact Statement (TIS) for the rezone to gauge the maximum impacts associated with allowable uses. Based on the study, it appears the potentially impacted segment of Ellenton Gillette Road will have sufficient capacity for the proposed project traffic (see Certificate of Level of Service Compliance table below). When a future application includes a request for transportation concurrency approval, the applicant shall submit a traffic study to determine if any off-site improvements are required to mitigate project impacts.

**Access**

At the time of future site plan submittal and accompanying traffic study review, all proposed access points will be evaluated to determine if any site-related improvements will be required for the site.

**CERTIFICATE OF LEVEL OF SERVICE (CLOS) COMPLIANCE  
TRANSPORTATION CONCURRENCY**

**CLOS APPLIED FOR: No (A CLOS application cannot be issued with a rezone)  
TRAFFIC STUDY REQ'D: Yes (A TIS was submitted and reviewed; however, a traffic study will be required at PSP or FSP)**

NEAREST THOROUGHFARE	LINK	ADOPTED LOS	FUTURE LOS (W/PROJECT)
Ellenton Gillette Road	2420	D	C

**OTHER CONCURRENCY COMPONENTS**

Solid waste landfill capacity, transportation and preliminary drainage intent will be reviewed at the time of application for concurrency. Potable water and waste water will be reviewed at the time of FSP/Construction Drawings.

**POSITIVE ASPECTS**

- The proposed RSF-2 zoning district is compatible with surrounding zoning districts.
- Timing appears to be consistent with single family development trends in the area.
- The rezone to RSF-2 is consistent with the Future Land Use Category RES-6.
- The proposal increases potential residential density inside the FDAB.

**NEGATIVE ASPECTS**

- It is staff’s opinion that there are no negative aspects of the proposed rezone.

**MITIGATING MEASURES**

- N/A

**STAFF RECOMMENDED STIPULATIONS**

Not applicable. This is a “straight rezone” from A-1 (Suburban Agriculture) to RSF-2 (Residential Single-Family 2 Dwelling Units/Acre). Stipulations are not attached to a straight rezone.

**REMAINING ISSUES OF CONCERN**

None

**COMPLIANCE WITH THE LAND DEVELOPMENT CODE**  
*Review Criteria for Zoning Map Amendments (LDC Section 342.3)*

**342.3. Review Criteria for Zoning Map Amendments**

**A. Compatibility with the existing development pattern and zoning of nearby properties.**

There are existing residential uses to the north, south, east, and west. The proposed zoning district of RSF-2 (Residential Single-Family 2 Dwelling Units/Acre) is consistent with existing surrounding properties and the development pattern of surrounding areas.

**B. Changes in land use or conditions upon which the original zoning designation was based.**

There have not been any substantial changes in land use or conditions.

**C. Consistency with the current comprehensive plan.**

The site is in the RES-6 (Residential – 6 Dwelling Units/Acre) FLUC. The proposed RSF-2 (Residential Single-Family 2 Dwelling Units/Acre) is consistent with the RES-6 FLUC.

**D. Conflicts with existing or planned public improvements.**

The proposed rezone does not present any conflicts with existing or planned public improvements.

**E. Availability of public facilities, based upon a consideration of the following factors.**

**1. Impact on traffic characteristics related to the site, specifically trip generation potential.**

The traffic impact statement states that the proposed rezone will not create a significant, adverse transportation impact on Ellenton Gillette Road.

**2. Impact on 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 existing A-1 zoning district has a maximum allowable density of 1 dwelling unit/acre, and the proposed RSF-2 zoning district has a maximum allowable density of 2 dwelling units/acre. Lot standards for the RSF-2 zoning

district allow for a maximum number of three lots on the ±1.33 acres of the site being rezoned from A-1 to RSF-2. However, the RSF-2 zoning district allows no more than one (2) dwelling units/acre.

**3. Impact on public facilities planned and funded to support any change in density or intensity pursuant to the requirements of the comprehensive plan and applicable law.**

A straight rezone does not generate any specific impacts on public facilities. At the time of future site plan review when a specific use has been identified additional on-site, off-site studies will be conducted.

**F. Health, safety or welfare of the neighborhood and County.**

The proposed rezone will not have a negative impact on the overall health, safety or welfare of the neighborhood and County.

**G. Conformance with all applicable requirements in this Code.**

The request is consistent with all applicable requirements of the Manatee County LDC.

