

Board of County Commissioners: 10/01/2020

Z-20-05 – Burnett Rezone – Michael Burnett (Owner) – PLN2003-0048

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 of approximately 7.17 acres generally located approximately one-half mile north of State Road 70, between US 301 and 301 Boulevard East, and commonly known as 4808 18th Street East Bradenton (Manatee County); providing for a rezone of approximately 3.37 acres from Agriculture Suburban District (A-1) to the Residential-Multi-Family District – 6 dwelling units per acre (RMF-6) zoning district and approximately 3.8 acres from Residential Single Family District – 4.5 dwelling units per acre (RSF-4.5) to the Residential-Multi-Family District – 6 dwelling units per acre (RMF-6) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

Planning Commission: 09/10/2020

Board of County Commissioners: 10/1/2020

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-20-05, as recommended by the Planning Commission.

(Commissioner Servia)

PLANNING COMMISSION ACTION:

On September 10, 2020, by a vote of 7 – 0, the Planning Commission recommended approval.

PUBLIC COMMENT AND CORRESPONDENCE:

September 10, 2020 Planning Commission

There were no public comments.

Nothing was entered into the record.

| PROJECT SUMMARY | |
|---|--|
| CASE NUMBER | Z-20-05 (PLN2003-0048) |
| PROJECT NAME | Burnett Rezone |
| APPLICANT(S) / AGENT | Michael Burnett/Bob Gause, Gause and Associates, Inc. |
| EXISTING ZONING | Agriculture Suburban District (A-1) (approximately 3.37 acres) and Residential Single-Family – 4.5 dwelling units per acre (RSF-4.5) (approximately 3.8 acres) |
| PROPOSED ZONING | Residential Multi-Family – 6 dwelling units per acre (RMF-6) |
| CASE MANAGER | Jake Bibler, Planner I |
| STAFF RECOMMENDATION | Approval |
| DETAILED DISCUSSION | |
| <p><u>History</u></p> <p>With the adoption of the Manatee County Comprehensive Plan (1989) and the Land Development Code (1990), the site was designated within the RES-9 (Residential-9) Future Land Use Category (FLUC) and the A-1 (Agricultural Suburban) and RSF-4.5 (Residential Single-Family – 4.5 dwelling units per acre) Zoning Districts, respectively. No changes in FLUC and/or zoning classification have occurred in the last 30 years. The site is currently, and has historically been, operating as a wholesale plant nursery.</p> <p><u>Request</u></p> <p>The applicant is requesting to rezone the subject site from A-1 and RSF-4.5 to RMF-6 (Residential Multi-Family – 6 dwelling units per acre).</p> | |

Analysis

The subject site is generally located approximately one-half mile north of State Road 70, between US 301 and 301 Boulevard East, and commonly known as 4808 18th Street East Bradenton, Florida (Manatee County).



The FLUC for the subject site is RES-9, which is intended to identify areas of medium density residential development and complementary support uses normally utilized during the daily activities of residents of these urban areas (Policy 2.2.1.13.1 in the Comprehensive Plan). The Range of Potential Uses (Policies 2.1.2.3-2.1.2.7, 2.2.1.5) is primarily medium density residential and high density clustered residential development, with support uses such as neighborhood commercial, office, public/semi-public, recreation and school uses.



Agricultural Suburban District (A-1). The purpose of this district is to permit short-term agricultural and related uses and to provide for areas transitioning from rural to suburban character.

Residential Single-Family Districts (RSF-1, RSF-2, RSF-3, RSF-4.5, RSF-6 and RSF-9). The purpose of these districts is to provide for residences in a suburban environment at low to medium densities, to accommodate residential support uses (as defined in Chapter 2 of the Land Development Code) and other limited non-residential uses, and to protect these areas from the encroachment of incompatible uses.

Residential-Multi-Family Districts (RMF-6, RMF-9, RMF-12 and RMF-16). The purpose of these districts is to provide areas for multiple family dwelling units at medium to high densities at appropriate locations. In addition, the districts are intended to accommodate complementary residential support uses (as defined in Chapter 2 of the Land Development Code) and limited non-residential uses.

