AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS 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 A PRIVATELY-INITIATED MAP AMENDMENT TO THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT TO DESIGNATE SPECIFIC REAL PROPERTY OF PARCEL 1 FROM THE RES-3 (RESIDENTIAL – 3 DWELLING UNITS PER GROSS ACRE) (40.15± ACRES) AND PARCEL 2 R/O/R (RETAIL/OFFICE/RESIDENTIAL) (9.92± ACRES) FUTURE LAND USE CLASSIFICATIONS TO THE MU (MIXED USE) FUTURE LAND USE CLASSIFICATION FOR A TOTAL OF 50± ACRES; WITH PARCEL 1 PROPERTY BEING GENERALLY LOCATED ON THE SOUTH SIDE OF 29TH STREET EAST AND APPROXIMATELY 1,370 FEET WEST OF I-75 AND Parcel 2 PROPERTY BEING GENERALLY LOCATED 650± FEET NORTH OF MEMPHIS ROAD (17TH STREET EAST) AND APPROXIMATELY 2,100 FEET WEST OF I-75, (ELLENTON, MANATEE COUNTY); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes empowers the Board of County Commissioners of the County of Manatee to prepare and enforce comprehensive plans for the development of the county; and

WHEREAS, The Community Planning Act (the “Act”) is codified in the applicable portions of Chapter 163, Part II, Florida Statutes (2018) as amended, empowers and requires the County (a) to plan for the county’s future development and growth, and (b) to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county; and

WHEREAS, Manatee County Ordinance No. 89-01, as amended, was adopted pursuant to general law for the purpose of providing a framework for land use and development in the unincorporated area of Manatee County, and established the Manatee County Comprehensive Plan; and

WHEREAS, Application PA-18-11 is a privately initiated application to amend the Future Land Use Map Series of the Future Land Use Element to designate specific real property of Parcel 1 from the RES-3 (Residential – 3 Dwelling Units per gross acre) (40.15± acres) and Parcel 2 R/O/R (Retail/Office/Residential) (9.92± acres) Future Land Use Classifications to the MU (Mixed Use) Future Land Use Classification for a total of 50± acres; with Parcel 1 property being generally located on the south side of 29th Street East and approximately 1,370 feet west of I-75 and Parcel 2 property being generally located 650± feet north of Memphis Road (17th Street east) and approximately 2,100 feet west of I-75, Ellenton (Manatee County); and

WHEREAS, at a duly noticed public hearing on October 11, 2018, the Manatee County Planning Commission, as the County’s Local Planning Agency for purposes of the Act, considered Application PA-18-11; and passed a motion to recommend transmittal of Plan Amendment 18-11 to the Board of County Commissioners; and
WHEREAS, after due public notice, the Board of County Commissioners of Manatee County received and considered the recommendation of the Manatee County Planning Commission, and held a public hearing on November 1, 2018, to consider Plan Amendment 18-11 and the transmittal of the proposed amendment to the State Land Planning Agency in accordance with the Act; and

WHEREAS, the State Land Planning Agency by letter dated December 7, 2018, identified no comments related to important State resources and facilities within the Department of Economic Opportunity’s (DEO) authorized scope of review that would be adversely impacted by Plan Amendment 18-11, if adopted; and

WHEREAS, the Florida Department of Transportation by letter dated December 5, 2018 transmitted its review comments on Plan Amendment 18-11 as to transportation resources and facilities of State importance; and

WHEREAS, the Florida Department of Environmental Protection, by correspondence dated December 6, 2018, transmitted its review comments for Plan Amendment PA-18-11 and determined no provision in the Plan Amendment, if adopted, would adversely impact important State resources, specifically air and water pollution, wetlands and other surface waters of the State, federal and State owned lands and interests in lands including state parks, greenways and trails, conservation easements, solid waste, and water and wastewater treatment; and

WHEREAS, the Southwest Florida Water Management District, by letter dated December 3, 2018, provided comments regarding regional water supply; and

WHEREAS, the Tampa Bay Regional Planning Council by a report received December 12, 2018 has no comments; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes (2018), on December 18, 2018, the Board of County Commissioners held an adoption public hearing, with due public notice having been provided, to consider said proposed amendment to the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments received during said public hearings, the recommendations of the Planning Commission, and the comments of the State Land Planning Agency and all applicable State or local review agencies; and

WHEREAS, in exercise of said authority, the Board of County Commissioners has determined that the adoption of Plan Amendment PA-18-11 would be in the public interest; and

WHEREAS, all applicable requirements of general law and local law have been followed, and the proceedings have been conducted pursuant to Chapter 163, Part II, Florida Statutes (2018), and the Plan Format and Administration Section of the Manatee County Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County that:

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 Act, and Chapter 125, Florida Statutes, as amended.
Section 2. Findings: The recitals set forth in the Whereas clauses above are true and correct and are hereby adopted as findings by the Board for the adoption of this Ordinance.

