An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the Official Zoning Atlas (Ordinance No. 15-17, as amended, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 13.51 acres generally located on the south side of US 301 and approximately 425 feet east of Chin Road, Parrish (Manatee County) from A/NCO (General Agriculture/North Central Overlay) zoning district to the GC/NCO (General Commercial) zoning district, retaining the North Central Overlay District; setting forth findings, providing a legal description; providing for severability, and providing an effective date.


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-19-17, as recommended by the Planning Commission.

(Commissioner Trace)

PLANNING COMMISSION ACTION:

On July 11, 2019, by a vote of 6 – 0, the Planning Commission recommended approval. Mr. Rutledge was absent.

PUBLIC COMMENT AND CORRESPONDENCE:

July 11, 2019 Planning Commission
  There was no public comment.
  Nothing was entered into the record.
PROJECT SUMMARY

<table>
<thead>
<tr>
<th>CASE NUMBER</th>
<th>Z-19-17 - PLN1902-0147</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROJECT NAME</td>
<td>Billeris/Moore Rezone</td>
</tr>
<tr>
<td>APPLICANT(S)</td>
<td>Revocable Living Trust Agreement of Nicholas Billeris, Revocable Living Trust Agreement of Kelly M. Billeris, and Revocable Living Trust Agreement of Jacqueline E. Moore (property owners), Condev Properties, LLC (contract purchaser)</td>
</tr>
<tr>
<td>AGENT</td>
<td>Grimes Goebel, et al</td>
</tr>
<tr>
<td>PROPOSED ZONING</td>
<td>GC/NCO (General Commercial/North Central Overlay)</td>
</tr>
<tr>
<td>EXISTING ZONING</td>
<td>A/NCO (General Agriculture/North Central Overlay)</td>
</tr>
<tr>
<td>CASE MANAGER</td>
<td>Dorothy Rainey, AICP, Senior Planner</td>
</tr>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>APPROVAL</td>
</tr>
</tbody>
</table>

DETAILED DISCUSSION

The request is to rezone approximately 13.51 acres from A/NCO (General Agriculture/North Central Overlay) to GC/NCO (General Commercial/North Central Overlay). The site is currently vacant and is located at 11455 US 301 N., generally south of US 301 and east of Chin Road in Parrish.

The A zoning district is “intended to preserve agricultural lands, promote general agricultural economic activity, and allow for the co-existence of other uses generally consistent with agricultural activities”.

The FLUC (Future Land Use Category) for the subject site is UF-3 (Urban Fringe - 3 du/acre). The range of potential uses includes non-residential uses such as neighborhood and community-serving commercial and office uses, and public/semi-public uses, recreation and schools, making the property eligible for the requested rezone to GC (General Commercial).

The site meets Commercial Locational Criteria, as it fronts on US 301, a major thoroughfare, and it is within 1,500 feet of the intersection of US 301 & Chin Road (classified as a collector). According to the UF-3 Future Land Use Category, the project may be considered for up to 300,000 square feet (Large project) within limitations of F.A.R. allowed.

The intent of the proposed GC (General Commercial) zoning district is 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 GC zoning district is compatible with the UF-3 FLUC. The project will be limited by the F.A.R. (Floor Area Ratio) indicated for the GC zoning district. The project is located at an Activity Node which limits the F.A.R. to 0.5. The building height is also limited by the zoning district requirements, which is 4 stories, unless the criteria in Section 401.5 of the LDC are met for additional stories.
### SURROUNDING USES & ZONING

<table>
<thead>
<tr>
<th>NORTH</th>
<th>US 301 right-of-way and residential developments zoned RSMH-6 and PDR.</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOUTH</td>
<td>Residential development zoned PDR.</td>
</tr>
<tr>
<td>EAST</td>
<td>Vacant land zoned PDMU.</td>
</tr>
<tr>
<td>WEST</td>
<td>Vacant land zoned A.</td>
</tr>
<tr>
<td>LOT STANDARDS</td>
<td>General Commercial</td>
</tr>
<tr>
<td></td>
<td>Minimum Lot Area: 7,500 SF/site: 13.51 acres</td>
</tr>
<tr>
<td></td>
<td>Minimum Lot Width: 75-feet/site: 553.18 feet</td>
</tr>
<tr>
<td>SETBACKS</td>
<td>General Commercial</td>
</tr>
<tr>
<td></td>
<td>Front (US 301): 25-feet</td>
</tr>
<tr>
<td></td>
<td>Side (East): 20-feet (adjacent to RES-12)</td>
</tr>
<tr>
<td></td>
<td>Side (West): 20-feet (adjacent to UF-3)</td>
</tr>
<tr>
<td></td>
<td>Rear (South): 20-feet (adjacent to UF-3)</td>
</tr>
</tbody>
</table>

