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 ±25.13 acres (7 parcels) located at the northwest corner of the intersection of 24th Avenue E. and 43rd Street E., Palmetto (Manatee County) from RSF-2 (Residential Single-Family/2 Dwelling Units/Acre) to the A-1 (Suburban Agriculture/1 Dwelling Units/Acre); setting forth findings; proving 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-18-12, as recommended by staff.

(Commissioner Bellamy)

PLANNING COMMISSION ACTION:
On November 8, 2018, by a vote of 3 – 1, the Planning Commission recommended Denial. Mr. Conerly voted nay. Mr. Rutlege was absent and two seats were vacant.

PUBLIC COMMENT AND CORRESPONDENCE:
November 8, 2018 Planning Commission
Public Comments
Sharon Krueger, adjacent property owner, has concerns with the rezone because it would increase agriculture traffic on 43rd Street East and there will be noise pollution from the onsite animals.

Christopher Wormwood, adjacent property owner, stated he is opposed to the rezone due to following concerns: unknown uses by current or future owners under the A-1 zoning; transitional agriculture environment has the possibility of increasing animal use, noise, small, unsanitary runoff and unsightly views; stormwater runoff (during rainy months) from four of the seven parcels crosses and floods a portion of this property. He stated there is a hog pen at the southeast corner of 24th Avenue East and 43rd Street east, which omits odor and noise. He suggested that staff work with the applicants and neighbors to develop a mutual agreement that would only allow horses.

Honorable John Elizabeth Aleman, adjacent property owner, elaborated on her previously submitted concerns and pointed out discrepancies in the staff report regarding the rezone being compliant with the LDC and Comprehensive Plan. She suggested the request be denied.

Additional public comments were entered into the record.

Ms. Schenk pointed out new testimony was provided during applicant rebuttal and those in opposition have the right to dispute these statements. (see attached November 8, 2018 Planning Commission Minutes)
PROJECT SUMMARY

CASE NUMBER
Z-18-12
(PLN1807-0030)

PROJECT NAME
Kita Neighborhood Rezone

LAND OWNER
Kita, Kristi, et al (7 parcels/owners)

APPLICANT(S)
Kristi Kita, et al

PROPOSED ZONING
A-1 (Suburban Agriculture – 1 Dwelling Unit/Acre)

EXISTING ZONING
RSF-2 (Residential Single-Family 2.0 Dwelling Units/Acre)

CASE MANAGER
Dorothy Rainey, AICP Senior Planner

STAFF RECOMMENDATION
APPROVAL

DETAILED DISCUSSION

Request:
The request is for a rezone of ±25.13 acres (7 parcels) from RSF-2 (Residential Single-Family 2 Dwelling Units/Acre) to the A-1 (Suburban Agriculture). The site is located at the northwest corner of the intersection of 43rd Street E. and 24th Avenue E. in Palmetto.

The site (7 parcels) as well as all parcels within the area lie within the RES-3 (Residential 3.0 Dwelling Units/Acre) Future Land Use Category (FLUC). This request is to down zone the properties back to their original zoning category to allow for short-term agricultural and related uses. All 7 of the parcels contain residences which currently meet the setbacks, minimum lot size and dimensions of the proposed A-1 zoning district.

Staff was unable to determine when and why the parcels were rezoned from A-1 to RSF-2. This down zoning will decrease allowed densities on the parcels, will not change the character of the neighborhood, and will retain compatibility with surrounding properties.

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

SITE CHARACTERISTICS AND SURROUNDING AREA

ADDRESS
Various addresses for 7 parcels in Palmetto

GENERAL LOCATION
The site is located at the northwest corner of the intersection of 43rd Street E. and 24th Avenue E.

