

P.C. 05/08/2014

Z-13-02 – Buikema Mobile Home Ventures, LLC (DTS # 20130500)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of 0.47 ± acres (part of a 1.165 ± acre parcel) south of 53rd Avenue West, and approximately 285 feet west of the intersection of 53rd Avenue West and US 41, Bradenton from the RSMH-6 (Residential Single-Family Manufactured Home District, 6 dwelling 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.

P.C.: 05/08/2014

B.O.C.C.: 06/05/2014

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 Manatee County Zoning Ordinance No. Z-13-02, as recommended by staff.

PROJECT SUMMARY	
CASE#	Z-13-02 (DTS #20130500 & B #00000265)
PROJECT NAME	Buikema Mobile Home Ventures, LLC
APPLICANT(S):	Buikema Mobile Home Ventures, LLC
PROPOSED ZONING:	GC (General Commercial)
EXISTING ZONING:	RSMH-6 (Residential Single-Family Manufactured Home, six dwelling units per acre)
CASE MANAGER:	Rossina Leider
STAFF RECOMMENDATION:	APPROVAL

DETAILED DISCUSSION

The request is for a rezone of approximately 0.47 acres (20,603 square feet) from RSMH-6 (Residential Single-Family Manufactured Home, 6 dwelling units per acre) to GC (General Commercial). The site is located south of 53rd Avenue West, approximately 285 feet west of the intersection of US 41 and 53rd Avenue West, and is part of a ± 1.165 acre parcel (Parcel ID 5883300005), which is currently developed with a mobile home park (Aloha Estates).

The entire overall parcel is within the R/O/R (Retail/Office/Residential) FLUC. However, the eastern portion of the parcel with frontage along the US 41 (0.692 acres) is zoned GC (General Commercial), since the western portion with frontage along the 53rd Avenue West (0.473 acres subject to rezone) is zoned residentially (RSMH-6).

The existing RSMH-6 zoning district is intended to provide for manufactured home subdivisions and parks in a suburban residential environment, and to accommodate residential support uses. The proposed GC zoning district is intended to provide a variety of retail uses and services in free-standing parcels or shopping centers to serve the community’s general commercial needs.

The R/O/R FLUC list retail, wholesale or office commercial uses which function in the market place as neighborhood, community, or region-serving in the range of potential uses, with a maximum Floor Area Ratio (FAR) of 0.35 and 1.0 inside the CRA’s (special approval is required for projects exceeding 0.25 FAR except for mini-warehouse). Also, R/O/R FLUC exempts commercial projects from commercial locational criteria requirements.

The GC zoning district is consistent with the R/O/R FLUC designation, the existing GC zoning east of the site, and development trends and timing within the area. In addition, the site is in the Urban Core, and part of the South County Community Redevelopment Area (CRA), and the Transportation Concurrency Exception Area (TCEA), which allows for transportation impact

mitigation thru alternative methods.

The site will have direct access to 53rd Avenue W classified as an Arterial roadway.

SITE CHARACTERISTICS AND SURROUNDING AREA

ADDRESS:	Not assigned
GENERAL LOCATION:	South of 53 rd Avenue West, east and west of Sunset lane, ± 285 feet west of the intersection of 53 rd Avenue West and US 41
ACREAGE:	0.47 ± acres
EXISTING USE(S): (*) There are no mobile home owners residing on the site, and the majority of existing structures are non-occupied.	Mobile Home Park (part of Aloha Estates Mobile Home Park) (*)
FUTURE LAND USE CATEGORY:	R/O/R (Retail/Office/Residential)
INTENSITY:	Max F.A.R. permitted: <ul style="list-style-type: none"> - .25/.35 with special approval in GC Zoning - .35 for mini-warehouse without special approval in GC Zoning - 1.0 for project inside the CRA’s (including hotel) in R/O/R FLUC with special approval
OVERLAY DISTRICT(S):	None

SURROUNDING USES & ZONING

NORTH	Across 53 rd Avenue West, vacant property zoned RSMH-6 (Residential Single-Family Manufactured Home, six dwelling units per acre)
SOUTH	Aloha Estates Mobile Home Park zoned RSMH-6 (Residential Single-Family Manufactured Home, six dwelling units per acre)
EAST	Buikema Mobile Home Park zoned GC (General Commercial)
WEST	Single-family residence zoned RSF-2 (Residential Single-Family, two dwelling units per acre)

