Z-18-13 Gina & Stephan Rau / 4507 Duplex Rezone PLN1807-0006

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 0.2238± acres located west of 75th Street, approximately 0.14 miles south of Cortez Road, commonly known as 4507 106th Street West, Bradenton (Manatee County) from RSMH 6 (Residential Single Family Mobile Home) to the RDD 6 (Residential Duplex, 6 Units/Acre) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

P.C.: 11/08/2018  B.O.C.C: 12/06/2018

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-18-13, as recommended by the Planning Commission.

(Commissioner Jonsson)

PLANNING COMMISSION ACTION:
On November 8, 2018, by a vote of 4 – 0, the Planning Commission recommended approval. Two seats are vacant and Mr. Rutledge was absent.

PUBLIC COMMENT AND CORRESPONDENCE:
November 8, 2018 Planning Commission

Mr. Patrick Bucko spoke in favor of the project stating the subject property has previously had an issue with flooding and the Rau’s will improve the property as they have their property across the street.

A notarized statement confirming the mobile home is not part of a mobile home park from the applicant was entered into the record.
# PROJECT SUMMARY

<table>
<thead>
<tr>
<th>Case #</th>
<th>Z-18-13</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROJECT NAME</td>
<td>Gina &amp; Stephan Rau / 4507 Duplex Rezone</td>
</tr>
<tr>
<td>APPLICANT(S)</td>
<td>Gina Rau</td>
</tr>
<tr>
<td>AGENT</td>
<td>Gina Rau</td>
</tr>
<tr>
<td>PROPOSED ZONING</td>
<td>RDD-6 (Residential Duplex, 6 du/acre)</td>
</tr>
<tr>
<td>EXISTING ZONING</td>
<td>RSMH 6 (Residential Single Family Mobile Home, 6 du/acre)</td>
</tr>
<tr>
<td>CASE MANAGER:</td>
<td>Jamie Schindewolf</td>
</tr>
<tr>
<td>STAFF RECOMMENDATION:</td>
<td>APPROVAL</td>
</tr>
</tbody>
</table>

## DETAILED DISCUSSION

The request is for a rezone of a 0.2238± acre site located west of 75th Street, approximately 0.14 miles south of Cortez Road, commonly known as 4507 106th Street West, Bradenton, 34210 from RSMH 6 (Residential Single Family Mobile Home) zoning to RDD 6 (Residential Duplex, 6 Units/Acre) zoning.

The subject property is located in an area that appears to be in transition. As shown in Figure 1, portions of the neighborhood are zoned RDD-6 while other parcels are in RSMH zoning. On zoning maps dating back to the 1970s, it appears that the zoning designations were assigned based on existing land uses; the mobile home zoning was likely used to ensure those lots were conforming with initial classification.

The future land use for the property is RES-9 (Residential 9 units/acre). The comprehensive plan seeks to limit density in the Coastal Planning Area. Therefore, a rezone to RDD-6 instead of a category that would allow for 9 units/acre is appropriate from a coastal hazards perspective.
The Land Development Code defines Residential Single Family Mobile Home and Residential Duplex Districts as follows:

F. **Residential Single Family Mobile Home Districts (RSMH-4.5, and RSMH-6).** The RSMH-4.5 District is intended to accommodate mobile home parks and subdivisions in a suburban residential environment. The minimum size to establish this district shall be twenty (20) acres.

G. **Residential Duplex Districts (RDD-3, RDD-4.5, RDD-6).** The purpose of this district is to provide for medium density residential uses, including single-family and duplex development, and to accommodate residential support uses and other limited non-residential uses.

Presently, the dimensional requirements are as follows:

<table>
<thead>
<tr>
<th></th>
<th>Front</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front and Side Street</strong></td>
<td>5 ft. minimum</td>
</tr>
<tr>
<td><strong>Side</strong></td>
<td>5 ft. minimum</td>
</tr>
<tr>
<td><strong>Rear</strong></td>
<td>5 ft. minimum</td>
</tr>
<tr>
<td><strong>Waterfront</strong></td>
<td>30 ft. minimum</td>
</tr>
</tbody>
</table>
A rezone to Residential Duplex would alter the allowed setbacks as follows:

<table>
<thead>
<tr>
<th></th>
<th>Front</th>
<th>Side (Street and Interior)</th>
<th>Rear</th>
<th>Waterfront</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Detached</td>
<td>25</td>
<td>8</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>Single Family Semi-Detached</td>
<td>20(^{12})</td>
<td>8/15(^{17})</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>Duplex</td>
<td>25</td>
<td>8</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>Other Allowed Uses</td>
<td>25</td>
<td>15</td>
<td>20</td>
<td>30</td>
</tr>
</tbody>
</table>

\(^{12}\) Lots of record existing prior to 1981 shall contain a minimum of 7,000 square feet and a width of 70 feet to allow a duplex, or 3,500 square feet and 35 feet in width for a single-family semi-detached unit. Side yard setbacks may be reduced to 8 feet. Existing duplexes may be split into semi-detached units provided that these minimum requirements are met.