ACREAGE
±25.13 acres

EXISTING USE(S)
Single Family Residential
<table>
<thead>
<tr>
<th><strong>FUTURE LAND USE CATEGORY(S)</strong></th>
<th>RES-3 (Residential 3.0 Dwelling Units/Acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DENSITY FOR A-1</strong></td>
<td>1.0 Dwelling Units/Acre</td>
</tr>
<tr>
<td><strong>OVERLAY DISTRICT(S)</strong></td>
<td>None</td>
</tr>
<tr>
<td><strong>SPECIAL APPROVAL(S)</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>SPECIFIC APPROVAL(S)</strong></td>
<td>N/A</td>
</tr>
</tbody>
</table>

### SURROUNDING USES & ZONING

<table>
<thead>
<tr>
<th><strong>NORTH</strong></th>
<th>A-1 &amp; RSF-2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Single Family Residential</td>
</tr>
<tr>
<td><strong>SOUTH</strong></td>
<td>A-1 &amp; RSF-2</td>
</tr>
<tr>
<td></td>
<td>• Single Family Residential</td>
</tr>
<tr>
<td><strong>EAST</strong></td>
<td>A-1</td>
</tr>
<tr>
<td></td>
<td>• Single Family Residential</td>
</tr>
<tr>
<td><strong>WEST</strong></td>
<td>RSF-2</td>
</tr>
<tr>
<td></td>
<td>• Single Family Residential</td>
</tr>
</tbody>
</table>

### SITE DESIGN DETAILS

| **LOT STANDARDS (A-1)** | Minimum Lot Size: 43,560 sq. ft.  
Minimum Lot Width: 100 ft. | Existing Lot Sizes: meet or exceed 43,560 sq. ft.  
Existing Lot widths: meet or exceed 100 ft. |
|-------------------------|---------------------------------|---------------------------------|
| **SETBACKS (MINIMUM)** | Front: 50 feet  
Side: 10 feet  
(Rear: 25 feet) | (all parcels meet or exceed setbacks) |
| **MINIMUM OPEN SPACE** | N/A |
| **MAXIMUM BUILDING HEIGHT** | 35 feet maximum within A-1 zoning district |
| **MAXIMUM BUILDING SIZE** | N/A |
| **MINIMUM UNIT FLOOR AREA** | 1,000 square feet (single-family detached) |
| **MAXIMUM DENSITY** | 1.0 Dwelling Unit/Acre |
| **ACCESS** | 43rd Street E. |
| **FLOOD ZONE(S)** | Zone X per FIRM Panel 12081C0166E, effective 3/17/2014 |
| **AREA OF KNOWN FLOODING** | Yes, rainfall |
| **UTILITY CONNECTIONS** | The following water and wastewater facilities are in the vicinity of this development project:  
-Water: 16” DIP potable water main along Canal Road |
- Sewer: No sanitary sewer is available.
- Reclaimed: No Reclaimed Water is available.

**ENVIRONMENTAL INFORMATION**

<table>
<thead>
<tr>
<th>Overall Wetland Acreage</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Impact Acreage</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**NEARBY DEVELOPMENT**

**RESIDENTIAL**

<table>
<thead>
<tr>
<th>Project</th>
<th>Lots / Units</th>
<th>Gross Density (du/acre)</th>
<th>FLUC</th>
<th>Zoning</th>
<th>Lot Size (Minimum)</th>
<th>Year Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sugar Mill Lakes PH II</td>
<td>247</td>
<td>3.97</td>
<td>RES-6</td>
<td>PD-R</td>
<td>7,150 sq. ft.</td>
<td>2002</td>
</tr>
</tbody>
</table>

**TRANSPORTATION**

**Major Transportation Facilities**

The site is comprised of seven (7) parcels located on the west side of 24th Avenue East, and approximately 1,300 feet south of 49th Street East (Experimental Farm Road). The eastern most parcel abuts 24th Avenue East. 24th Avenue East is designated as a two-lane collector roadway with a planned right of way width of 50 feet in the Comprehensive Plan’s Future Traffic Circulation Plan.

