

**Planning Commission: 08/13/2020**

**Z-20-04 – Mixon Rezone to HC – Mixon Fruit Farms, Inc. (Owner)/Hunt Real Estate Services, Inc.  
(Contract Purchaser) – PLN2002-0081**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the Official Zoning Atlas (Ordinance 15-17, as amended, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 4.36 acres generally located at the Southeast corner of the intersection of 26<sup>th</sup> Avenue East and 27<sup>th</sup> Street East and commonly known as 2712 26<sup>th</sup> Avenue East, Bradenton (Manatee County), Florida, from Agriculture Suburban District (A-1) to Heavy Commercial (HC) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

**Planning Commission: 08/13/2020**

**Board of County Commissioners: 09/03/2020**

**RECOMMENDED MOTION**

**Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, I move to recommend ADOPTION of Manatee County Zoning Ordinance No. Z-20-04, as recommended by staff.**

<b>PROJECT SUMMARY</b>	
<b>CASE NUMBER</b>	Z-20-04
<b>PROJECT NAME</b>	Mixon Rezone to HC
<b>APPLICANT(S) / AGENT</b>	William Mixon, Mixon Fruit Farms, Inc./Marla Hough, Hough Engineering
<b>EXISTING ZONING</b>	Agriculture Suburban District (A-1)
<b>PROPOSED ZONING</b>	Heavy Commercial District (HC)
<b>CASE MANAGER</b>	Jake Bibler, Planner I
<b>STAFF RECOMMENDATION</b>	Approval
<b>DETAILED DISCUSSION</b>	
<p><b>History</b>                      The subject parcel lies at the southeast corner of 26<sup>th</sup> Avenue East and 27<sup>th</sup> Street East and is commonly known as 2712 26<sup>th</sup> Avenue East, Bradenton (Manatee County), Florida. The approximately 4.36-acre parcel is owned by Mixon Fruit Farms, Inc. and has historically operated as citrus groves. Prior to 1990 the Future Land Use Category (FLUC) for the subject parcel was RES-6 (Residential, 6 dwelling units per gross acre), but that FLUC was amended to IL (Industrial Light) by Ordinance 90-04, adopted on July 26<sup>th</sup>, 1990.</p> <p><b>Request</b>                      The applicant is requesting a rezone from A-1 to HC.</p> <p>The Future Land Use Category (FLUC) for the subject parcel is Industrial-Light (IL). Per Policy 2.2.1.18.1 of the Comprehensive Plan, this FLUC is intended to identify areas with a range of light industrial and other employment-oriented uses, in addition to intensive commercial development which would have significant adverse impacts if located adjacent to residential areas. The IL FLUC also provides for:</p> <ul style="list-style-type: none"> <li>- The development of support uses which would provide for the needs of workers in, or visitors to, or residents nearby, any area designated under this category.</li> <li>- Lodging places to accommodate visitors to IL areas and to nearby areas.</li> </ul> <p>The IL FLUC is consistent with the density and uses available in the requested zoning district.</p> <p>The intent of the Heavy Commercial Zoning District (HC) is to provide areas for intense commercial activities permitting commercial and service uses which have greater external effects such as noise, traffic, vibration, outdoor storage and other such impacts than those permitted in less intensive districts.</p> <p>The purpose of the Agriculture Suburban Zoning District (A-1) is to permit short-term agricultural and related uses and to provide for areas transitioning from rural to suburban character.</p> <p>The Schedule of Uses has a broader range of possibilities in HC than in A-1, as may be seen in the attached comparison chart.</p> <p>According to Policies 2.2.1.18.3 and 2.2.1.18.4, this site is subject to Commercial Locational Criteria. Neighborhood Commercial uses are limited to a maximum of 30,000 square feet of commercial space. Those uses allowed in the HC Zoning District that are not defined as Neighborhood Commercial are limited to a maximum 0.75 FAR (142,278 square feet). The subject parcel meets Commercial Locational Criteria, having frontage on two roadways classified as collector or higher.</p> <p>Staff recommends approval.</p>	