Surrounding properties to the west and south are in the UF-3 FLUC, to the east properties are in the ROR and RES-12, and to the north (across U.S. 301) are residential developments in the RES-6 FLUC.

Adjacent property to the west is undeveloped and zoned A (General Agriculture), to the south is a residential development zoned PDR, to the east is a not yet developed project zoned PDMU, and across U.S. 301 to the north are residential developments in the RSMH-6 and PDR zoning districts.

Staff recommends APPROVAL.
<table>
<thead>
<tr>
<th><strong>HEIGHT</strong></th>
<th>4 stories (&gt;4 stories/SP; &gt;35’ subject to Sections 401.5 &amp; 403.12)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MAXIMUM FLOOR AREA</strong></td>
<td>0.50 F.A.R. (Activity Node) or 150,000 square feet whichever is less (“Medium Commercial Use” per Comprehensive Plan, Table 2-2)</td>
</tr>
<tr>
<td><strong>MINIMUM OPEN SPACE</strong></td>
<td>15% for GC zoning district</td>
</tr>
<tr>
<td><strong>ACCESS</strong></td>
<td>US 301 N</td>
</tr>
<tr>
<td><strong>FLOOD ZONE(S)</strong></td>
<td>Zone X, per FIRM Panel 12081C0190E, effective 3/17/2014.</td>
</tr>
</tbody>
</table>

**AREA OF KNOWN FLOODING**

- Project Located in Flood Prone Area: Yes
- Type of Flooding (i.e. rainfall, riverine, storm surge, etc): Rainfall
- Project Subject to flow reduction: Yes; Future development shall be required to reduce the allowable pre-development rate of discharge by 50% for Slaughter Drain Watershed.
- Project subject to OFW: N/A
- Watershed/Basin: Slaughter Drain
- Project located within Floodplain and/or Floodway: The rezone parcel is located outside of the FEMA 2014 FIRM 100-year floodplain (Zone “X”). The rezone parcel is partially within the County 25-year floodplain.
- Drainage Easements/Access Easements required for existing system(s): Refer to Final Design comment below.

**UTILITY CONNECTIONS**

- No information at this time.

**ENVIRONMENTAL INFORMATION**

| **Overall Wetland Acreage** | No site plan submitted; unable to determine at this time |
| **Proposed Impact Acreage** | No site plan submitted; unable to determine at this time |

**POSITIVE ASPECTS**

- The site meets Commercial Locational Criteria.
- The site has direct access to U.S. 301, a major thoroughfare.
- The development of the site may be considered infill, as most of the U.S. 301 corridor has already developed or is developing from west to east.

**NEGATIVE ASPECTS**

- There is a large wetland on-site that extends off-site to the west.

**MITIGATING MEASURES**

- The applicant has indicated that the site will be able to be developed without any wetland or wetland buffer impacts to this system and has coordinated with FDOT to take access onto U.S. 301 without any impacts. Also, any future proposed impacts will be required to be addressed at the Final Site Plan stage of review and approval.
### STAFF RECOMMENDED STIPULATIONS

Not applicable. This is a rezone from A to GC. All requirements of the GC zoning district will be reviewed with future site plan, subdivision plats and/or building permit approvals.

### REMAINING ISSUES OF CONCERN

None

### COMPLIANCE WITH THE LAND DEVELOPMENT CODE SECTION 342.3

#### Review Criteria for Zoning Map Amendments

1. **Compatibility with the Existing Development Pattern and the Zoning of Nearby Properties (LDC Section 342.3.A).**

   The subject parcel is currently zoned General Agriculture (“A”) with the North Central Overlay (“NCO”). The immediate surrounding lands are zoned A, Planned Development Residential (“PDR”) and Planned Development Mixed Use (“PDMU”). Other zoning categories in the surrounding area include Planned Development Commercial (“PDC”) Publix, and Residential Single Family Mobile Home – 6 dwelling units per acre (“RSMH-6”). A rezone to General Commercial (“GC”) will be compatible with the existing development pattern as this site is located along a principal arterial roadway and commercial development is needed to support the number of planned residential developments in the surrounding area.