\(^{17}\) Per side/where only one (1) side yard is provided.

Most allowable uses in RSHM and RDD are the same. Uses that are permissible in RDD and not RSHM are as follows:
- Bed and Breakfast
- Child Care Center, Small
- Child Care Center, Accessory
- Environmental Education Facilities
- Nursing Homes
- Duplexes
- Single Family Semi-Detached Dwellings
- Single Family Detached Dwellings

Mobile homes are not permissible in RDD zoning.

### SITE CHARACTERISTICS AND SURROUNDING AREA

<table>
<thead>
<tr>
<th><strong>ADDRESS</strong></th>
<th>4507 106(^{th}) Street West, Bradenton, 34210</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GENERAL LOCATION</strong></td>
<td>West of 75(^{th}) Street, approximately .14 miles south of Cortez Road</td>
</tr>
<tr>
<td><strong>ACREAGE</strong></td>
<td>.2238± Acres</td>
</tr>
<tr>
<td><strong>EXISTING USE(S)</strong></td>
<td>Single Wide Mobile Home</td>
</tr>
<tr>
<td><strong>FUTURE LAND USE CATEGORY</strong></td>
<td>RES-9 (Residential, 9 dwelling units/acre)</td>
</tr>
<tr>
<td><strong>SPECIAL APPROVAL(S)</strong></td>
<td>NONE</td>
</tr>
<tr>
<td><strong>OVERLAY DISTRICT(S)</strong></td>
<td>Coastal Planning Area, Coastal Evacuation Area</td>
</tr>
<tr>
<td><strong>SPECIFIC APPROVAL(S)</strong></td>
<td>NONE</td>
</tr>
</tbody>
</table>
### SURROUNDING USES & ZONING

<table>
<thead>
<tr>
<th>NORTH</th>
<th>RSMH-6 (Single Wide Mobile Home)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOUTH</td>
<td>RSMH-6 (Double Wide Mobile Home)</td>
</tr>
<tr>
<td>EAST</td>
<td>RSMH-6 (Single Wide MH/Co-op)</td>
</tr>
<tr>
<td>WEST</td>
<td>RDD-6 (Single Family Residential)</td>
</tr>
</tbody>
</table>

### SITE DESIGN DETAILS

| MAXIMUM FLOOR-TO-AREA RATIO FOR PROPOSED (RDD-6) ZONING DISTRICT: | 0.15 |

<table>
<thead>
<tr>
<th>Minimum Setbacks for Proposed (RDD-6) Zoning District:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Single Family Detached</strong></td>
</tr>
<tr>
<td>Front and Side Street: 25 feet</td>
</tr>
<tr>
<td>Side: 8 feet</td>
</tr>
<tr>
<td>Rear: 20 feet</td>
</tr>
<tr>
<td>Waterfront: 30 feet</td>
</tr>
<tr>
<td><strong>Single Family Semi-Detached</strong></td>
</tr>
<tr>
<td>Front and Side Street: 20 feet</td>
</tr>
<tr>
<td>Side: 8/15 feet</td>
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<tr>
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12. Lots of record existing prior to 1981 shall contain a minimum of 7,000 square feet and a width of 70 feet to allow a duplex, or 3,500 square feet and 35 feet in width for a single-family semi-detached unit. Side yard setbacks may be reduced to 8 feet. Existing duplexes may be split into semi-detached units provided that these minimum requirements are met.

17. Per side/where only one (1) side yard is provided.

### OPEN SPACE

20% (Non-Residential)

