

P.C.: 07/13/17

**Z-17-02 – Fink/Nadeau Rezone**  
**(DTS #20170125)**

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 within the unincorporated area; providing for the rezoning of approximately the northern ±2.4 acres of a ±7.4 acre parcel located at 9703 25th Street East, Parrish (Manatee County) from A (General Agriculture; 1 unit per 5 acres) to the A-1 (Agricultural Suburban; 1 unit per acre) zoning district; setting forth findings; proving a legal description; providing for severability; and providing an effective date.

P.C.: 07/13/17

B.O.C.C.: 08/03/17

**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-17-02, as recommended by staff.

<b>PROJECT SUMMARY</b>	
<b>CASE NUMBER</b>	Z-17-02 (DTS # 20170125)
<b>PROJECT NAME</b>	Fink/Nadeau Rezone
<b>APPLICANT(S)</b>	Misty Servia, AICP
<b>PROPOSED ZONING</b>	A-1 (Agricultural Suburban)
<b>EXISTING ZONING</b>	A (General Agriculture)
<b>CASE MANAGER</b>	Bernard H. Salmon
<b>STAFF RECOMMENDATION</b>	APPROVAL

**DETAILED DISCUSSION**

**History:**

The site currently consists of a ±7.4 acre parcel. There is an existing single family residence along the far southern portion of the site. The applicant is seeking to rezone only the northern ±2.4 acres of the overall site from A zoning (1 unit per 5 acres) to A-1 zoning (1 unit per 1 acre). The subject site has a Future Land Use category of UF-3 (Urban Fringe-3 units per acre).

**Request & Detailed Discussion:**

The request is for a rezone of approximately ±2.4 acres of a 7.4± acre property from A (General Agriculture) to A-1 (Agriculture Suburban). The site is located on the south side of 25<sup>th</sup> Street East, generally 1,900 feet west of the 104<sup>th</sup> Avenue East, commonly known as 9703 25<sup>th</sup> Street East, Parrish.

The overall 7.4± acre property is within the UF-3 (Urban Fringe 3 units per acre) Future Land Use Category (FLUC). Policy 2.2.1.11.2 of the Manatee County Comprehensive Plan establishes the range of potential uses for a property with the UF-3 FLUC. The range of potential uses include: suburban or urban density planned residential development with integrated residential support uses as part to such developments, retail wholesale or office commercial uses with function in the marketplace as neighborhood or community serving, short-term agricultural uses, agriculturally-compatible residential uses, farmworker housing, public or semi-public uses, schools , low intensity recreation uses, and appropriate retail, wholesale or office commercial uses which function in the market place as neighborhood community, or region-serving. Also residential uses, lodging places, public or semi-public uses, schools, recreational uses, appropriate water-dependent/water-related/water-enhanced uses.

These UF-3 areas include the establishment for a low density urban, or clustered low-moderate density urban residential environment. The inclusion of an additional residence meets this underlying intent.

The maximum gross residential density allowed by the UF-3 FLUC is 3 dwelling units per acre (du/ac), the maximum net residential density is 9 du/acre; however, the Comprehensive Plan limits the gross density to 1 du/ac and the net density to 3 du/ac unless Special Approval is granted. Per Section 345.4, the mechanism for Special Approval in this case would be through the Planned Development process.

The proposed A-1 zoning district is intended to permit short term agricultural and related uses and to provide areas transitioning from rural to suburban or urban character. At time of development, future structures will be required to comply

with LDC Section 401.2 – Schedule of Uses and Table 4-4 – Schedule of Bulk and Dimensional Standards for Agricultural and Residential Districts.

Additionally the A-1 zoning district allows for complimentary non-residential development. These non-residential uses are restricted by *Table 4-1: Uses in the Agriculture and Residential Districts*. This is a standard rezone and there is no flexibility in amending this published schedule of uses. Residential and non-residential uses are limited to what is permitted in the district by the LDC.

The proposed rezoning of the subject property will result in an increase in maximum density and intensity potential for the site compared to the prior approval and as allowed by the current zoning and future land use combination. Since the current A zoning status of this site requires a minimum of 5 acres per single family home; only the northern ±2.4 acres would remain and could be legally rezoned to A-1. A-1 zoning designation requires a minimum of 1 acre per single family home. This is a viable and allowable option by the applicant. Since the current zoning of A requires a minimum of 5 acres, the applicant is seeking to rezone only the northern portion of the property that front 25<sup>th</sup> Street East. The A zoning will remain in place to satisfy the 5 acre minimum, in which the applicants current residence will remain and located adjacent to the Manatee River. The rezone request is for the remaining northern ± 2.4 acres to be rezoned from its present A zoning category to the A-1 zoning category.