The proposed RMF-6 district is an allowable zoning district in the RES-9 FLUC and the intent and allowable uses of RMF-6 are in alignment with the RES-9 FLUC.

The site is large enough to accommodate residential buildings and provide adequate setbacks, buffers, access, parking, and associated facilities. The subject property exceeds the minimum lot area and design standards mandated by the Land Development Code in Table 4-6 (Schedule of Bulk and Dimensional Standards for Duplex and Multi-Family Residential Districts) and other applicable regulations.

Staff recommends approval.

SITE CHARACTERISTICS AND SURROUNDING AREA

| | |
|------------------------------------|---|
| ADDRESS | 4808 18 th Street East, Bradenton, FL 34203 (Manatee County) |
| GENERAL LOCATION | Approximately one-half mile north of State Road 70, between US 301 and 301 Boulevard East. |
| ACREAGE | Approximately 7.17 acres |
| EXISTING USE(S) | Mixed Use – Commercial (Nursery, Wholesale and Nursery, Retail) and Single-Family Residential |
| FUTURE LAND USE CATEGORY(S) | Residential-9 (RES-9) |
| SPECIAL AREA(S) | <ul style="list-style-type: none"> - Southwest Tax Increment Financing (SWTIF) - Urban Service Area |

SURROUNDING USES AND ZONING

| | |
|--------------|---|
| NORTH | Warehousing, Distribution, Light Industrial uses / Light Manufacturing Zoning District |
| SOUTH | Residential Single-Family and Duplex / Residential Single-Family District – 6 dwelling units per acre and Residential Duplex District – 6 dwelling units per acre |
| EAST | Residential Single-Family / Residential Single-Family District – 4.5 dwelling units per acre |
| WEST | Residential Single-Family and Vacant Industrial / Residential Single-Family District – 4.5 dwelling units per acre and Light Manufacturing Zoning District |

| SITE DESIGN DETAILS | | |
|---|--------------------------------|--------|
| MINIMUM SETBACKS FOR RMF-6 ZONING DISTRICT | Front * | |
| | Single-Family Detached | 20/25* |
| | Single-Family Semi-Detached | 25 |
| | Duplex | 25 |
| | Single-Family Attached | 25 |
| | Multi-Family | 25 |
| | Other Allowed Uses | 25 |
| | Side | |
| | Single-Family Detached | 10 |
| | Single-Family Semi-Detached ** | 10/15 |
| | Duplex | 10 |
| | Single-Family Attached | 10 |
| | Multi-Family | 10 |
| | Other Allowed Uses | 15 |
| | Rear | |
| | Single-Family Detached | 20 |
| | Single-Family Semi-Detached | 20 |
| | Duplex | 20 |
| | Single-Family Attached | 20 |
| | Multi-Family | 25*** |
| Other Allowed Uses | 25 | |
| Waterfront 8 | | |
| 30 | | |
| <p>* Front-loaded carports and garages, detached or attached to a single family dwelling, require a 25-foot front yard setback. ** Per side/where only one (1) side yard is provided. *** Subject to the building height compatibility standards contained in Section 401.5</p> | | |
| MINIMUM LOT SIZE FOR RMF-6 ZONING DISTRICT | Min. Lot Area (sq. ft.) | |
| | Single-Family Detached | 6,000 |
| | Single-Family Semi-Detached | 6,000 |
| | Duplex | 7,000 |

