

Board of County Commissioners: 1/9/20

Z-19-23 – Rizzo Rezone – Tommaso Rizzo/Eugenio Rizzo – PLN1907-0098

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; providing for a rezone of approximately 0.784 acres generally located at the Southwest corner of US 41 and 26th Avenue West, approximately 1 mile north of Cortez Road, and commonly known as 2604 14th Street West, Bradenton (Manatee County) from RSMH-6 (Residential Mobile Home-6 units per acre) to the GC (General Commercial) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

Planning Commission: 12/12/19

Board of County Commissioners: 1/9/20

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-19-23, as recommended by the Planning Commission.

(Commissioner Bellamy)

PLANNING COMMISSION ACTION:

On December 12, 2019, by a vote of 5 – 0, the Planning Commission recommended approval. Mr. Rahn and Mr. Rutledge were absent.

PUBLIC COMMENT AND CORRESPONDENCE:

December 12, 2019 Planning Commission

There were no public comments

Nothing was entered into the record.

| PROJECT SUMMARY | |
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| CASE NUMBER | <u>Z-19-23</u> |
| PROJECT NAME | Rizzo Rezone |
| APPLICANT(S) / AGENT | Tommaso Rizzo/Eugenio Rizzo |
| EXISTING ZONING | GC (General Commercial) and RSMH-6 (Residential Single-Family Mobile Home-6 units per acre |
| PROPOSED ZONING | GC (General Commercial) |
| CASE MANAGER | Jake Bibler |
| STAFF RECOMMENDATION | Approval |
| DETAILED DISCUSSION | |
| <p>The approximately 0.784 acre site is located to the southwest corner of 14th Street West and 26th Avenue West, approximately one mile north of Cortez Road, with approximately 136 feet of frontage along 14th Street West and approximately 127 feet of frontage on 26th Avenue West. There is an existing 1,975 square foot single story vacant restaurant building.</p> <p><u>History</u></p> <p>Originally platted in 1925, the current building and use have been in place since 1965. The current zoning of GC (0.242 acres) and RSMH-6 (0.542 acres) split the lot and bisect the existing building. Historically the project parcel appears to have been occupied by sixteen mobile homes in addition to the current restaurant building, justifying the RSMH-6 Zoning District. However, the portion of the parcel that is located within with the RSMH-6 Zoning district has not been occupied by mobile homes since prior to 2003 (the latest current aerial imagery available), leaving the parcel's only use as the existing restaurant.</p> <p><u>Request</u></p> <p>The Applicant is requesting a rezone approximately 0.542 acres of the existing Residential Single-Family Mobile Home - 6 (RSMH-6) portion of their property to align with the existing approximately 0.242 acres General Commercial (GC) portion of their parcel. The parcel lies in the Retail/Office/Residential (ROR) Future Land Use Category and the proposed zoning, with its commercial use and its location at a major community serving node, is consistent with the policies of the Comprehensive Plan.</p> <p>The intent of General Commercial zoning districts is to provide for a variety of retail use and services in free-standing parcels or shopping centers to serve the community's general commercial needs (Land Development Code, Section 401, 401.1.L). Section 401.2, Table 4-3 of the Land Development Code, Schedule of Uses in Non-Residential Districts allows for the Restaurant use in the General Commercial Zoning Districts.</p> <p>According to the Manatee County Land Development Code (Table 4-8, Bulk and Dimensional Standards), the GC zoning district requires a minimum lot size of 7,500 square feet and a minimum lot width of 75 feet. Setbacks are as follows: Front yard 25 feet; side yard 10 feet; and rear yard 15 feet. The survey submitted indicates the 34,152 square foot site meets minimum bulk and dimensional requirements for the GC zoning district.</p> | |

The site is in the Urban Service Area and is adjacent to 14th Street West/US 41; a roadway designated as Urban Corridor. Projects within this area may be subject to standards in LDC Section 902.2. “Interior changes shall not be subject to the requirements of this Section; however, they shall be required to meet the standards of the Building Code.”

There are no wetlands on the site.

The site utilizes city water and county sewer.

Staff’s review of this proposed zoning district in relation to the surrounding zoning districts and uses identifies compatibility in the area.

Staff recommends APPROVAL.