2. **Changes in Land Use or Conditions Upon which the Original Zoning Designation was Based (LDC Section 342.3.B).**

   The property was zoned A/NCO in 1990 with the adoption of the Land Development Code and associated Zoning Atlas by action of the Board of County Commissioners. The area has seen a substantial change in the development pattern as it transitions from agriculture in nature to more suburban residential with complementary support uses. In the past 15-20 years residential developments have been constructed along the corridor of US 301, including Harrison Ranch, Silverleaf, and Kingsfield residential communities. The support uses, which includes commercial services and retail, have been developed between the residential communities and the US 301 corridor. The shopping center anchored by the Publix, west of the subject site, is a recent development.

3. **Consistency with the Current Comprehensive Plan (LDC Section 342.3.C).**

   The Future Land Use Category (“FLUC”) of the property is Urban Fringe – 3 dwelling units per acre (“UF-3”) and has been designated as such since the adoption of the Comprehensive Plan in 1989. The Comprehensive Plan envisions low density residential, generally through an integrated master planned approach, as well as residential support uses for day to day use and limited nonresidential uses of a community serving nature. The Comprehensive Plan encourages the logical expansion of this urban area from west to east, which is the current development pattern in this portion of the county. The residential development in the area generates a need for neighborhood serving nonresidential uses. In addition, the site meets the locational criteria of Policy 2.10.4.2 for commercial development within the UF-3 FLUC. US 301 is a major thoroughfare and Chin Road is a collector, and the subject site is approximately 425 feet east of this intersection.

4. **Conflicts with Existing or Planned Public Improvements (LDC Section 342.3.D).**

   There are existing potable water and sanitary sewer facilities in the vicinity of the parcel. The parcel has frontage along US 301, a designated 6 lane thoroughfare (arterial) roadway. There are currently no new transportation, potable water, or sewer Capital Improvements planned for this immediate area.

5. **Availability of Public Facilities (LDC Section 342.3.E).**

   1. Impact on the traffic characteristics related to the site, specifically trip generation potential.
According to the Traffic Impact Statement dated March 2019, prepared by ESRP Corporation, the roadways are expected to operate at a LOS C with or without the traffic generated by the project.

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 density of the project is increasing from 1 du/5 acres to 3 du/acre. Because the property is located within an activity node, the intensity or FAR is 0.50 with the rezone to GC.

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.

   There are no public facilities planned or funded which would be necessary to support the change in intensity.

   If improvements to public infrastructure are required due to the impact of this development, required improvements will be made at the expense of the developer.

6. Health, Safety or Welfare of the Neighborhood and County (LDC Section 342.3.F).

   There will be no adverse impacts to the health, safety or welfare of the neighborhood and County.

7. Conformance with All Applicable Requirements of the LDC (LDC Section 342.3.G).

   The rezone adheres to and conforms with all applicable requirements of the Land Development Code. The implementation of all applicable requirements will be demonstrated at the Preliminary Site Plan/Final Site Plan stage.

8. Consistency with the Development Patterns in the Area and Appropriateness for Orderly Development of the Community (LDC Section 342.3.H).

   The proposed rezone is consistent with the development patterns in the area and appropriate for the orderly development of the community. The area is predominantly residential with nodes of commercial and mixed-use development along US 301. Commercial nodes, which this site is located in, must meet specific criteria of the Comprehensive Plan. This site meets the locational criteria of Policy 2.10.4 for commercial nodes, as it is located within 1,500 feet of an intersection of an arterial (US 301) and a collector (Chin Road) roadway.

9. Logical Expansion of Adjacent Zoning Districts (LDC Section 342.3.I).

   The immediate surrounding lands are zoned A, PDMU, PDR and RSMH-6. The request to rezone to GC is the logical expansion of PDMU zoned lands to the east as well as PDC zoned development on the west side of Chin Road, which includes the Publix shopping center. As this area is continuously expanding with predominantly residential uses, development generates a need for neighborhood and community serving nonresidential development.


    There are no known historic resources on the project site.