### ACCESS

106th Street West

### PARKING MINIMUMS

2 spaces/unit
<table>
<thead>
<tr>
<th><strong>FLOOD ZONE(S)</strong></th>
<th>Property lies in Zone AE with a Base Flood Elevation of 10’ North American Vertical Datum (NAVD) 1988, per FIRM Panel 12081C0283E, effective 3/17/2014. Construction on this lot will need to meet all the floodplain management regulations in Ordinance 13-39 and the Florida Building Code flood-resistant provisions of FBC-Residential Section 322. This will be reviewed at building permit application.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AREA OF KNOWN FLOODING</strong></td>
<td>Yes, Storm Surge</td>
</tr>
<tr>
<td><strong>UTILITY CONNECTIONS</strong></td>
<td>The following water and wastewater facilities are in the vicinity of this development project: Water: 4” potable water main along 106th St W Sewer: 10” sanitary gravity sewer along 106th St W Connection to the County water and wastewater system is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the Applicant. Such off-site extension shall be designed and constructed in accordance with the applicable County Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by County Engineer through the construction plans review process for the project.</td>
</tr>
<tr>
<td><strong>ENVIRONMENTAL INFORMATION</strong></td>
<td>No site plan submitted, unable to determine at this time.</td>
</tr>
<tr>
<td><strong>Overall Wetland Acreage</strong></td>
<td>No site plan submitted, unable to determine at this time.</td>
</tr>
<tr>
<td><strong>Proposed Wetland Impacts</strong></td>
<td>No site plan submitted, unable to determine at this time.</td>
</tr>
<tr>
<td><strong>TRANSPORTATION</strong></td>
<td>The site is located on east side of 106th Street West, which is a local road, and approximately 725 feet south of Cortez Road (SR684). The parcel does not abut any designated thoroughfare roadways.</td>
</tr>
<tr>
<td><strong>Major Transportation Facilities</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Transportation Concurrency</strong></td>
<td>For the rezoning, the applicant submitted information sufficient for staff to estimate the potential trip generation associated with the proposed zoning district. For traffic purposes, the first-impacted thoroughfare is the section of Cortez Road between 115th Street West and 86th Street West. Based on staff’s review, it appears the impacted section of Cortez Road will have sufficient capacity for the proposed project’s traffic. See Certificate of Level of Service Compliance (CLOS) table below.</td>
</tr>
</tbody>
</table>
However, the application is for rezoning only, and at this stage, the development cannot be issued final concurrency findings through a CLOS. When the CLOS is requested with Preliminary Site Plan or Final Site Plan, the Applicant will submit a traffic study to determine if any off-site concurrency-related improvements are required to mitigate the development’s impacts.

**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.

<table>
<thead>
<tr>
<th>NEAREST THOROUGHFARE</th>
<th>LINK</th>
<th>ADOPTED LOS</th>
<th>FUTURE LOS (W/PROJECT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR 684/CORTEZ RD</td>
<td>2315</td>
<td>D</td>
<td>C</td>
</tr>
</tbody>
</table>

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.

### 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 traffic impact summary was prepared; however, a traffic study will be required at PSP/FSP)

### POSITIVE ASPECTS

- The rezone will allow for more robust construction in an area prone to coastal hazards.
- The rezone does not increase allowable density in an area prone to coastal hazards.

### NEGATIVE ASPECTS

- While allowable density will not increase with this rezone, a duplex may increase the number of individuals living on the site in an area of coastal hazards.

### MITIGATING MEASURES

- Any new construction would need to conform to Florida Building Codes which would require stricter standards than the existing single wide mobile home for storm hardness.

### REMAINING ISSUES OF CONCERN

(NOT RESOLVED OR CONDITIONED WITH RECOMMENDATION OF APPROVAL)

No remaining issues.

### SPECIAL APPROVALS - FINDINGS

N/A
COMPLIANCE WITH THE LAND DEVELOPMENT CODE
Review Criteria For Zoning Map Amendments (Section 342.3)

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

The proposed change is consistent with the existing development pattern and the zoning of nearby properties, which are a mixture of RSMH and RDD.

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

There are no known changes in land use or conditions upon which the original designation was based. The applicant is now seeking to construct a single family home or duplex on the site.

C. Consistency with the current Comprehensive Plan.

Rezoning this portion of the property will be consistent with the residential density outlined in the comprehensive plan. It will allow for less density than indicated in the comprehensive plan, which is ideal given the site’s vulnerability to coastal hazards and flooding.

D. Conflicts with existing or planned public improvements.

There are no known conflicts with existing or planned public improvements.

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

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

   A significant increase in trip generation potential is not anticipated. There is potential to increase the number of units by one (1).

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.

   There is not likely to be a significant impact as the RDD-6 zoning will allow one (1) additional dwelling unit.

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.

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

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

The proposed rezone does not have a negative effect on the health, safety, and welfare of the neighborhood and County. It will allow for a more robust dwelling to be constructed on the property; likewise, the county should encourage the removal of mobile homes from vulnerable areas.

G. Conformance with all applicable requirements of this Code.

Compliance with the standards of the RDD-6 zoning district and all other requirements of the LDC will be reviewed and verified with future development approvals for this site; however, the subject property meets the bulk and dimensional requirements.