| | | | | | | | | | | | | | | | | | | | | | |
|--|---|--|-------------|--------------|-------|----------------------|-------|-------------------------------|--|------------------------|----|-----------------------------|----|--------|-----|--|-------|--------------|-----|----------------------|----|
| | <table border="1"> <tr> <td>Single-Family Attached (interior lot/corner lot)</td> <td>2,400/3,400</td> </tr> <tr> <td>Multi-Family</td> <td>7,000</td> </tr> <tr> <td>Non-Residential Uses</td> <td>6,000</td> </tr> <tr> <td colspan="2">Min. Lot Width (ft.) *</td> </tr> <tr> <td>Single-Family Detached</td> <td>50</td> </tr> <tr> <td>Single-Family Semi-Detached</td> <td>50</td> </tr> <tr> <td>Duplex</td> <td>100</td> </tr> <tr> <td>Single-Family Attached (interior lot/corner lot)</td> <td>24/34</td> </tr> <tr> <td>Multi-Family</td> <td>100</td> </tr> <tr> <td>Non-Residential Uses</td> <td>50</td> </tr> </table> <p>* The minimum lot width for corner lots shall be not less than fifteen (15) percent wider on both front yards than required in the district, except where both front yards equal or exceed one hundred fifty (150) feet each in width.</p> | Single-Family Attached (interior lot/corner lot) | 2,400/3,400 | Multi-Family | 7,000 | Non-Residential Uses | 6,000 | Min. Lot Width (ft.) * | | Single-Family Detached | 50 | Single-Family Semi-Detached | 50 | Duplex | 100 | Single-Family Attached (interior lot/corner lot) | 24/34 | Multi-Family | 100 | Non-Residential Uses | 50 |
| Single-Family Attached (interior lot/corner lot) | 2,400/3,400 | | | | | | | | | | | | | | | | | | | | |
| Multi-Family | 7,000 | | | | | | | | | | | | | | | | | | | | |
| Non-Residential Uses | 6,000 | | | | | | | | | | | | | | | | | | | | |
| Min. Lot Width (ft.) * | | | | | | | | | | | | | | | | | | | | | |
| Single-Family Detached | 50 | | | | | | | | | | | | | | | | | | | | |
| Single-Family Semi-Detached | 50 | | | | | | | | | | | | | | | | | | | | |
| Duplex | 100 | | | | | | | | | | | | | | | | | | | | |
| Single-Family Attached (interior lot/corner lot) | 24/34 | | | | | | | | | | | | | | | | | | | | |
| Multi-Family | 100 | | | | | | | | | | | | | | | | | | | | |
| Non-Residential Uses | 50 | | | | | | | | | | | | | | | | | | | | |
| HEIGHT | Maximum 4 stories, subject to the building height compatibility standards contained in LDC Section 401.5 | | | | | | | | | | | | | | | | | | | | |
| REQUIRED OPEN SPACE | 20 percent | | | | | | | | | | | | | | | | | | | | |
| ACCESS | Access to the thoroughfare network via 49 th Avenue East, 18 th Street East, 19 th Street East, 20 th Street East and 20 th Street Court East (local roads) to 51 st Avenue East. | | | | | | | | | | | | | | | | | | | | |
| MINIMUM REQUIRED PARKING | Dependent upon use, see Table 10-2 of the Land Development Code | | | | | | | | | | | | | | | | | | | | |
| FLOOD ZONE(S) | The rezone parcel (PI #1637600006) is located outside of 100-year floodplain delineation (Zone X) pursuant to FEMA FIRM Panel 12081C0308E, effective March 17, 2014. The rezone parcel is not within the County 25-year floodplain. Preliminary data for the Bowlees Creek Watershed Management Plan (WMP) identifies 100-year floodplain coverage on portions of the subject rezone property (PI #1637600006). | | | | | | | | | | | | | | | | | | | | |
| AREA OF KNOWN FLOODING | Project Located in Flood Prone Area: Yes Type of Flooding (i.e. rainfall, riverine, storm surge, etc.): Rainfall Project Subject to flow reduction: Yes, a 50% reduction in pre-developed runoff rate is required for the Bowlees Creek Watershed. Project subject to OFW: No Watershed/Basin: Bowlees Creek Watershed | | | | | | | | | | | | | | | | | | | | |

