

**ORDINANCE NO. 19-20/PA-18-07
I-75/SR 64 DEVELOPMENT, INC./WISDOM HOTELS AND RETAIL DEVELOPMENT
(SMALL SCALE COMPREHENSIVE PLAN AMENDMENT) PLN1806-0091**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING; AMENDING MANATEE COUNTY ORDINANCE 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 GENERALLY LOCATED ON THE SOUTH SIDE OF SR 64 AND EAST OF 64TH ST. CT. E., COMMONLY KNOWN AS 911 64TH CT. E., BRADENTON (MANATEE COUNTY) FROM THE RES-3 (RESIDENTIAL-3 D.U./ACRE) FUTURE LAND USE CLASSIFICATION (6.28± ACRES) TO THE R/O/R (RETAIL/OFFICE/RESIDENTIAL) FUTURE LAND USE CLASSIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR 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-18-07 initiated by the owner of the property described in Exhibit A, (the Applicant) is a request for a map amendment to amend the Future Land Use Map Series of the Future Land Use Element from RES-3 (Residential-3) (6.28± Acres) Future Land Use Classification to the R/O/R (Retail/Office/Residential) Future Land Use Classification hereinafter (the "Amendment"); and,

WHEREAS, the proposed amendment encompasses 10 acres or less and meets the requirements to qualify for adoption as small area plan amendment under Section 163.3187(1)(a) and (1)(c), Florida Statutes; and,

WHEREAS, at a duly noticed public hearing, the Manatee County Planning Commission, as the County's Local Planning Agency, in accordance with the Act and as established in the Land Development Code, considered Application PA-18-07 to amend the Future Land Use Map Series, as provided herein, and found the Amendments consistent with the Community Planning Act as codified in applicable portions of Chapter 163, Part II, Florida Statutes and the Comprehensive Plan; and,

WHEREAS, on April 11, 2019, the Manatee County Planning Commission, after due public notice, held a public hearing to consider the Amendments, and forwarded its recommendation to the Board of County Commissioners as required by law; 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 May 2, 2019 to consider the Amendments and adopted the proposed Amendment in accordance with the Act; and,

WHEREAS, the Board of County Commissioners has determined that the growth and development provisions initially approved are no longer appropriate because a change in circumstance has been demonstrated by the Applicant; and,

WHEREAS, the Applicant has submitted with its Application information and analysis on the compatibility of the proposed uses with surrounding development.

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. Based upon the findings made relative to this proposed map amendment to the Comprehensive Plan, and the compatibility analysis submitted with the Applicant, it has been determined that the existing Future Land Use Map designation for the property subject to the Amendments is no longer in the public interest and should be amended subject to the Text Amendment as described in Section 4 below.

Section 4. Map Amendment: The Manatee County Comprehensive Plan 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 RES-3 (Residential-3 d.u./acre) (6.28± Acres) Future Land Use Classification to the R/O/R (Retail/Office/Residential) Future Land Use Classification (Future Land Use Map Exhibit “B”). Such change shall be incorporated into the Future Land Use Map established and adopted as part of the County’s Comprehensive Plan, as amended.

Section 5. Severability: If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed 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 Corporation, is directed to incorporate the amendments in Sections 3 and 4 of this Ordinance into the Comprehensive Plan.

Section 7. Effective Date: This effective date of this small scale amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(5)(a), F.S. If challenged within 30 days after adoption, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission respectfully, finding the Amendments in compliance with the Act.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting this 2nd day of May 2019.

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

By: _____
Stephen R. Jonsson, Chairman

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

By: _____
Deputy Clerk

Exhibit "A"

LEGAL DESCRIPTION

PARCEL "A"

COMMENCING AT THE NORTHWEST CORNER OF SECTION 35, TOWNSHIP 34 SOUTH, RANGE 18 EAST; THENCE NORTH 89 DEGREES 44' EAST ALONG THE NORTH LINE OF SECTION 35 A DISTANCE OF 1194.87 FEET FOR A POINT OF BEGINNING; THENCE SOUTH PARALLEL TO MAGNOLIA BOULEVARD A DISTANCE OF 350 FEET, MORE OR LESS TO THE NORTH SIDE OF PINE AVENUE; THENCE WEST ALONG THE NORTH SIDE OF PINE AVENUE TO THE WEST SIDE OF CEDAR STREET; THENCE NORTH 196.68 FEET; THENCE WEST 200 FEET TO THE EAST SIDE OF CYPRESS BOULEVARD; THENCE NORTH ALONG THE EAST SIDE OF CYPRESS BOULEVARD 150 FEET; THENCE EAST 504.87 FEET MORE OR LESS, TO THE POINT OF BEGINNING. THE ABOVE STREETS BEING FURTHER IDENTIFIED ON THE PLAT OF MAGNOLIA MEADOWS, RECORDED IN PLAT BOOK 10, PAGE 20, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA

PARCEL "B"

COMMENCING AT THE NORTHWEST CORNER OF SECTION 35, TOWNSHIP 34 SOUTH, RANGE 18 EAST, THENCE NORTH 89 DEGREES 44' EAST ALONG THE NORTH LINE OF SAID SECTION 35 A DISTANCE OF 1194.87 FEET FOR A POINT OF BEGINNING; THENCE RUN S0°38'W A DISTANCE OF 341.81 FEET TO AN IRON PIPE ON THE NORTH LINE OF PINE AVENUE; THENCE RUN N82°06'30"E ALONG CHORD OF A CURVE HAVING A RADIUS OF 1129.95 FEET, AN ARC LENGTH OF 89.75 FEET; A CHORD LENGTH OF 89.70 FEET ALONG NORTH LINE OF SAID PINE AVENUE; THENCE RUN N85°41'01"E ALONG THE CHORD OF CURVE HAVING A RADIUS OF 469.22 FEET, AN ARC LENGTH OF 120.03 FEET; A CHORD DISTANCE OF 119.70 FEET ALONG THE SAID NORTH LINE OF PINE AVENUE; THENCE RUN N0°38'E, A DISTANCE OF 150 FEET; THENCE RUN S77°09'E, A DISTANCE OF 300.00 FEET TO AN IRON PIPE ON THE WEST LINE OF PALM DRIVE; THENCE RUN N0°38'E ALONG THE WEST LINE OF SAID PALM DRIVE, A DISTANCE OF 107.07 FEET; THENCE RUN N07°15'10"W ALONG SAID WEST LINE OF PALM DRIVE 67.84 FEET; THENCE RUN N0°38'W ALONG SAID WEST LINE OF PALM DRIVE 8.20 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF STATE ROAD 64 AND I-75 INTERCHANGE; THENCE RUN N71°05'11"W ALONG THE SOUTH LINE OF SAID STATE ROAD 64 AND I-75 INTERCHANGE, A DISTANCE OF 449.60 FEET; THENCE RUN S0°38'W A DISTANCE OF 90.80 FEET TO AN IRON PIPE ON THE NORTH LINE OF SECTION 35; THENCE RUN S89°44'W ALONG THE NORTH LINE OF SECTION 35 A DISTANCE OF 65.0 FEET TO THE POINT OF BEGINNING.

Exhibit "B"