Section 3. Map Amendment: The Manatee County Comprehensive Plan, Ordinance No. 89-01, is hereby amended to change the Future Land Use Classification of the property, described on Exhibit “A” hereto which is incorporated herein by reference of Parcel 1 from the RES-3 (Residential – 3 Dwelling Units per gross acre) (40.15± acres) and Parcel 2 R/O/R (Retail/Office/Residential) (9.92± acres) Future Land Use Classifications to the MU (Mixed Use) Future Land Use Classification for a total of 50± acres; with Parcel 1 property being generally located on the south side of 29th Street East and approximately 1,370 feet west of I-75 and Parcel 2 property being generally located 650± feet north of Memphis Road (17th Street East) and approximately 2,100 feet west of I-75, Ellenton (Manatee County). Such change shall be incorporated into the Future Land Use Map established and adopted as part of the County’s Comprehensive Plan pursuant to Ordinance No. 89-01, as amended.

Section 4. Severability: If any section, sentence, clause or other provision of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed so as to render invalid or unconstitutional the remaining sections, sentences, clauses or provisions of this Ordinance.

Section 6. Codification: The publisher of the County’s Comprehensive Plan, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3 of this Ordinance into the Comprehensive plan.

Section 5. Effective Date: The effective date of this Plan Amendment PA-18-11, if the amendment is not timely challenged, shall be 31 days after the State Land Planning Agency notifies Manatee County that the adopted plan amendment package for Plan Amendment PA-18-11 is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted Amendment PA-18-11 to be in compliance.
PASSED AND DULY ADOPTED, in open session, with a quorum present and voting this 18th day of December, 2018.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

By: ______________________________________
   Priscilla Trace, Chairman

ATTEST:  ANGELINA COLONNESO
   Clerk of the Circuit Court

By: ______________________________________
   Deputy Clerk
Exhibit “A”

Map

Manatee County
Future Land Use Map Series

Section
Township/Range
35 / 17 NW
Historical Overlay
Watershed Overlay

Urban Service Area
FIG Overlay

Affordable housing density bonuses consistent with policy 6.1.3.5 may be considered.
Exhibit “A”
Legal Description

Day Property – Parcel 1

DESCRIPTION: A parcel of land lying in Southeast 1/4 of the Northeast 1/4 of Section 8, Township 34 South, Range 18 East, Manatee County, Florida, and being more particularly described as follows:

COMMENCE at the East 1/4 corner of said Section 8, run thence along the East boundary of the Southeast 1/4 of the Northeast 1/4 of said Section 8, N.00°16′13″E., a distance of 10.74 feet to the POINT OF BEGINNING; thence N.89°21′59″W., a distance of 1300.60 feet; thence N.00°49′48″E., a distance of 1352.82 feet to a point on the South Right of Way line of 29th Street East (former railroad Right of Way), as described in O.R. Book 801, Page 571; thence along said South Right of Way line of 29th Street East, S.89°16′15″E., a distance of 1287.29 feet to a point on the aforesaid East boundary of the Southeast 1/4 of the Northeast 1/4 of Section 8; thence along said East boundary of the Southeast 1/4 of the Northeast 1/4 of Section 8, S.00°15′57″W., a distance of 1350.69 feet to the POINT OF BEGINNING.

Containing 40.153 acres, more or less.

Day Property - Parcel 2

DESCRIPTION: A parcel of land lying in Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 8, Township 34 South, Range 18 East, Manatee County, Florida, and being more particularly described as follows:

COMMENCE at the East 1/4 corner of said Section 8, run thence along the East boundary of the Southeast 1/4 of said Section 8, S.00°15′54″W., a distance of 1318.26 feet to the Northeast corner of said Northeast 1/4 of the Southeast 1/4 of Section 8, said point also being the POINT OF BEGINNING; thence along the East boundary of said Northeast 1/4 of the Southeast 1/4 of Section 8, S.00°15′43″W., a distance of 651.72 feet to the Southeast corner of said Northeast 1/4 of the Southeast 1/4 of Section 8; thence along the South boundary of said Northeast 1/4 of the Southeast 1/4 of Section 8, N.89°08′12″W., a distance of 665.57 feet to the Southwest corner of said Northeast 1/4 of the Southeast 1/4 of Section 8; thence along the West boundary of said Northeast 1/4 of the Southeast 1/4 of Section 8, N.89°26′43″E., a distance of 663.71 feet to the POINT OF BEGINNING.

Containing 9.916 acres, more or less.