Access will be via a 35' wide cross access easement along the eastern side of the proposed ±2.4 acres being excised from the original ±7.4 acre parcel

Staff recommends APPROVAL.

**SITE CHARACTERISTICS**

<b>ADDRESS</b>	9703 25 <sup>th</sup> Street East(Lyntnor Road), Parrish Florida
<b>GENERAL LOCATION</b>	South side of 25 <sup>th</sup> Street East (Lyntnor Road); approximately .038 miles west of the intersection of 104 <sup>th</sup> Avenue East (Honey Road) and 25st Street East (Lyntnor Road)
<b>ACREAGE</b>	±2.4 of the total ±7.4 acres
<b>EXISTING USE(S)</b>	Single family residence
<b>FUTURE LAND USE CATEGORY(S)</b>	UF-3 (Urban Fringe 3 units per acre)
<b>DENSITY (ALLOWED PER COMPREHENSIVE PLAN)</b>	Gross density-3 dwelling units per acre Net density-9 dwelling units per acre
<b>FLOOR AREA RATIO (ALLOWED PER COMPREHENSIVE PLAN)</b>	0.23 maximum (all non-residential projects, or part thereof, exceeding 30,000 shall require special approval)
<b>OVERLAY DISTRICT(S)</b>	North Central Overlay (NCO)

**SURROUNDING USES & ZONING**

<b>NORTH</b>	Residential Single Family zoned A-1(Agricultural Suburban – 1 unit per acre)
<b>WEST</b>	Residential Single Family zoned A (Agricultural Suburban – 1 unit per 5 acres)
<b>SOUTH</b>	Residential Single Family zoned A (Agricultural Suburban – 1 unit per 5 acres) and the Manatee River
<b>EAST</b>	Residential Single Family zoned A (General Agriculture – 1 unit per 5 acres)

<b>SITE DESIGN DETAILS</b>	
<b>LOT STANDARDS</b>	Minimum Lot Size: 43,560 square feet Minimum Lot Width: 100 feet
<b>SETBACKS (minimum required in A-1 Zoning District)</b>	Front: 50ft. Side: 10ft. Rear: 25ft. Waterfront: 30ft.
<b>MAXIMUM BUILDING HEIGHT</b>	35ft. maximum
<b>MINIMUM BUILDING SIZE (single family detached)</b>	1,000 Square feet
<b>MAXIMUM FLOOR AREA</b>	0.23 for non-residential uses (0.35 for mini-warehouse only)
<b>MAXIMUM DENSITY</b>	1 unit per acre
<b>MINIMUM OPEN SPACE</b>	N/A
<b>ACCESS</b>	Existing access via 25 <sup>th</sup> Street East
<b>FLOOD ZONE(S)</b>	Zones X & AE, with a Base Flood Elevation of 18 feet NAVD 1988 per FIRM Panel 12081C0304E, effective 3/17/2014.
<b>AREA OF KNOWN FLOODING</b>	No
<b>UTILITY CONNECTIONS</b>	Existing potable water is adjacent to property; while sanitary sewer will be by individual septic system  Water: Public potable water line along the north side of 25 <sup>th</sup> Street East Sewer: No sewer within the vicinity of the project  Reclaimed: No reclaimed water in the vicinity of the project
<b>ENVIRONMENTAL INFORMATION</b>	
<b>Overall Wetland Acreage</b>	No site plan submitted; unable to determine at this time
<b>Proposed Impact Acreage</b>	No site plan submitted; unable to determine at this time
<b>POSITIVE ASPECTS</b>	
<ul style="list-style-type: none"> <li>● Rezoning this property from A to A-1 is an acceptable and logical extension of the surrounding suburban agricultural zoning and large single family lots which exists along both the north and south sides of 25<sup>th</sup> Street East (Lyntnor Road)</li> <li>● This will allow a maximum of two additional homes</li> <li>● Existing access to remain along a local road</li> </ul>	