<b>SITE CHARACTERISTICS AND SURROUNDING AREA</b>	
<b>ADDRESS</b>	2712 26 <sup>th</sup> Avenue East, Bradenton (Manatee County), Florida
<b>GENERAL LOCATION</b>	Southeast corner of 26 <sup>th</sup> Avenue East and 27 <sup>th</sup> Street East
<b>ACREAGE</b>	Approximately 4.36 acres
<b>EXISTING USE(S)</b>	Agriculture
<b>FUTURE LAND USE CATEGORY(S)</b>	IL (Industrial-Light)
<b>OVERLAY DISTRICT(S)</b>	Coastal Planning Area
<b>SURROUNDING USES AND ZONING</b>	
<b>NORTH</b>	Mixon's Fruit Farm/PDI (Planned Development-Industrial)
<b>SOUTH</b>	School Board of Manatee County, Matzke Service Center Complex/City of Bradenton Zoning District R-I Industrial
<b>EAST</b>	School Board of Manatee County, Matzke Service Center Complex/City of Bradenton Zoning District R-I Industrial
<b>WEST</b>	Vacant Agriculture and Pasture/City of Bradenton Zoning District R-1 Single Family
<b>SITE DESIGN DETAILS</b>	
<b>MAXIMUM BUILDING SIZE</b>	Maximum residential density: One (1) dwelling unit per acre  Maximum Floor Area Ratio (FAR) for Commercial: <ul style="list-style-type: none"> <li>- 0.75 (142,278 square feet)</li> <li>- 1.0 for hotels (189,704 square feet)</li> <li>- Neighborhood Commercial uses: 30,000 square feet</li> </ul>
<b>MINIMUM SETBACKS FOR HC ZONING DISTRICT</b>	Front: 25 feet Rear: 15 feet* Side: 10 feet*  * Non-Residential use adjacent to Single Family Residential Zoning: 20 feet
<b>MINIMUM LOT SIZE FOR HC ZONING DISTRICT</b>	7,500 square feet (Site is 189,704 square feet)

<b>HEIGHT</b>	Maximum 3 stories
<b>REQUIRED OPEN SPACE</b>	15 percent
<b>ACCESS</b>	The site has frontage on 26 <sup>th</sup> Avenue East and 27 <sup>th</sup> Street East, two collector roadways. Access will be determined at the time of Site Plan Approval.
<b>MINIMUM REQUIRED PARKING</b>	Dependent upon use, see Table 10-2 of the Land Development Code
<b>FLOOD ZONE(S)</b>	Site lies in Zone X per FIRM Panel 12081C0307E, effective 3/17/2014.
<b>AREA OF KNOWN FLOODING</b>	<p>Project Located in Flood Prone Area: Yes Type of Flooding: Rainfall</p> <p>Project Subject to flow reduction: Yes, a 50% reduction in pre-developed runoff rate is required for the Glen Creek/Sugarhouse Creek Watershed.</p> <p>Project subject to OFW: No Watershed/Basin: Glen Creek/Sugarhouse Creek Watershed</p> <p>Project located within Floodplain and/or Floodway: The rezone parcel (PI #1542100001) is located outside of FEMA 2014 effective FIRM 100-year floodplain delineation. Project area is not in the County 25-year floodplain. Preliminary data for the City of Bradenton Watershed Management Plan (WMP) identifies 100-year floodplain coverage on portions of the subject rezone property (PI #1542100001).</p>
<b>UTILITIES</b>	<p>Water: 6" potable water main along the south side of 26th Ave E and 6" potable water main along west side of 27th St E</p> <p>Sewer: 4" sanitary force main along the north side of 26th Ave E. Due to gravity sewer capacity issues crossing US-301, this is the preferred point of connection to the County's wastewater system. 6" sanitary force main along the east side of 27th St E and abandoned 4" sanitary force main along the east side of 27th St E. Please note that as this force main is abandoned, it is not able to be connected to, but it may need to be avoided.</p> <p>Reclaimed: No County-owned reclaimed water infrastructure currently available at the project location.</p>

