

**ORDINANCE NO. 19-21 PA-19-02 – OUR LIVES/PARRISH LAND INVESTMENTS, LLC
(LARGE SCALE MAP AMENDMENT) PLN1902-0234 / DEO#19-03ESR**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING, AMENDING MANATEE COUNTY ORDINANCE NO. 89-01, AS AMENDED (THE MANATEE COUNTY COMPREHENSIVE PLAN); PROVIDING A PURPOSE AND INTENT; PROVIDING FINDINGS; PROVIDING FOR A PRIVATELY-INITIATED MAP AMENDMENT TO THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT TO DESIGNATE SPECIFIC REAL PROPERTY FROM THE RES-3 (RESIDENTIAL 3 DWELLING UNITS PER ACRE) (APPROXIMATELY 40 ACRES) FUTURE LAND USE CLASSIFICATION TO THE MU (MIXED USE) FUTURE LAND USE CLASSIFICATION; SAID PROPERTY IS GENERALLY LOCATED SOUTH OF 29TH STREET EAST APPROXIMATELY 1400 FEET EAST OF ELLENTON GILLETTE ROAD, PALMETTO (MANATEE COUNTY); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

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

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

WHEREAS, Application PA-19-02 is a privately initiated application to amend the Future Land Use Map Series of the Future Land Use Element to designate specific real property from the RES-3 (Residential 3 dwelling units per acre) (approximately 40 acres) Future Land Use Classification to the MU (Mixed Use) Future Land Use Classification said property is generally located south of 29th Street East approximately 1400 feet east of Ellenton Gillette Road, Palmetto (Manatee County); and

WHEREAS, at a duly noticed public hearing on September 12, 2019, the Manatee County Planning Commission, as the County’s Local Planning Agency for purposes of the Act, considered Application PA-19-02; and passed a motion to recommend transmittal of Plan Amendment 19-02 to the Board of County Commissioners; and

WHEREAS, after due public notice, the Board of County Commissioners of Manatee County received and considered the recommendation of the Manatee County Planning Commission, and held a public hearing on October 3, 2019, to consider Plan Amendment 19-02 and the transmittal of the proposed amendment to the State Land Planning Agency in accordance with the Act; and

WHEREAS, the State Land Planning Agency by a letter dated October 23, 2019, identified no comments related to important State resources and facilities within the Department of Economic Opportunity's (DEO) authorized scope of review that would be adversely impacted by Plan Amendment 19-02, if adopted; and

WHEREAS, the Florida Department of Agriculture and Consumer Services by a letter dated November 8, 2019, have no comments regarding any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources; and

WHEREAS, the Florida Department of Historic Resources by a letter dated November 8, 2019, transmitted its review comments on Plan Amendment 19-02 as to Historic Resources; and

WHEREAS, the Florida Department of Transportation by letter dated October 25, 2019 transmitted its review comments on Plan Amendment 19-02 as to transportation resources and facilities of State importance; and

WHEREAS, the Florida Department of Environmental Protection, by correspondence dated November 6, 2019, transmitted its review comments for Plan Amendment PA-19-02 and determined no provision in the Plan Amendment, if adopted, would adversely impact important State resources, specifically air and water pollution, wetlands and other surface waters of the State, federal and State owned lands and interests in lands including state parks, greenways and trails, conservation easements, solid waste, and water and wastewater treatment; and

WHEREAS, the Southwest Florida Water Management District, by letter dated November 8, 2019, transmitted its review comments on Plan Amendment 19-02; and

WHEREAS, the Tampa Bay Regional Planning Council submitted a report on October 24, 2019 and they have no comments or technical assistance comments; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes (2018), on June 6, 2019, the Board of County Commissioners held an adoption public hearing, with due public notice having been provided, to consider said proposed amendment to the Comprehensive Plan; and

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

WHEREAS, in exercise of said authority, the Board of County Commissioners has determined that the adoption of Plan Amendment PA-18-12 would be in the public interest; and

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

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

Section 1. Purpose and Intent: This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in the Act, and Chapter 125, Florida Statutes, as amended.