SITE CHARACTERISTICS AND SURROUNDING AREA

| | |
|------------------------------------|--|
| ADDRESS | 2604 14 th St W, Bradenton, FL 34205 |
| GENERAL LOCATION | Generally located at the corner of 14 th Street West and 26 th Avenue West, approximately one mile north of Cortez Road. |
| ACREAGE | Approximately 0.784 acres |
| EXISTING USE(S) | A single 1,975 square foot building with two vacant individual restaurant units. |
| FUTURE LAND USE CATEGORY(S) | ROR (Residential/Office/Retail) |
| OVERLAY DISTRICT(S) | Urban Service Area, Urban Corridor |

SURROUNDING USES AND ZONING

| | |
|--------------|---|
| NORTH | General Commercial (antique, coins, and jewelry store) and City of Bradenton (Bradenton Tropical Palms, Mobile Home Park) |
| SOUTH | General Commercial (vacant night club/bar and equipment rental) |
| EAST | City of Bradenton (used car lot) and General Commercial (convenience store) |
| WEST | Residential Single-Family Mobile Home-6 units per acre (mobile home park) |

SITE DESIGN DETAILS

| | |
|--|--|
| MINIMUM SETBACKS FOR GENERAL COMMERCIAL ZONING DISTRICT | Front: 25 feet Rear: 15 feet Side: 10 feet Non-residential use adjacent to single family residential: 20 feet |
| MINIMUM LOT SIZE FOR GC ZONING DISTRICT | 7,500 square feet 75 feet wide |

| | | | | | |
|--|---|---------------|--------------------|-------------------------------------|------------------|
| HEIGHT | Maximum 4 stories, or 6 stories with Special Permit | | | | |
| REQUIRED OPEN SPACE | 15 percent | | | | |
| ACCESS | Two right-in, right out access points on 14 th Street West and one access point on 26 th Avenue West. | | | | |
| MINIMUM REQUIRED PARKING | One (1) seat for every 80 square feet of Gross Floor Area (GFA) | | | | |
| FLOOD ZONE(S) | AE | | | | |
| AREA OF KNOWN FLOODING | <p>Project Located in Flood Prone Area: Yes</p> <p>Type of Flooding: Rainfall</p> <p>Project Subject to flow reduction:</p> <ul style="list-style-type: none"> - N/A - Attenuation is required for additional impervious coverage. <p>Project subject to OFW: N/A</p> <p>Watershed/Basin: Wares Creek</p> <p>Project located within Floodplain and/or Floodway:</p> <ul style="list-style-type: none"> - The rezone property is entirely within the FEMA 100-year floodplain (Zone “AE”) <p>Drainage Easements/Access Easements required for existing system(s): N/A</p> | | | | |
| UTILITIES | County sewer, City of Bradenton water | | | | |
| ENVIRONMENTAL INFORMATION | | | | | |
| OVERALL WETLAND ACREAGE | None | | | | |
| PROPOSED WETLAND IMPACT ACREAGE | None | | | | |
| NEARBY DEVELOPMENT | | | | | |
| NON-RESIDENTIAL | | | | | |
| PROJECT | FLUC | ZONING | ACRES | DWELLING UNITS / SQUARE FEET | INTENSITY |
| PLN1906-0083 Celestial Holdings, LLC Rezone | ROR | GC | Approximately 1.45 | | 0.5 FAR (FLUC) |