**Transportation Concurrency**

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 24th Avenue East between 21st Street Court East and 49th Street East. Based on staff’s review, it appears the impacted section 24th Avenue East will have sufficient capacity for the proposed project’s traffic. See Certificate of Level of Service Compliance (CLOS) table below.

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 a 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.

**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)
<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>24th Avenue East</td>
<td>1308</td>
<td>D</td>
<td>C</td>
</tr>
</tbody>
</table>

### 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.

### POSITIVE ASPECTS

- The proposed A-1 zoning district is compatible with surrounding zoning districts.
- All structures (existing residences) on the 7 parcels meet the setbacks and other requirements of the proposed A-1 zoning district.
- The rezone to A-1 is consistent with the Future Land Use Category RES-3.

### 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 RSF-2 (Residential Single-Family 2 Dwelling Units/Acre) to A-1 (Suburban Agriculture). 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 A-1 (Suburban Agriculture) 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. The applicants would like to be permitted to have agricultural uses on their properties.

C. **Consistency with the current comprehensive plan.**
   The site is in the RES-3 (Residential – 3 Dwelling Units/Acre) FLUC. The proposed A-1 (Suburban Agriculture) is consistent with the RES-3 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.
   There should not be any impacts to traffic as the request is only to change the zoning category. All 7 of the parcels that are part of the rezone request are already developed with single-family detached residences.

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 affects.
   The existing RSF-2 zoning district has a maximum allowable density of 2 dwelling units/acre, and the proposed A-1 zoning district has a maximum allowable density of 1 dwelling unit/acre. Therefore, the rezone will decrease the potential for more density on the 7 parcels.

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. The 7 parcels are already developed and are making use of public facilities that are available at their locations.

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 A-1 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 A-1 may be considered a logical expansion of development trends in the surrounding area. Rezoning the site back to A-1 is appropriate, as much of the surrounding property has A-1 zoning.

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 any of the 7 parcels.

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 A-1 district are more compatible with existing adjacent land uses than those permitted in RSF-2 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-3 (Residential – 3 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. The request is to rezone back to the original zoning category of A-1 (Suburban Agriculture). Most of the surrounding area is zoned A-1, with a few parcels to the west still zoned RSF-2. So, the timing is not an issue for this request.

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-3 (Residential – 3 Dwelling Units/Acre) has a maximum gross residential density of 3 dwelling units/acre. The 7 parcels are already developed so there will be no potential for increased density within the project area.

Policy 2.6.1.1 Compatibility.
A rezone to the A-1 district is compatible with the RES-3 FLUC.

ATTACHMENTS
1. Applicable Comprehensive Plan Policies
2. Staff Report Maps
3. Legal Description and Survey Sketch
4. Traffic Impact Statement
5. Zoning Disclosure Affidavit
6. November 8, 2018 Planning Commission Minutes
7. Newspaper Advertising
8. Ordinance Z-18-12
9. Public Comments
### APPLICABLE COMPREHENSIVE PLAN POLICIES

<table>
<thead>
<tr>
<th>Policy</th>
<th>Policy Number</th>
<th>Description</th>
</tr>
</thead>
</table>
| Review all proposed development for compatibility and appropriate timing. This analysis shall include: | 2.1.2.7 | - 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) |
| RES-6: Establish the Residential-6 future land use category as follows: | 2.2.1.12 |  
- 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.  
- 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.  
- Range of Potential Density/Intensity:  
  - Maximum Gross Residential Density:  
    6 dwelling units per acre  
  - 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) |
<table>
<thead>
<tr>
<th>Policy:</th>
<th>2.2.1.11.4</th>
<th>Other Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>c) Any nonresidential project exceeding 30,000 square feet shall require special approval.</td>
</tr>
<tr>
<td>Policy:</td>
<td>2.2.1.11.5</td>
<td>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:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>a) Located at the intersection of an arterial and a collector roadway as defined in the Chapter 5 of this plan.</td>
</tr>
</tbody>
</table>