NEGATIVE ASPECTS
<ul style="list-style-type: none"> <li>It is staff's opinion that there are no apparent or notable negative aspects</li> </ul>
MITIGATING MEASURES
<ul style="list-style-type: none"> <li>None</li> </ul>
STAFF RECOMMENDED STIPULATIONS
<p>Not applicable. <b>This is a “straight rezone” from A to A-1.</b> Stipulations are not attached to a straight rezone. This is a straight rezone petition, and therefore, all requirements of the A-1 zoning district will be reviewed with future site plans, subdivision plats or building permit approvals. These requirements will include allowable uses within the A-1 zoning district, minimum lot size, minimum setbacks, maximum building height, stormwater management regulations, transportation, water and sewer availability, buffers, etc.</p>
REMAINING ISSUES OF CONCERN
None

COMPLIANCE WITH THE LAND DEVELOPMENT CODE <i>Review Criteria for Zoning Map Amendments (LDC Section 342.3)</i>
<p><b>342.3. Review Criteria for Zoning Map Amendments</b></p> <p><b>A. Compatibility with the existing development pattern and zoning of nearby properties.</b>  Property to the north of the site, across 25<sup>th</sup> Street East, is zoned Agricultural Suburban (A-1) and developed with single family homes on large lots. This zoning pattern consists on both the north and south sides of 25<sup>th</sup> Street East. Property along the south side of 25<sup>th</sup> Street East; on both the east and west sides is zoned A (General Agriculture). These zoning classifications and uses meet the intent of the Comprehensive Plan Future Land Use category of UF-3.</p> <p><b>B. Changes in land use or conditions upon which the original zoning designation was based.</b>  The current zoning designation for the site is A. This zoning change to A-1 will allow for a maximum potential of 2 additional dwelling units on this parcel. Only one additional lot is being proposed. If another lot is proposed, for a total of 3 lots, the project would be required to go through the subdivision review process.</p> <p><b>C. Consistency with the current comprehensive plan.</b>  The existing A zoning district and the proposed A-1 zoning district are consistent with the underlying uses allowed within the UF-3 FLUC category. The proposed rezone to A-1 is equally consistent with the FLUC, and allows a gradual transition to smaller lots but perpetuation of the residential nature of larger lots that flourish along 25<sup>th</sup> Street East. The site under review has a single family home along the southern portion; adjacent to the Manatee River. The growth in this area has been minimal and supports the residential development within the FLUC of UF-3.</p> <p><b>D. Conflicts with existing or planned public improvements.</b>  There is no planned public improvement for 25<sup>th</sup> Street East (Lyntnor Road). The proposed driveway location will remain in its present location and will serve both the existing single family home to the south and that of the proposed lot being created with this rezone.</p>

**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.**

The request is for a straight rezone from A to A-1. Since the applicant is requesting a straight rezone to A-1, the County can't presume what will actually will be constructed. Therefore, the traffic impact statement was prepared and represents the 'worst case scenario' allowed within the A-1 zoning category. The applicant has expressed that a single family residence will be constructed in the future; once the rezone is approved. At the time of future site plan approval a more refined traffic study may be required and will analyze specific traffic impacts.

**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 proposed rezone is for an agricultural suburban use to include residential uses which is consistent with the underlying UF-3 FLUC. As the definition for Agricultural Suburban found in Section 401.1.C. iterates; "the purpose of this district is to preserve agricultural lands, promote general agricultural economic activity, and allow for the co-existence of other uses generally consisted with agricultural activities...". Rezoning the ±2.4 acre site to A-1 will only allow a maximum potential of 2 additional homes. Specific demands for public facilities and infrastructure will be reanalyzed at the time of future site plan submittal and review. There is existing potable water along 25<sup>th</sup> Street East. The site will be served by septic for sanitary needs.

**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 is existing public potable water. There is no public sanitary sewer in the area and therefore, a septic system will serve sanitary sewer needs of the proposed development. At the time of future site plan review, if any improvements to the public infrastructure are required due to the impact of the development, then those improvements will be made at the developer's expense.

**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. By rezoning from A zoning category to A-1, it will help to ensure a gradual change in intensity from A zoning on both north and south sides of 25<sup>th</sup> Street East.