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|---|-------------|---|--------------|-----------------------|------------------|
| UTILITIES | | Water: 6-feet potable water main along 49th Ave E Sewer: 8-feet sanitary gravity sewer along 49th Ave E Reclaimed: No reclaimed service available in the vicinity of the project. | | | |
| ENVIRONMENTAL INFORMATION | | | | | |
| OVERALL WETLAND ACREAGE | | National Wetlands Inventory Map and SWFWMD LULC (FLUCCS 600) show potential wetlands on the adjacent site to the west. | | | |
| PROPOSED WETLAND IMPACT ACREAGE | | No wetland impacts are approved with this rezone. Per LDC Section 706, potential wetland impacts will be assessed at the time of site plan submittal. | | | |
| NEARBY DEVELOPMENT | | | | | |
| NON-RESIDENTIAL | | | | | |
| PROJECT | FLUC | ZONING | ACRES | SQUARE FEET | INTENSITY |
| Chateau Products, Inc. | IL | LM | 3.43 | 25,342 | 0.17 FAR |
| NIN WF LLC | IL | LM | 10.51 | 180,340 | 0.39 FAR |
| Veethree Electronics | IL | LM | 4.15 | 53,732 | 0.30 FAR |
| Beall's Distribution Center | IH | LM | 48.53 | 601,440 | 0.28 FAR |
| RESIDENTIAL | | | | | |
| SUBDIVISION | FLUC | ZONING | ACRES | DWELLING UNITS | DENSITY |
| Fairmont Park | RES-9 | RSF-6 and RDD-6 | 27 | 111 | 4.1 |
| Triangle Park | RES-9 | RSF-4.5 and RSF-6 | 5 | 12 | 2.4 |
| Oneco Gardens | RES-9 | RDD-6 | 10 | 54 | 5.4 |
| Woods of Hammock Place | RES-9 | RSF-4.5 | 15.8 | 52 | 3.3 |
| Peaceful Pines | RES-9 | RSF-4.5 | 7.6 | 27 | 3.6 |
| Hammock Place | RES-9 | RSF-4.5 | 23.4 | 72 | 3.1 |
| POSITIVE ASPECTS | | | | | |
| RMF-6 provides a logical transition from the LM Zoning District to the north of the subject parcel to the Residential Single-Family and Residential Duplex districts to the south of the subject parcel while maintaining the same allowable density. | | | | | |
| NEGATIVE ASPECTS | | | | | |
| The traffic impact statement notes that based on trip generation calculations, the "worst case scenario" would create an increase of 25 PM peak hour trips to the adjacent thoroughfare network. | | | | | |

MITIGATING MEASURES

While the trip generation calculation shows an increase in peak hour traffic, the Adopted Level of Service will not be significantly impacted. The subject site will be evaluated at the time of final site plan for compliance with the Land Development Code.

**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: RMF-6 provides a logical transition from the LM Zoning District to the north of the subject parcel to the Residential Single-Family and Residential Duplex districts to the south of the subject parcel while maintaining the same allowable density.

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

Analysis: There have been no changes in the zoning designation or land use of the subject site since the adoption of the Land Development Code in 1990. Most of the adjacent residential area to the south was platted in 1926 and the majority of the light industrial area to the north was platted in 1985.

C. Consistency with the Current Comprehensive Plan.

Analysis: The FLUC for the subject site is RES-9, which is intended to identify areas of medium density residential development and complementary support uses normally utilized during the daily activities of residents of these urban areas (Policy 2.2.1.13.1 in the Comprehensive Plan). The Range of Potential Uses (Policies 2.1.2.3-2.1.2.7, 2.2.1.5) is primarily medium density residential and high density clustered residential development, with support uses such as neighborhood commercial (subject to commercial locational criteria), office, public/semi-public, recreation and school uses.

The purpose of the RMF Zoning districts is to provide areas for multiple family dwelling units at medium to high densities at appropriate locations. In addition, the districts are intended to accommodate complementary residential support uses (as defined in Chapter 2) and limited non-residential uses.

The proposed RMF-6 district is an allowable zoning district in the RES-9 FLUC and the intent and allowable uses of RMF-6 are in alignment with the RES-9 FLUC.

D. Conflicts with Existing or Planned Public Improvements.

Analysis: The project does not conflict with any known existing or proposed public improvements.

E. Available of Public Facilities.

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

Analysis: The Traffic Impact Statement (TIS) notes that based on trip generation calculations, the “worst case scenario” would create an increase of 25 PM peak hour trips to the adjacent thoroughfare network. However, while the trip generation calculation shows an increase in peak hour traffic, the Adopted Level of Service will not be significantly impacted. Refer to the TIS for a detailed analysis (attachment #2).

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

Analysis: In the opinion of staff, the proposed zoning change will not substantially affect the demand for infrastructure, schools or county facilities. Refer to the school report for a detailed analysis of school demand (attachment #3).