**H. Consistency with the development patterns in the area and appropriateness for orderly development of the community. The cost of land or other economic consideration pertaining to the applicant shall not be a consideration in reviewing the request.**

The proposed rezone to RSF-2 is consistent with the development patterns in the area and is appropriate for the orderly development of the community.

**I. Logical expansion of adjacent zoning districts.**

The request to rezone to RSF-2 may be considered a logical expansion of development trends in the surrounding area. Rezoning the site to RSF-2 provides a smoother transition from the RSF-3 zone to the west and the surrounding A-1 zone than currently exists.

**J. Impact on historic resources.**

There are no known historic resources on or adjacent to the subject property.

**K. Environmental impacts.**

There are no known wetlands on the site.

**L. Types of allowable uses and impact of those on surrounding residential areas.**

The allowable uses in the RSF-2 zoning district are specified in LDC Table 4-1: Uses in Agricultural and Residential Districts. The uses permitted in the proposed RSF-2 district are more compatible with existing adjacent land uses than those permitted in A-1 zoning districts.

**M. Relocation of mobile home owners, if applicable, within the meaning of, and pursuant to, F.S. §723.083.**

Not applicable.

**N. In the case of rezones to Planned Development, consistency with the Planned Development District standards contained in Chapter 4.**

Not applicable.

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

Not applicable.

**COMPLIANCE WITH COMPREHENSIVE PLAN**

**The site is in the RES-6 (Residential – 6 Dwelling Units/Acre) 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 trends in the area. Parcels west of the site are zoned RSF-3, and parcels located to the north, south, and east of the site are zoned A-1. There are several PD-R projects in the area that were



approved at higher densities than the proposed rezone; Cypress Pond Estates was approved in 2010 with a gross density of 4.39 du/acre.

**Policy 2.2.1.11.2 Range of Potential Uses.**

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). Hotel uses may also be allowed within this designation but only along Urban Corridors and subject to the locational criteria for commercial uses.

**Policy 2.2.1.11.3 Range of Potential Density.**

RES-6 (Residential – 6 Dwelling Units/Acre) has a maximum gross residential density of 6 dwelling units/acre, and a maximum net residential density of 12 dwelling units per acre.

**Policy 2.6.1.1 Compatibility.**

A rezone to the RSF-2 zoning district is compatible with the RES-6 FLUC.

**ATTACHMENTS**

1. Applicable Comprehensive Plan Policies
2. Staff Report Maps
3. Legal Description and Survey Sketch
4. Zoning Disclosure Affidavit
5. Newspaper Advertising
6. Ordinance Z-17-06

**APPLICABLE COMPREHENSIVE PLAN POLICIES**

Policy:	2.1.2.7	<p>Review all proposed development for compatibility and appropriate timing. This analysis shall include:</p> <ul style="list-style-type: none"> <li>- consideration of existing development patterns,</li> <li>- types of land uses,</li> <li>- transition between land uses,</li> <li>- density and intensity of land uses,</li> <li>- natural features,</li> <li>- approved development in the area,</li> <li>- availability of adequate roadways,</li> <li>- adequate centralized water and sewer facilities,</li> <li>- other necessary infrastructure and services.</li> <li>- limiting urban sprawl</li> <li>- applicable specific area plans</li> <li>- (See also policies under Objs. 2.6.1 - 2.6.3)</li> </ul>
Policy:	2.2.1.12	RES-6: Establish the Residential-6 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 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). Hotel uses may also be allowed within this designation but only along Urban Corridors and subject to the locational criteria for commercial uses.
Policy:	2.2.1.12.3	<p>Range of Potential Density/Intensity:</p> <p>Maximum Gross Residential Density: 6 dwelling units per acre</p> <p>Maximum Net Residential Density: 12 dwelling units per acre (except within the WO or CHHA Overlay Districts pursuant to Policies 2.3.1.5 and 4.3.1.5)</p>

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

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

Policy: 2.2.1.11.4

Other Information:

a) All mixed, multiple-use, and community serving non-residential 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 1 dwelling unit per acre, or in which any net residential density exceeds 3 dwelling units per acre, shall require special approval.

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

Policy: 2.2.1.11.5

In order to serve more than day to day needs within the low-moderate density urban environment, properties meeting the following criteria may be developed with land uses which are defined as community serving non-residential uses:

a) Located at the intersection of an arterial and a collector roadway as defined in the Chapter 5 of this plan.