**G. Conformance with all applicable requirements in this Code.**

The proposed zoning amendment is in conformance with applicable requirements of the Manatee County Land Development Code. Proposed uses will be limited to Table 4-1 for the A-1 zoning district. Any proposed redevelopment of the site will be in compliance with both Table 4-4 and Chapter 5 of the Land Development Code.

**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.**

Surrounding properties to the north, south, east and west have the same underlying UF-3 FLUC. There is a suburban residential quality in the area which remains with both A and A-1 zoning patterns The proposed zoning change to A-1 maintains this quality and is consistent with surrounding properties and the development patterns in the area.

**I. Logical expansion of adjacent zoning districts.**

The request from an A zoning category to an A-1 zoning category is compatible with the current mix of both zoning categories in the area.

**J. Impact on historic resources.**

There are no known historic resources on or adjacent to the subject property, and as such there will be no anticipated impacts.

**K. Environmental impacts.**

There are no anticipated environmental impacts to this site or any adjacent properties. There are no wetlands on site.

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

The project is located along 25<sup>th</sup> East (Lyntnor Street) which is lined on both sides with residential single family homes. The zoning categories consist of both A and A-1 zoning designations. The uses of this property will be restricted to those uses permitted in the A-1 zoning districts and will remain consistent with the underlying UF-3 FLUC. Appropriate

setbacks, buffers, open space requirements, etc. will be required at time of site plan review to ensure that impacts on any surrounding residential areas are minimized.

**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.**  
There are no other matters under consideration that are appropriate for review pursuant to the Manatee County LDC, Comprehensive Plan or applicable law.

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

Compliance with the standards of the A-1 zoning district (Section 401), 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 Compatibility and Appropriate Timing.**

The timing of this rezone is appropriate given existing conditions and trends to develop vacant property within this area. The proposed residential use is compatible with the surrounding, larger lot residences in the area.

**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 growth (and growth beyond the long term planning period) is projected to occur at the appropriate time in a responsible manner. The development of these lands shall follow a logical expansion of the urban environment, typically growing from the west to the east, consistent with the availability of services. At a minimum, the nature, extent, location of development, and availability of services will be reviewed to ensure the transitioning of these lands is conducted consistent with the intent of this policy. These UF-3 areas are those which are established for a low density urban, or clustered low- moderate density urban, residential environment, generally developed through the planned unit development concept. Also, to provide for a complement of residential support uses normally utilized during the daily activities of residents of these low or low-moderate density urban 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.

**Policy 2.2.1.11.2 Range of Potential Uses.**

Uses permitted in the UF-3 Future Land Use Category include suburban or urban density planned residential development with integrated residential support uses as part to such developments, retail wholesale or office commercial uses with function in the marketplace as neighborhood or community serving, short-term agricultural uses, agriculturally-compatible residential uses, farmworker housing, public or semi-public uses, schools, low intensity recreation uses, and appropriate retail, wholesale or office commercial uses which function in the market place as neighborhood community, or region-serving. Also residential uses, lodging places, public or semi-public uses, schools, recreational uses, appropriate water-dependent/water-related/water-enhanced uses.

**Policy 2.2.1.11.3 Range of Potential Density/Intensity.**

All projects 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. This project will not exceed 1 dwelling unit per acre. The applicant is only proposing an additional residential unit on the ±2.4 acre site.

**Policy 2.6.1.1 Compatibility.**

The range of land uses permitted in A-1 zoning will be compatible with the underlying UF-3 FLUC, as well as a number of surrounding land uses and zoning districts. The A-1 zoning district establishes minimum lot sizes, setbacks, and maximum heights that are comparable to surrounding development and zoning districts, thereby assuring compatibility.

**TRANSPORTATION**

**Major Transportation Facilities**

The site is located on 25<sup>th</sup> Street East (Lyntnor Road) which is designated as a two lane local roadway in the Comprehensive Plan's Future Traffic Circulation Plan and has a planned right of way width of 84 feet.

**Transportation Concurrency**

The application includes a proposed rezone. The applicant provided a Traffic Impact Statement (TIS) for the rezoning to gauge the maximum impacts associated with allowable uses. Based on the study, it appears the potentially impacted segment of 25<sup>th</sup> Street East will have sufficient capacity for proposed project based traffic. A rezoning approval may not be issued a Certificate of Level of Service Compliance for any facility type. At the time concurrency is reviewed for a Preliminary or Final Site Plan, the impacts of the proposed land uses will be evaluated to determine if concurrency-related improvements are required (see Certificate of Level of Service Compliance table below).