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.

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

Analysis: In the opinion of staff, 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, the proposed rezone will not have a negative effect on the health, safety, and welfare of the neighborhood and County. All proposed development will follow the Land Development Code.

G. Conformance with All Applicable Requirements of this Code.

Analysis: Following the approval of the proposed rezone, future development approvals will be required to address compliance and conformance with applicable requirements of the LDC, including compliance with the standard of the RMF-6 Zoning District.

H. Consistency with the Development Patterns in the Area.

Analysis: In the opinion of staff, the proposed zoning is consistent with the FLUC and appropriate for the area. The proposed RMF zoning is more appropriate for the area than the existing A-1 zoning and may be deemed adequate for the orderly development of the community.

I. Logical Expansion of Adjacent Zoning Districts.

Analysis: In the opinion of staff, the proposed RMF zoning provides a natural transition from the LM Zoning Districts to the north and the single-family and duplex districts to the south.

J. Impact on Historic Resources.

Analysis: There are no known historic resources on site. 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 on the subject parcel. The National Wetlands Inventory Map and SWFWMD LULC (FLUCCS 600) show potential wetlands on the adjacent site to the west. This project may be subject to review of wetlands and wetland buffers per LDC Section 706 at time of site plan submittal.

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

Analysis: The purpose of the RMF zoning districts is to provide areas for multiple family dwelling units at medium to high densities at appropriate locations. In addition, the districts are intended to accommodate complementary residential support uses and limited non-residential uses. Refer to the attached excerpt from Schedule of Uses (LDC Table 4-2) for a comparison of allowable uses. The maximum allowable residential density in the proposed zoning district matches the maximum allowable residential density in the zoning districts to the south (6 dwelling units/acre).

M. Relocation of Mobile Homeowners.

Analysis: There are no mobile homes located on the subject parcel.

N. Consistency with the Planned Development District Standards.

Analysis: Planned Development is not proposed or a part of this application.

O. Any other matters which may be appropriate.

Analysis: There are no other matters which may be appropriate for consideration pursuant to the LDC, the Comprehensive Plan or applicable law.

COMPLIANCE WITH COMPREHENSIVE PLAN

The site is in the RES-9 (Residential-9) 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 site is near existing development where access to county facilities and services is available.

Policy 2.1.1.6 Encourage growth and redevelopment to concentrate within the Urban Service Area.

Analysis: This is a potential redevelopment site within the Urban Service Area.

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.

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

Analysis: In the opinion of staff, the proposed zoning is consistent with the FLUC. The proposed RMF zoning is more appropriate for the area than the existing A-1 zoning and the timing is appropriate for redevelopment.

Objective 2.6.1 Compatibility through Screening, Buffering, Setbacks, and Other Mitigative Measures.

Analysis: If the requested zoning is approved, any new short-term agriculture on the subject site will require additional setbacks for crop fields, greenhouses and agriculture buildings. All other redevelopment of the subject site will be subject to the criteria in the Land Development Code.

TRANSPORTATION

Major Transportation Facilities

The site is located on the north side of 49th Avenue East, which is a local road, and approximately 0.25 miles north of 51st Avenue East and 0.35 miles east of 15th Street East. The parcel does not abut any designated thoroughfare roadways.

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 segment of 51st Avenue East 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 statement was prepared; however, a traffic study will be required at PSP/FSP) | |
| NEAREST THOROUGHFARE | LINK(S) | ADOPTED LOS | FUTURE LOS (W/PROJECT) |
| 51 st Avenue East | 1769 | D | D |
| OTHER CONCURRENCY COMPONENTS | | | |
| Solid waste landfill capacity and preliminary drainage intent will be reviewed at the time of application for concurrency. potable water, wastewater, and school facilities will be reviewed at the time of FSP. | | | |
| ATTACHMENTS | | | |
| <ol style="list-style-type: none"> 1. Staff Report Maps/Aerials 2. Traffic Impact Statement and Acceptance Letter 3. School Report 4. Zoning Disclosure Affidavit 5. Schedule of Uses 6. Newspaper Advertising 7. Ordinance Z-20-05 | | | |