ENVIRONMENTAL INFORMATION					
<ul style="list-style-type: none"> <li>According to available “data/maps”, an identified Bald Eagle nest is over 3,000 feet away from of the site and will not be impacted by this project.</li> <li>No environmental overlays were identified for this site.</li> <li>No native trees, wetlands or other environmental resources were identified that would restrict this site from being rezoned.</li> <li>A comprehensive environmental review and additional comments will be provided with all future site plan submittals.</li> </ul>					
NEARBY DEVELOPMENT					
NON-RESIDENTIAL					
PROJECT	FLUC	ZONING	ACRES	SQUARE FEET	INTENSITY
Matzke Service Center (School District of Manatee County)	City of Bradenton	City of Bradenton Zoning District R-I Industrial	63.28	95,522	0.6 FAR
Mixon’s Fruit Farms	IL and RES-6	PD-I and A-1	38.53	45,873	.03 FAR
RESIDENTIAL					
SUBDIVISION	FLUC	ZONING	ACRES	DWELLING UNITS / SQUARE FEET	DENSITY / INTENSITY
Villages of Glenn Creek	City of Bradenton	City of Bradenton Zoning District R-1 Single Family	33	102	3.01 du/acre
Sugar Creek Communities	RES-6	PD-RV	92	794	8.63 du/acre
La Selva Park	RES-6	RSF-6	62	304	4.9 du/acre
Oak Haven	RES-6	PD-R	10	46	4.6 du/acre
POSITIVE ASPECTS					
<ul style="list-style-type: none"> <li>The Subject parcel is an infill project at the intersection of two collector roadways.</li> <li>The project is surrounded by industrial, institutional, and vacant areas zoned residential</li> <li>The site is served by county water and sewer</li> </ul>					

- Easy access to major thoroughfares, with potential points being on 26<sup>th</sup> Avenue East and 27<sup>th</sup> Street East

#### NEGATIVE ASPECTS

- Heavy Commercial zoning will introduce the potential for commercial uses, which may come with additional light and noise impacts to residential uses in the vicinity.

#### MITIGATING MEASURES

- The Land Development Code provides standards for specific uses that may have negative externalities and has requirements for additional landscaping and buffering for certain commercial uses next to residential uses. Mitigation measures will be administratively reviewed at the time of submittal for a final site plan.

#### COMPLIANCE WITH THE LAND DEVELOPMENT CODE LDC SECTION 342.3 – REVIEW CRITERIA FOR ZONING MAP AMENDMENTS

The following represents an analysis of how the application achieves compliance with LDC Section 342.3. The criteria listed below were used to evaluate each specific request for rezoning to ensure compliance with the Comprehensive Plan and Land Development Code.

#### LDC SECTION 342.3 – REVIEW CRITERIA FOR ZONING MAP AMENDMENTS

**A. Compatibility with the Existing Development Pattern and the Zoning of Nearby Properties.**

Analysis: The subject parcel is located at the intersection of two collector roadways and the proposed change is consistent with the development trends to the east and further to the west of the subject property. The proposed zoning is consistent with the intent of IL Future Land Use Category and the adjacent PD-I zoning district as well as the anticipated development in the adjacent property within City of Bradenton limits.

**B. Changes in Land Use or Conditions Upon Which the Original Zoning Designation was Based.**

Analysis: The subject parcel and much of the surrounding area has historically been used as citrus groves. The property in the immediate vicinity has been incrementally developed over the last fifty years, changing from agricultural uses to higher density residential and more intensive commercial uses.

**C. Consistency with the Current Comprehensive Plan.**

Analysis: The proposed zoning of Heavy Commercial is consistent with the Future Land Use Category of IL.

The intent of the IL FLUC is to identify areas with a range of light industrial and other employment-oriented uses, in addition to intensive commercial development which would have significant adverse impacts if located adjacent to residential areas. Also, to provide for the development of support uses which would provide for the needs of workers in, or visitors to, or residents nearby, any area designated under this category. Also, to provide for lodging places to accommodate visitors to IL areas and to nearby areas. (Policy 2.2.1.18.1.)

The purpose of the HC zoning district is to provide areas for intense commercial activities permitting commercial and service uses which have greater external effects such as noise, traffic, vibration, outdoor storage and other such impacts than those permitted in less intensive districts. These intensive commercial activities permitted in the HC zoning district are consistent with the intent of the IL FLUC and it is the opinion of staff that the proposed HC zoning district is more appropriate than the existing A-1 Zoning.