SITE DESIGN DETAILS

LOT SIZE(S):	20,603 ± sq. ft. Exceeds minimum lot size (7,500 sq. ft.) and lot width (75 feet) required for GC zoning.	
SETBACKS: (min. required in GC zoning)	Front Side Rear	25' 10'/20' (adjacent to residential district) 15'/20' (adjacent to residential district)
OPEN SPACE:	15% required in GC zoning. No site plan submitted at this time.	
ACCESS: (*) Future location of access point along 53 rd Avenue West will be determined by Manatee County Public Works Department	Four access points: (*) <ul style="list-style-type: none"> • One driveway connecting to the south (Aloha Estates Mobile Home Park) • Three internal driveways connecting to the east (Aloha Estates Mobile Home Park) 	
FLOOD ZONE(S):	X – Panel 120153 0329C. Per D-FIRMs effective 3/17/2014 the area subject to rezone is entirely within Zone X.	
AREA OF KNOWN FLOODING:	No	
UTILITY CONNECTIONS:	Water and sewer available	

ENVIRONMENTAL INFORMATION

Overall Wetland Acreage:	No plans submitted; unable to determine at this time
Proposed Impact Acreage:	No plans submitted; unable to determine at this time

NEARBY DEVELOPMENT

NON-RESIDENTIAL				
PROJECT	SQ. FT.	FAR	FLUC	YEAR APPROVED
Race-Trac (w canopy 16,517 sq. ft.)	4,997	0.20	R/O/R	2008
Dunkin Donuts	1,908	0.13	R/O/R	2012
First Auto Sales (7.23-acre site)	2,460	0.008	R/O/R	2013
Woodland Plaza	6,783	0.19	R/O/R	2013

POSITIVE ASPECTS

- The site will have access to an arterial roadway (53rd Avenue West).
- Logical expansion of the adjacent GC zoning district.
- The surrounding area to the east consists mostly of commercial and service uses recently subject to redevelopment.

NEGATIVE ASPECTS
<ul style="list-style-type: none"> Residents to the west and south may be impacted by potential adverse impacts (e.g., noise, and lighting) Future development activities may be restricted by some constraints (size and configuration of the site, right-of-way dedication, stormwater management, etc.)
MITIGATING MEASURES
<ul style="list-style-type: none"> All requirements of GC zoning district and LDC provisions regarding buffering, access, parking, stormwater management, etc. will be assessed with future site plan.
STAFF RECOMMENDED STIPULATIONS
<p>Not applicable. This is a “straight rezone” from RSMH-6 to GC. All requirements of the R/O/R FLUC and GC zoning district will be reviewed with all future site plan approvals. These requirements include the range of permitted uses and size of project (FAR), setbacks, buffers, parking, adverse impact standards, etc.</p>
REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED (Note: Stipulations cannot be attached to a straight rezone)
<p>None</p>
COMPLIANCE WITH THE LAND DEVELOPMENT CODE SECTION 504.5 - REZONE CRITERIA
<p>1. <u>Compatibility with Neighbors.</u> Is the requested change compatible with the existing development pattern and the zoning of nearby properties?</p> <p>To the north, west, and south the site is surrounded by residential and office uses within the RSF-2 (Residential Single-Family, 2 dwelling units per acre), PR-M (Professional - Medium), and RSMH-6 (Residential Single-Family Manufactured Home – 6 dwelling units per acre) zoning districts. To the east, there is residential use (mobile home park) zoned GC (General Commercial). Further to the northeast and southeast, along US 41, there are commercial and service uses zoned GC.</p> <p>The proposed zoning (GC) is compatible with the existing development pattern and zoning of nearby properties along the US 41 corridor and a logical expansion of adjacent commercial zoning district.</p>
<p>2. <u>Changes from Original Conditions.</u> Has there been a change in the conditions upon which the original zoning designation was based? Have major land uses or conditions changed since the zoning was established?</p> <p>Since 1981, the portion of the overall site fronting US 41 has had commercial zoning (C-1 General Commercial in 1981, and GC – General Commercial in 1990), and the rest of the property (portion subject to rezone) residential zoning (R-4B Mobile Home Residential District in 1981, and RSMH-6 in 1990). Adjacent parcels to the south are zoned GC with a FLUC of R/O/R. Development pattern in this segment of the US 41 is characterized by commercial and service uses. The proposed amendment to GC zoning is consistent with the development trend in the area.</p>
<p>3. <u>Comprehensive Plan.</u> Does the current zoning or the proposed zoning better conform to the current Comprehensive Plan?</p> <p>RSMH-6 and GC zoning districts are appropriate for the R/O/R FLUC. However, the</p>

proposed zoning better conforms with the Comprehensive Plan since adjacent properties to the south along to 53rd Avenue West are zoned GC, and allows the implementation of redevelopment programs in an area subject to revitalization (CRA).