**Access**

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

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

**CLOS APPLIED FOR:** No (A CLOS application cannot be filed with a straight rezone)

**TRAFFIC STUDY REQ'D:** Yes (A TIS was submitted and reviewed; however, a detailed study will be required at PSP or FSP)

NEAREST THOROUGHFARE	LINK	ADOPTED LOS	FUTURE LOS (W/PROJECT)
Old Tampa Road	2831	D	C

**OTHER CONCURRENCY COMPONENTS**

Potable water, waste water, solid waste landfill capacity, preliminary drainage intent and school facilities will be reviewed at the time of application for concurrency.

**ATTACHMENTS**

1. Applicable Comprehensive Plan Policies
2. Maps and Aerials
3. Boundary Survey
4. Traffic Impact Statement (TIS)
5. Zoning Disclosure Affidavit
6. Newspaper Advertising

<b>APPLICABLE COMPREHENSIVE PLAN POLICIES</b>		
Policy:	2.1.2.3	Permit the consideration of new residential and non-residential development with characteristics compatible with existing development, in areas which are internal to, or are contiguous expansions of existing development if compatible with future areas of development.
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:	2.1.2.5	Permit the consideration of new residential and non-residential development in areas which are currently undeveloped, which are suitable for new residential or non-residential uses.
Policy:	2.1.2.6	Limit urban sprawl through the consideration of new development, when deemed compatible with future growth, in areas which are currently undeveloped yet suitable for improvements.
Policy:	2.1.2.7	<p>Review all proposed development for compatibility and appropriate timing. This analysis shall include:</p> <ul style="list-style-type: none"> <li>- consideration of existing development patterns,</li> <li>- types of land uses,</li> <li>- transition between land uses,</li> <li>- density and intensity of land uses,</li> <li>- natural features,</li> <li>- approved development in the area,</li> <li>- availability of adequate roadways,</li> <li>- adequate centralized water and sewer facilities,</li> <li>- other necessary infrastructure and services.</li> <li>- limiting urban sprawl</li> <li>- applicable specific area plans</li> <li>- (See also policies under Objs. 2.6.1 - 2.6.3)</li> </ul>
Policy:	2.2.1.11	<b>UF-3:</b> Establish the Urban Fringe - 3 Dwelling Units/Gross Acre future land use category as follows:
Policy:	2.2.1.11.1	<p>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 growth (and growth beyond the long term planning period) is projected to occur at the appropriate time in a responsible manner. The development of these lands shall follow a logical expansion of the urban environment, typically growing from the west to the east, consistent with the availability of services. At a minimum, the nature, extent, location of development, and availability of services will be reviewed to ensure the transitioning of these lands is conducted consistent with the intent of this policy. These UF-3 areas are those which are established for a low density urban, or clustered low-moderate density urban, residential environment,</p>

generally developed through the planned unit development concept. Also, to provide for a complement of residential support uses normally utilized during the daily activities of residents of these low or low-moderate density urban 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 2.2.1.11.5 for guidelines)

Policy: 2.2.1.11.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Suburban or urban density planned residential development with integrated residential support uses as part of such developments, retail wholesale or office commercial uses which function in the marketplace as neighborhood or community serving, short-term agricultural uses, agriculturally-compatible residential uses, farmworker housing, 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).

Policy: 2.2.1.11.3 Range of Potential Density/Intensity: Maximum Gross

Residential Density:  
3 dwelling units per acre

Maximum Net Residential Density:  
9 dwelling units per acre  
(except within the WO or CHHA Overlay Districts pursuant to Policies 2.3.1.5 and 4.3.1.5)

Maximum Floor Area Ratio:  
0.23 (0.35 for mini-warehouse uses only)

Maximum Square Footage for Neighborhood  
Retail Uses: Medium (150,000sf) Large  
(300,000)\*  
\*With Limitations (See Policy 2.2.1.11.5)

Policy: 2.2.1.11.4 Other Information:

- 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.
- 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.
- c) Any non-residential project exceeding 30,000 square feet shall require special approval.

Policy:	2.2.1.11.5	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:
		a) Located at the intersection of an arterial and a collector roadway as defined in the Chapter 5 of this plan.