**D. Conflicts with Existing or Planned Public Improvements.**

Analysis: There are existing potable water and sanitary sewer facilities in the immediate vicinity of the subject site. The parcel has frontage along 26<sup>th</sup> Avenue East and 27<sup>th</sup> Street East, which are both collector roadways. Improvements are planned for this intersection and the applicant is working in coordination with county staff.

**E. Available of Public Facilities.**

**1. Impact on the Traffic Characteristics – Specifically Trip Generation Potential.**

Analysis: The applicant provided a Traffic Impact Statement (TIS) dated February 18, 2020 to evaluate maximum potential traffic impacts associated with the rezone of the site. Based on the trip generation calculations according to the Institute of Transportation Engineers Trip Generation Manual (10<sup>th</sup> Edition), a “worst case scenario” for the proposed zoning designation would yield a net new PM Peak hour trips of 490. In the opinion of staff, the proposed rezone does not appear to create significant adverse transportation impacts on the thoroughfare roadways. (See Attachment 2 - Traffic impact Statement and TIS Acceptance Letter dated 03/17/2020).

The above referenced TIS addressed the Comprehensive Plan and Land Development Code requirements and provided appropriate traffic-related information to substantiate the findings. However, currently, the future use of the property is unknown. When a request for Final Site Plan/Concurrency is submitted, an assessment will be required for a known use and factual data will be considered according to the Manatee County Standards.

**2. Impact on Population Density or Development Intensity Demand for Schools, Sewers, Streets, Recreational Areas and Facilities and Other Public Facilities.**

Analysis: The proposed zoning change will not adversely affect the demand for infrastructure, schools or county facilities. Any future development proposal will be required to reconfirm the existing adjacent potable water and wastewater systems, including lift stations, to ensure that they are adequate for the additional flows from this development. Depending on the findings of the evaluation, the County potable water and/or sewer systems may require off-site improvements.

**3. Impact on Pubic Facilities Planned and Funded to Support Any Change in Density or Intensity.**

Analysis: The zoning change does not have a significant impact on demand for these public facilities.

**F. Health, Safety or Welfare of the Neighborhood and County.**

Analysis: In the opinion of staff, it appears that the proposed rezone will not have a negative effect on the health, safety, and welfare of the neighborhood and County. All proposed commercial development will follow the Land Development Code to maintain required screening and buffering between the property and the adjacent neighborhoods. In addition, the code does not allow commercial traffic on a residential road.

**G. Conformance with All Applicable Requirements of this Code.**

Analysis: Following the approval of the proposed rezoning, future development approvals will be required to address compliance and conformance with applicable requirements of the LDC including compliance with the standards of the HC zoning district.

**H. Consistency with the Development Patterns in the Area.**

Analysis: It is the opinion of staff that the proposed rezone is consistent with the development patterns in the area (industrial, institutional, and vacant areas zoned residential) and may be deemed appropriate for the orderly development of the community.

**I. Logical Expansion of Adjacent Zoning Districts.**

Analysis: The proposed zoning district compatible with the adjacent PD-I zoning district and is compatible with the designated land use in the adjacent City of Bradenton zoning.

**J. Impact on Historic Resources.**

Analysis: There are no known historic resources on or adjacent to the subject property. If any historic resources are found at time of development, the applicant will be required to immediately report discoveries of historical or archaeological resources to the Florida Division of Historical Resources.

**K. Environmental Impacts.**

Analysis: There are no known environmental concerns. Any new development on the site will be required to meet all applicable standards of Sections 700 and 701 of the Manatee County LDC with future development approvals.

**L. Types of Allowable Uses and Impact of those on Surrounding Residential Areas.**

Analysis: Heavy Commercial zoning allows a variety of uses including retail commercial, commercial services, community service uses, single-family (detached and attached) and multi-family residential - However, IL only allows a maximum residential density of one dwelling unit per acre. The site is already adjacent to a significant amount of commercially zoned properties and uses. The compatibility of the development of the site with the surrounding existing uses may be achieved through the requirements of the LDC, including building orientation, location of outdoor activities or other nonresidential characteristics.