    Environmental impacts, if any, will be determined and appropriately addressed during the review process of a future site plan, and will be required to meet the LDC requirements and criteria for administrative approval.
12. **Types of Allowable Uses and Impact of Those on Surrounding Residential Areas (LDC Section 342.3.L).**

The GC zoning district is intended to provide for a variety of retail uses and services, in free-standing parcels or shopping centers to serve the community’s general commercial needs. Through the Comprehensive Plan Policy 2.10.4.2, neighborhood and community serving nonresidential development is encouraged in nodes located in the immediate vicinity of an intersection of two (or more) functionally-classified roadways. This site is located within 1,500 feet of an arterial (US 301) and a collector (Chin Road) roadway, therefore the site meets locational criteria.

Compatibility of the development of the site with surrounding existing uses may be achieved through the requirements of the LDC, including building orientation, location of outdoor activities or other nonresidential characteristics, to be sensitive to the adjacent residential development to the south and east. Also, “Specific Uses” will be subject to meeting criteria of their respective subsection in Section 531 of the LDC, an example of which would be any retail establishment or restaurant with a drive-through feature would have to set back the use and drive aisles further from abutting residential uses as well as provide additional screening for visual, sound and light trespass prevention.

13. **Relocation of Mobile Home Owners (LDC Section 342.3.M).**

Not applicable.

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

Not applicable, as there are no mobile homes on the property.

15. **Any Other Matters Appropriate for Consideration Pursuant to the LDC, the Comprehensive Plan or Applicable Law (LDC Section 342.3.O).**

Not applicable.

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

Compliance with the standards of the GC zoning district, the North Central Overlay (NCO) and all other applicable requirements of the LDC will be reviewed and verified with future site plan approvals for this site.

### COMPLIANCE WITH COMPREHENSIVE PLAN

The site is in the UF-3 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 is to locate commercial development adjacent to and within the U.S. 301 corridor. The property is on the south side of U.S. 301 with existing commercial development to the west and PDMU zoned future commercial development to the immediate east.
**Policy 2.2.1.11.2 UF-3 Range of Potential Uses.**
Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Low density residential and medium-density clustered residential uses, short-term agriculture, neighborhood and community serving commercial and office uses, and public/semi-public uses, recreation and schools. See Objectives 4.2.1 and 2.10.4.

**Policy 2.6.1.1 Compatibility.**
The range of land uses permitted in GC zoning, such as neighborhood serving commercial and retail uses are compatible with surrounding land uses and zoning to the west and east.

**Policy 2.10.1.2 Commercial Development**
The proposed rezone property fronts on and will take access from U.S. 301, a major arterial and there is existing commercial development to the west and future commercial development to the east of the parcel.

**Policy 2.10.3.1 Required Access**
The proposed rezone will have access from U.S. 301 which is a major arterial roadway.

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**TRANSPORTATION**

**Major Transportation Facilities**
The site is located on the south side of US 301 and east of Chin Road. In the Comprehensive Plan’s Future Traffic Circulation Plan, US 301 is designated as a six-lane arterial roadway with a planned right of way width of 150 feet, as determined by FDOT.

**Transportation Concurrency**
The Applicant is seeking a rezone approval at this time and cannot obtain concurrency until Preliminary Site Plan/Final Site Plan 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 to mitigate the development’s impacts.

The applicant did provide a Traffic Impact Statement (TIS) for the rezoning application to gauge the maximum impacts associated with allowable uses. Based on the study, it appears the potentially impacted segment of US 301 will have sufficient capacity for the proposed project traffic (see Certificate of Level of Service Compliance table below).

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

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

**TRANSPORTATION CONCURRENCE**

<table>
<thead>
<tr>
<th>CLOS APPLIED FOR:</th>
<th>No (A Deferral and Acknowledgment of Eventual Requirement for Concurrency has been filed)</th>
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<tbody>
<tr>
<td>TRAFFIC STUDY REQ’D:</td>
<td>Yes (A traffic impact summary was prepared; however, a traffic study will be required at PSP/FSP)</td>
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<table>
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<tr>
<th>NEAREST THOROUGHFARE</th>
<th>LINK</th>
<th>ADOPTED LOS</th>
<th>FUTURE LOS (W/PROJECT)</th>
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</thead>
<tbody>
<tr>
<td>US 301</td>
<td>3413</td>
<td>D</td>
<td>C</td>
</tr>
</tbody>
</table>
### OTHER CONCURRENCE COMPONENTS

Solid waste landfill capacity 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.