The GC zoning district allows a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs (i.e. retail sales, eating establishments, bank, professional office, gas pumps, convenience stores, etc.). The R/O/R FLUC permits retail, wholesale, or office commercial uses that function in the marketplace as neighborhood, community, or region-serving.

4. Conflicts with Public Improvements. Will the proposed change conflict with existing or planned public improvements?

No, it does not appear that this rezone will conflict with existing or planned public improvements.

5. Sufficient Public Facilities. Whether the proposed change will be supported by sufficient public facilities, based upon a consideration of the following factors:

(i) Will the proposed change adversely affect traffic patterns or congestion?

Based on the Traffic Impact Statement dated February 14, 2014 and the subsequent analysis for Buikema Mobile Home Ventures, the Manatee County Public Works Department, Transportation Planning Division recommends approval of the Traffic Impact Statement. The applicant has addressed the Comprehensive Plan requirements and provided appropriate traffic-related information to substantiate the findings. At the time of Final Site Plan a complete Traffic Analysis for this project will be required.

(ii) Will the proposed change adversely impact 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 affected?

GC zoning is intended to provide for various retail uses and services on freestanding parcels or shopping centers serving the general needs of the community. This is a commercial development and non population impacts exist. Any CLOS requirements will be reviewed with future submittals when a specific use is proposed.

(iii) Are sufficient 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 a 20" diameter waterline located along the middle of 53rd Avenue West in the existing Right-Of-Way. Gravity sewer is available along the west side of 53rd Avenue West in the existing Right-Of-Way. No insufficient public facilities issues have been raised by staff during review process; however, a public facility analysis will be performed by staff when the applicant submits a Final Site Plan specifying the intensity of the use proposed.

6. Neighborhood Changes. Will the proposed change adversely affect the health, safety or welfare of the neighborhood?

The proposed zoning amendment should have no adverse impact on the health, safety or welfare on the neighborhood in this location.

7. Compliance with LDC. Is the proposed amendment in conformance with all applicable requirements of this Code?

The GC zoning district allows a minimum lot size of 7,500 square feet, a minimum lot width of 75 feet, and a maximum building size of 50,000 square feet. The range of uses permitted in the GC zoning district include retail sales, eating establishment, bank, hotel, and office.

The maximum Floor Area Ratio (FAR) in the GC zoning district is 0.25 (without Special Approval) allowing a maximum of 5,151 ± square foot building, except for a mini-warehouse use which allows a maximum 0.35 FAR (7,211 ± square foot building).

Compliance with the standards of the GC zoning district and all other requirements of the LDC will be reviewed and verified with future site plan approval for this site.

8. Orderly Development. Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.

The proposed amendment is consistent with the development patterns in the area and appropriate for orderly redevelopment of the community. The surrounding area to the east has commercial zoning designation.

9. Expanding Districts. Is the proposed amendment the logical expansion of adjacent zoning districts?

The proposed amendment is a logical expansion of the adjacent commercial zoning district to the east and will reflect the development commercial pattern of the surrounding area along US 41.

10. Trends. Is the timing of the request appropriate given the development trends in the area?

The timing is appropriate given development trends in the area. The surrounding area along US 41 has been subject to redevelopment recently (i.e. Dunkin Donuts, Ford Dealership, Race Tract, First Auto Sales, and future Woodland Plaza)

11. Historic Resources. Will the proposed change adversely impact historic resources?

No, there do not appear to be any known or recorded historic resources on the site. If any historic resources are found at the time of development, the applicant will be required to immediately report discoveries of historical or archaeological resources to the Florida Division of Historical Resources.

12. Environmental Impacts. Will the proposed change have an adverse environmental impact on the vicinity?

Any environmental impacts will be addressed with the future site plan submittals.

13. Lighting. Will the proposed change allow uses that require so much outdoor lighting that even the light from shielded fixtures may reflect off-site with potentially adverse effects on residential areas?