| Empire Auto Sales | City of Bradenton | City of Bradenton | Approximately 0.23 | | 0.14 FAR |
|--|-------------------|-------------------|--------------------|----------------|----------|
| Value King Discount Beverages | ROR | GC | Approximately 0.22 | | 0.14 FAR |
| Vacant Nightclub | ROR | GC | Approximately 0.54 | | 0.41 FAR |
| Bradenton Antiques, Coins & Jewelry | ROR | GC | Approximately 0.09 | | 0.19 FAR |
| RESIDENTIAL | | | | | |
| SUBDIVISION | FLUC | ZONING | ACRES | DWELLING UNITS | DENSITY |
| Lloyd's Mobile Home Park | ROR | RSMH-6 | Approximately 5.35 | 65 | 12.15 |
| Bradenton Tropical Palms | City of Bradenton | City of Bradenton | Approximately 44 | 579 | 13.16 |
| Mel-Mar Village | ROR | RSMH-6 | Approximately 4.89 | 78 | 15.96 |
| POSITIVE ASPECTS | | | | | |
| <p>The rezoning from RSMH-6 to GC will bring uniformity to the parcel's zoning designation, making the entire parcel commercial and allowing the applicant to bring the entire property into compliance with its current use. It also provides a logical expansion of the surrounding GC zoning district and provides a uniformed zoning district along this portion of 14th Street West.</p> <p>The rezone to GC will allow for a diverse schedule of future uses, which will be consistent with the adjacent properties and surrounding development.</p> | | | | | |
| NEGATIVE ASPECTS | | | | | |
| <p>Staff sees no apparent or notable negative impacts.</p> | | | | | |
| MITIGATING MEASURES | | | | | |
| <p>Not applicable.</p> | | | | | |
| COMPLIANCE WITH THE LAND DEVELOPMENT CODE LDC SECTION 342.3 – REVIEW CRITERIA FOR ZONING MAP AMENDMENTS | | | | | |
| <p>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.</p> <p>LDC SECTION 342.3 – REVIEW CRITERIA FOR ZONING MAP AMENDMENTS</p> <p>A. Compatibility with the Existing Development Pattern and the Zoning of Nearby Properties. Analysis: The 0.784-acre property has frontage on 14th Street West, which is designated as Urban Corridor, and is surrounded on three sides by GC zoning. The immediately adjacent uses are an Antique, Coin and Jewelry store to the north, automotive sales and a convenience store across 14th Street to the east, and a nightclub to the south. The property to the west is zoned RSMH-6 and is</p> | | | | | |

The proposed amendment to GC is consistent with existing zoning and uses of the surrounding area.

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

The parcel was developed prior to 1973 (oldest historic aerial in GIS) as a mobile home community with the current restaurant building erected in 1965. The parcel remained in use with mobile homes in place until after 1994 (the latest historic aerial). Prior to 2003 (the oldest current aerial) the mobile homes were removed from the project area and the sole use became the restaurant facility. The current RSMH-6 zoning was designated based on the mobile home use at the time of designation and is no longer applicable to the use.

C. Consistency with the Current Comprehensive Plan.

The site is in the R/O/R (Retail/Office/Residential) Future Land Use Category (FLUC). The proposed GC zoning district is consistent with the intent of the R/O/R future land use category. Development within the R/O/R FLUC is not required to achieve compliance with the commercial locational criteria (Policy 2.2.1.17.4.b).

D. Conflicts with Existing or Planned Public Improvements.

The site will utilize existing city water and county sewer. The proposed change will not conflict with existing or planned public improvements.

E. Availability of Public Facilities.

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

Based on the trip generation calculations according to the Institute of Transportation Engineers Trip Generation Manual (10th Edition), a “worst case scenario” for the proposed zoning designation would yield no increase in the PM Peak Hour Trips to the adjacent thoroughfare network.

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

The subject property is commercial use and therefore there is no impact on schools. Sewers, streets and other public facilities are in place. With no expected changes in Land Use and no modifications to the building, there are no expected increases of demand to services.

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

The applicant is not requesting a Change of Use and is not requesting any modification to existing structures, therefore no change in intensity is anticipated at this time.

F. Health, Safety or Welfare of the Neighborhood and County.

The applicant is not requesting a Change of Use and is not requesting any modification to existing structures; therefore the proposed amendment is not expected to have an adverse impact to the health, safety and welfare of the neighborhood or county.

G. Conformance with All Applicable Requirements of this Code.

Following the approval of the proposed rezoning, future development approvals will be required to address compliance and conformance with applicable requirements of the LDC including compliance with the standards of the GC zoning district.

H. Consistency with the Development Patterns in the Area.

The proposed rezone to GC is consistent with the development patterns in the area (commercial, office and residential) and may be deemed appropriate for the orderly development of the community.

I. Logical Expansion of Adjacent Zoning Districts.

Many of the existing properties along this portion of the 14th Street West corridor are zoned GC. The proposed rezone provides a logical expansion of adjacent GC zoning districts and will bring zoning uniformity to this project parcel.

J. Impact on Historic Resources.

There are no known historic resources on or adjacent to the subject property.