H. Consistency with the development patterns in the area and appropriateness 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 request is consistent with nearby development patterns that include mobile homes, single family homes, and duplex dwellings.
I. Logical expansion of adjacent zoning districts.

The property will expand an adjacent RDD-6 district and will help contribute to a logical shift away from mobile home zoning in the area.

J. Impact on historic Resources.

No known impacts on historic resources.

K. Environmental Impacts.

No notable environmental impacts at this stage.

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

The types of uses allowed in RDD zoning will not change the character of the surrounding residential area in a notable way.

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

This rezone is not in a formal mobile home park and is at the request of the owner of the lot and existing mobile home, so it is in compliance with F.S. §723.083.

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

N/A

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

N/A

COMPLIANCE WITH THE COMPREHENSIVE PLAN

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. Several nearby parcels already have the proposed zoning (RDD-6).

Policy 2.2.1.19.2. Range of Potential Uses.

The range of potential uses include:
- Bed and Breakfast
- Child Care Center, Small
- Child Care Center, Accessory
- Environmental Education Facilities
- Nursing Homes
- Duplexes
- Single Family Semi-Detached Dwellings
- Single Family Detached Dwellings

These are all compatible with the RES-9 future land use category.
**Policy 2.2.19.3 Range of Potential Density/Intensity.**

The maximum FAR allowed in RDD-6 is very low: .15. This is the same FAR allowed in the existing zoning category and is appropriate in the RES-6 Future Land Use District.

**Policy 2.6.1.1 Compatibility.**

The range of land uses permitted in RDD-6 are compatible with the surrounding uses.

**Policy 4.3.1.6 Prohibit the development of new manufactured home projects within the Coastal Planning Area.**

While there is a mobile home currently on the property, this rezone would prevent a mobile home from being placed on the property in the future.

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**STAFF RECOMMENDED STIPULATIONS**

Not applicable. **This is a “straight rezone” from RSMH-6 to RDD-6.**

**ATTACHMENTS**

1. Applicable Comprehensive Plan Policies
2. Maps/Aerials
3. Traffic Impact Statement (TIS)
4. Zoning Disclosure Affidavit
5. Newspaper Advertising
6. Statement of mobile home not in mobile park
7. Ordinance Z-18-13
8. Public Comments
APPLICABLE COMPREHENSIVE PLAN POLICIES

The project was specifically reviewed for compliance with the following policies:

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 Objectives 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 conditions, as necessary on development orders to ensure policy compliance.

Policy 2.2.1.13. RES-9: Establish the Residential-9 future land use category as follows:

Policy 2.2.1.13.1. 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-moderate urban, or clustered 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 urban areas.

Policy 2.2.1.13.2. 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, dormitories, 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 2.2.1.13.3. Range of Potential Density/Intensity:

Maximum gross residential density:

Nine (9) dwelling units per acre; up to twenty (20) dwelling units per acre along designated urban corridors if a density bonus is approved.

Minimum Gross Residential Density:

7.0 only in UIRA for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as “affordable housing”.
Maximum net residential density:

Sixteen (16) dwelling units per acre.

Twenty (20) dwelling units per acre within the UIRA for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as “Affordable Housing”.

Maximum "net" densities shall not apply to projects within designated Urban Corridors.

See Policies 2.3.1.4 and 4.3.1.5 for density restrictions within the WO or CHHA Overlay Districts.

Maximum Floor Area Ratio:

0.23 (0.35 for mini-warehouse uses).

1.00 inside the UIRA and within designated Urban Corridors.

Maximum Square Footage for Neighborhood Retail Uses:

Medium (150,000 s.f.).

Policy 2.2.1.13.4. 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 gross residential density exceeds six (6) dwelling units per acre, or in which any net residential density exceeds nine (9) dwelling units per acre shall require special approval.

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

(d) The Special Approval requirements listed above ((a) through (c)) shall not apply to development along the designated Urban Corridors or within the UIRA.

(e) Professional office uses not exceeding three thousand (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, 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 Policy 2.10.4.2).

Objective 4.3.1. - Development Type, Density and Intensity.
Limit development type, density and intensity within the Coastal Planning Area and direct population and development to areas outside of the Coastal High Hazard Area to mitigate the potential negative impacts of natural hazards in this area.

Policy 4.3.1.1. Direct population concentrations away from the Coastal Evacuation Area (CEA).

Implementation Mechanism:

(a) Update requirements in the Manatee County Land Development Code consistent with this Comprehensive Plan element.

Policy 4.3.1.6. Prohibit the development of new manufactured home projects within the Coastal Planning Area.

Implementation Mechanism:

(a) Planning Department review of all development requests for compliance with this policy.