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

Section 3. Map Amendment: The Manatee County Comprehensive Plan, Ordinance No. 89-01, is hereby amended to change the Future Land Use Classification of the property, described on Exhibit “A” hereto which is incorporated herein by reference from the RES-3 (Residential 3 dwelling units per acre) (approximately 40 acres) Future Land Use Classification to the MU (Mixed Use) Future Land Use Classification; said property is generally located south of 29th Street East approximately 1400 feet east of Ellenton Gillette Road, Palmetto (Manatee County). Such change shall be incorporated into the Future Land Use Map (Exhibit “B”) established and adopted as part of the County’s Comprehensive Plan pursuant to Ordinance No. 89-01, as amended.

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

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

Section 5. Effective Date: The effective date of this Plan Amendment PA-19-02, if the amendment is not timely challenged, shall be 31 days after the State Land Planning Agency notifies Manatee County that the adopted plan amendment package for Plan Amendment PA-19-02 is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted Amendment PA-19-02 to be in compliance.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting this 9th day of January 2020.

**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: _____
Betsy Benac, Chairman

**ATTEST: ANGELINA COLONNESO
 Clerk of the Circuit Court**

By: _____
Deputy Clerk

**Exhibit “A”
Legal Description**

THE NORTH 1,320 FEET OF THE EAST 1,320 FEET OF THE FOLLOWING DESCRIBED PARCEL:

A PARCEL OF LAND LOCATED IN SECTION 8 TOWNSHIP 34 SOUTH RANGE 18 EAST, MANATEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 8; THENCE SOUTH 89 DEG 13 MIN 00 SEC EAST, ALONG THE NORTH LINE OF SAID SECTION 8, A DISTANCE OF 1,166.38 FEET TO THE INTERSECTION OF SAID NORTH LINE OF SECTION 8 & THE CENTERLINE OF ELLENTON-GILLETTE ROAD, THENCE SOUTH 00 DEG 17 MIN 49 SEC EAST, ALONG SAID CENTERLINE OF ELLENTON-GILLETTE ROAD, A DIST OF 1,363.69 FEET; THENCE SOUTH 89 DEG 43 MIN 06 SEC EAST, A DISTANCE OF 30.16 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE SAID ELLENTON-GILLETTE RD, SAID POINT, ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 89 DEG 29 MIN 21 SEC EAST, A DISTANCE OF 409.79 FEET; THENCE NORTH 00 DEG 16 MIN 50 SEC WEST, A DISTANCE OF 79.83 FEET; THENCE SOUTH 89 DEG 26 MIN 27 SEC EAST, A DISTANCE OF 2,349.12 FEET; THENCE SOUTH 00 DEG 41 MIN 32 SEC WEST, A DISTANCE OF 2,582.01 FEET; THENCE SOUTH 89 DEG 32 MIN 30 SEC WEST, A DISTANCE OF 1,339.96 FEET; THENCE NORTH 00 DEG 58 MIN 24 SEC WEST, 51.52 FEET; THENCE NORTH 87 DEG 11 MIN 40 SEC WEST, A DISTANCE OF 1,376.83 FEET TO AFORESAID EASTERLY RIGHT-OF-WAY LINE OF ELLENTON-GILLETTE ROAD; THENCE NORTH, ALONG AFORESAID EASTERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES: 1) NORTH 00 DEG 15 MIN 04 SEC WEST, A DISTANCE OF 1,267.68 FEET; 2) NORTH 00 DEG 16 MIN 54 SEC WEST, A DISTANCE OF 1,152.73 FEET TO THE POINT OF BEGINNING. LYING & BEING IN SECTION 8 TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, SUBJECT TO PERTINENT EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS.

Exhibit "B" Map