K. Environmental Impacts.

The site has been used as a restaurant and no new development is anticipated. Any new development on the site will be required to meet all applicable standards of section 700 and 701 of the Manatee County LDC with future development approvals.

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

The allowable uses in the GC zoning district are specified in LDC Table 4-3 Uses in Commercial and Residential Districts. The uses permitted in the proposed GC district are compatible with the permitted uses in the surrounding General Commercial zoning districts.

This rezone will not change the character of the surrounding residential area in a notable way.

M. Relocation of Mobile Homeowners.

There are no mobile homes currently occupying the project area.

N. Consistency with the Planned Development District Standards.

This is a straight rezone from RSMH-6 to GC, therefore the criteria for Consistency with Planned Development District Standards do not apply.

O. Any Other Matters Which May Be Appropriate.

There are no other known matters which may be appropriate for consideration pursuant to this Code, the comprehensive plan or applicable law.

COMPLIANCE WITH COMPREHENSIVE PLAN

The site is in the Residential/Office/Retail (ROR) Future Land Use Category. This project was specifically reviewed for compliance with the following objectives and policies:

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

Project parcel is in the Urban Corridor and the existing use is consistent with the current and future nearby development. The proposed zoning designation will allow continuance of the existing use and allow for a range of future uses consistent with the surrounding area.

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

- The proposed zoning change will bring the subject parcel consistent with the surrounding development.
- The existing land use provides a needed diversity to the area, providing residents with needed services.
- The density is consistent with the neighborhood and surrounding commercial parcels.
- The project parcel is located on 14th Street West, an Urban Corridor, providing adequate roadways.
- The existing building on the project parcel uses county sewer and City of Bradenton water.

Policy 2.6.5.5. Ensure urban infill projects are compatible to their setting and design to contribute to the overall enhancement of the existing neighborhood. Compatibility considerations include building massing, vertical character and setbacks with the existing urban neighborhood.

The existing use was established in 1965 and the current building character and design is consistent with other local development.

Policy 2.10.1.2. Promote the development of commercial uses in nodes, and discourage scattered, incremental commercial development.

The rezoning of this parcel will unify General Commercial districts to the North, South, and East and will ensure continued commercial land use along this portion of the 14th Street West corridor.

| TRANSPORTATION | | | |
|---|---------|-------------|---------------------------|
| <p><u>Major Transportation Facilities</u></p> <p>The site is located south of 26th Avenue West and west of Business US 41. Business US 41 is a State-maintained thoroughfare facility in the Future Traffic Circulation Plan. Business US 41 is planned as a four-lane arterial roadway lying within 200 feet of right-of-way or as determined by Florida Department of Transportation. Twenty-Sixth Avenue West is a local road.</p> <p><u>Transportation Concurrency</u></p> <p>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.</p> <p>The applicant provided a Traffic Impact Statement (TIS) for the rezoning application to gauge the maximum impacts associated with allowable uses. Based on the study, it appears the potentially impacted segment of BUS 41 will have sufficient capacity for the proposed project traffic (see Certificate of Level of Service Compliance table below).</p> <p><u>Access</u></p> <p>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.</p> | | | |
| CERTIFICATE OF LEVEL OF SERVICE (CLOS) COMPLIANCE TRANSPORTATION CONCURRENCY | | | |
| <p>CLOS APPLIED FOR: No (A CLOS application cannot be issued with a rezone). TRAFFIC STUDY REQUIRED: Yes (A traffic impact summary was prepared, however a traffic study will be required a the time of any Preliminary Site Plan/Final Site Plan submittal).</p> | | | |
| NEAREST THOROUGHFARE | LINK(S) | ADOPTED LOS | FUTURE LOS (W/PROJECT) |
| US 41 (BUS) | 2232 | D | C |
| OTHER CONCURRENCY COMPONENTS | | | |
| <p>Solid waste landfill capacity and preliminary drainage intent will be reviewed at the time of application for concurrency. Potable water and wastewater will be reviewed at the time of FSP.</p> | | | |
| ATTACHMENTS | | | |
| <ol style="list-style-type: none"> 1. Staff Report Maps/Aerials 2. Traffic Impact Statement and Acceptance Letter 3. Zoning Disclosure Affidavit 4. Newspaper Advertising 5. Ordinance Z-19-23 | | | |