### ATTACHMENTS

1. Applicable Comprehensive Plan Policies
2. Staff Report Maps
3. Zoning Disclosure Affidavit
4. Traffic Impact Statement (TIS)
5. Ordinance Z-19-17
6. Newspaper Advertising
| 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 of development. This analysis shall include the following:  
- 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)  
|  |
| Implementation Mechanism(s):  
a) County review of all plan amendments and development proposals for consistency with this policy.  
b) Placement of stipulations, as necessary on development applications to ensure policy compliance.  
c) Adoption of provisions in the LDC to ensure development compatibility and appropriate timing of development.  |
| Policy 2.2.1.11 | **UF-3**: Establish the Urban Fringe - 3 future land use category as follows: |
| Policy 2.2.1.11.1 | Intent: To identify, textually, in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas limited to the urban fringe within which future low density residential and support uses are projected to develop following a logical expansion of the urban environment growing from west to east, consistent with the availability of services. The nature, extent, location of development, and availability of services shall be reviewed to ensure the development of these lands is conducted consistent with the intent of this policy. The UF-3 land use category includes areas of low density urban residential development, generally developed through an integrated master plan approach. The UF-3 category also provides for a complement of residential support uses normally utilized during the daily activities of residents of these low density environments, and in limited circumstances non-residential uses of a community serving nature to allow for a variety of uses within these areas which serve more than the day to day needs of the community. (See further policies under 2.2.1.11.4)  |
| Policy 2.2.1.11.2 | Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Low density residential and medium-density clustered residential uses, short-term agriculture, neighborhood and community-serving commercial and office uses, and public/semi-public uses, recreation |
Policy 2.2.1.11.3 Range of Potential Density/Intensity:

- Maximum gross residential density:
  - 3 dwelling units per acre;
  - 9 dwelling units per acre at activity nodes (see Policy 2.2.1.11.4).
  - 9 dwelling units per acre for residential projects that designate a minimum of 25% of the total dwelling units as "Affordable Housing."
  - Properties within the CEA and CHHA are not eligible for the additional density offered for activity nodes and affordable housing.

- Maximum net residential density:
  - 9 dwelling units per acre;
  - 12 dwelling units per acre for mixed-use developments at activity nodes (see Policy 2.2.1.11.4).
  - 12 dwelling units per acre for residential projects that designate a minimum of 25% of the total dwelling units as "Affordable Housing."
  - Clustered developments in the WO or CHHA Overlay Districts may exceed the maximum net density pursuant to Policies 2.3.1.5 and 4.3.1.5.

- Maximum floor area ratio:
  - 0.35;
  - 0.5 at activity nodes (see Policy 2.2.1.11.4).

- Maximum Square Footage for Neighborhood Commercial Uses:
  - Medium (150,000 sf), subject to the Commercial Locational Criteria (see Policy 2.2.1.11.4).
  - Large (300,000 sf), subject to the Commercial Locational Criteria (see Policy 2.2.1.11.4).

Policy 2.2.1.11.4 Other Information:

a) Schools in the UF-3 future land use category may only be permitted in areas where residential development has created demand or is projected to create demand within a reasonable planning timeframe.

b) In order to serve more than day to day needs within the UF-3 suburban environment, activity nodes with neighborhood and community-serving commercial uses may be permitted if consistent with the Commercial Locational Criteria (see Objective 2.10.4 and Land Use Operative Provisions chapter). Residential uses may also be permitted at nodes, but the higher densities noted in Table 2-1 and Policy 2.2.1.11.3 are only allowed in conjunction with a mixed-use development that includes a commercial component.

c) Professional office uses within this category are exempt 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 provided such office is located on a roadway classified as a minor or principal arterial (not including interstates) and it meets all other commercial development standards and the goals, objectives, and policies in
<table>
<thead>
<tr>
<th>Policy 2.2.1.11.5</th>
<th>RESERVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 2.10.1.1</td>
<td>Encourage the development of new commercial uses as &quot;infill&quot; development and discourage the &quot;expansion&quot; of existing commercial areas not meeting commercial locational criteria contained in Objective 2.10.4.</td>
</tr>
</tbody>
</table>