The Traffic Impact Statement (TIS) analyzed 4 specific uses when reviewing the potential for traffic impacts; refer to the attached TIS for that analysis. No specific use has been taken into consideration for this site regarding compatibility with surrounding residential areas as part of the current rezone process. Many uses have specific criteria outlined in Section 531, which helps address any potential compatibility concerns with residential areas, and some uses would be required to obtain a special permit at a separate public hearing. Compliance with specific standards and regulations will be required at time of future project submittal.

**M. Relocation of Mobile Homeowners.**

Analysis: There are no mobile homes on the subject site.

**N. Consistency with the Planned Development District Standards.**

Analysis: This request is for a rezone to HC Zoning District; therefore the planned development district standards do not apply.

**O. Any Other Matters Which May Be Appropriate.**

Analysis: Further development will require site plan review. There are no other known matters to be considered pursuant to the LDC, Comprehensive Plan or applicable law.

**COMPLIANCE WITH COMPREHENSIVE PLAN**

The site is in the Industrial Light Future Land Use Category. This project was specifically reviewed for compliance with the following objectives and policies:

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

Analysis: This is in an infill site near other development, located on two collector roadways and with ready access to county facilities and services.

**Policy 2.1.2.2 Limit urban sprawl by prohibiting all future development in the area east of the established Future Development Area Boundary (FDAB).**

Analysis: This project is well within the Future Development Area Boundary and is considered an infill development.

**Policy 2.1.2.7. Review all proposed development for compatibility and appropriate timing of development.**

Analysis: It is the opinion of staff that this rezone request is consistent with the adjacent development and given the development projects to the east, the timing is appropriate.



**Policy 2.6.5.5. Ensure urban infill projects are compatible to their setting and design to contribute to the overall enhancement of the existing neighborhood. Compatibility considerations include building massing, vertical character and setbacks with the existing urban neighborhood.**

Analysis: The general area has a variety of zoning designations and designated commercial and residential land uses. The HC zoning district established minimum lot sizes, minimum setbacks, and maximum height to ensure compatibility. Any future site plan for this property will be reviewed for applicable mitigation measures to achieve compatibility.

**Policy 2.10.1.2. Promote the development of commercial uses in nodes, and discourage scattered, incremental commercial development.**

Analysis: The subject parcel is at the intersection of two collector roadways, adjacent to other commercial uses.

**TRANSPORTATION**

**Major Transportation Facilities**

The proposed development is located at the southeast corner of 26th Avenue East and 27th Street East. In the Future Traffic Circulation Plan, 26th Avenue East is an existing two-lane road with 35 mph posted speed, and it is designated as a two-lane collector roadway with a planned right of way width of 84 feet. 27th Street East is an existing two-lane road with 30 mph posted speed, and it is designated as a four-lane collector roadway with a planned right of way width of 120 feet.

**Transportation Concurrency**

The Applicant is seeking a rezone only and cannot obtain concurrency until Preliminary Site Plan or Final Site Plan review stage. 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 provided a Traffic Impact Statement (TIS) for the rezoning application to gauge the maximum impacts associated with allowable uses. Based on the accepted study, it appears the potentially impacted segments of 26th Avenue East and 27th Street East (with the exception of link 1460) 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.

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

**CLOS APPLIED FOR:** No (A CLOS application cannot be issued with a rezone)  
**TRAFFIC STUDY REQUIRED:** Yes (A traffic impact summary was prepared; however, a traffic study will be required at PSP/FSP)

NEAREST THOROUGHFARE	LINK(S)	ADOPTED LOS	FUTURE LOS (W/PROJECT)
27 <sup>th</sup> Street East	1460	D	F
27 <sup>th</sup> Street East	1470	D	D
26 <sup>th</sup> Avenue East	1330	D	D
26 <sup>th</sup> Avenue East	1340	D	C

**OTHER CONCURRENCY COMPONENTS**

Solid waste and preliminary drainage intent have been reviewed with this Preliminary Site Plan. Potable water and wastewater will be reviewed at the time of Final Site Plan/Construction Drawings.

**ATTACHMENTS**

- 1. Staff Report Maps/Aerials**
- 2. Traffic Impact Statement**
- 3. School Report**
- 4. Zoning Disclosure Affidavit**
- 5. Comparison List of Zoning Districts**
- 6. Newspaper Advertising**