No adverse outdoor lighting is proposed with this zoning change. However, during the future site plan submittal any proposed outdoor lighting will be required to meet LDC Section 709.

14. County Wide Changes. Will the proposed change adversely affect the health, safety and welfare of the County as a whole?

The rezone should have no negative impact to the health, safety and welfare of the County in this location.

15. Mobile Homes. For any rezoning that would result in the removal or relocation of mobile home owners residing in a mobile home park, has the applicant demonstrated that adequate mobile home parks or other suitable facilities exist for the relocation of

the mobile home owners, within the meaning of, and pursuant to, Section 723.083, Florida Statutes.

The site is entirely owned by Buikema Mobile Home Ventures, LLC, and the mobile homes on site are “rental units” not owned by the occupants of the structures. None of the residents renting mobile home on the property subject to be rezone as part of this application fall within the definition of “mobile home owners” as defined in Section 723.003, Florida Statutes. There are no requirements for mitigation of the loss of rental mobile home units.

16. Other Matters. Any other matters which may be appropriate for consideration pursuant to this Code, the Comprehensive Plan or applicable law.

Future development will require site plan review.

COMPLIANCE WITH LDC

(Note: Compliance with the standards of the GC zoning district and all other 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 R/O/R 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 Appropriate Timing.

The timing of this rezone is appropriate given development trends in the area. The surrounding area along US 41 is characterized by a mix of commercial uses zoned GC.

Policy 2.2.1.17.2 Range of Potential Uses.

Uses permitted in the R/O/R Future Land Use Category include retail, wholesale or office commercial uses which function in the market place as neighborhood, community, or region serving.

Uses permitted in the GC zoning district are consistent with the R/O/R Future Land Use Category.

Policy 2.2.1.17.3 Range of Potential Density/Intensity.

The maximum Floor Area Ratio in the R/O/R FLUC is 0.35 (0.25 without Special Approval). The maximum building area for neighborhood, community, or region-serving uses is large – 300,000 square feet. Special Approval is required for building area that exceeds 50,000 square feet.

The site has potential for a 5,151 ± square foot building (without Special Approval) and 7,211 ± square foot building for a mini-warehouse use.

Policy 2.6.1.1 Compatibility.

The range of land uses permitted in GC zoning will be compatible with surrounding land uses and zoning along to the adjacent area to east (US 41 Corridor) as previously detailed in this staff report. The GC zoning district also establishes lot sizes, setbacks, open space requirements, and Floor Area Ratio that will be comparable with surrounding development and zoning districts, thereby assuring compatibility.

TRANSPORTATION

Major Transportation Facilities

The site is adjacent to 53rd Avenue West, an existing four-lane arterial roadway and is designated as a four-lane arterial roadway in the adopted Future Traffic Circulation Maps.

Transportation Concurrency

The Applicant is only seeking Rezoning approval at this time, and, thus, cannot obtain transportation concurrency until the Final Site Plan (FSP) review stage(s) of this project. At that time, the Applicant will be required to submit a traffic analysis to determine if any off-site concurrency-related improvements are required by the project (see Certificate of Level of Service Compliance table below). However, the applicant did provide a Traffic Impact Statement (TIS) for the rezone. The TIS indicated that 53rd Avenue West will have sufficient capacity to accommodate the proposed project traffic.

Access

The site will have access onto 53rd Avenue West. Please note that all vehicle and pedestrian access points must meet the minimum LDC standards. At the time of the traffic impact analysis, all access points will be re-evaluated to determine if any further site-related improvements will be required for the site.

CERTIFICATE OF LEVEL OF SERVICE (CLOS) COMPLIANCE

CLOS APPLIED FOR: Y ___ N x ___
TRAFFIC STUDY REQ'D: Y ___ N x ___

NEAREST ROADWAY	LINK(S)	ADOPTED LOS	EXISTING LOS
53 rd Avenue West	1800	D	D

In summary,

A Traffic Impact Analysis (TIA) shall be completed at the Final Site Plan (FSP) review stage(s) of this project. The results of the TIA may identify off-site concurrency improvements or site-related improvements that may be required.

OTHER CONCURRENCY COMPONENTS

Solid waste landfill capacity and preliminary drainage intent will be reviewed at the time of PSP. Potable water and waste water will be reviewed at the time of FSP/Construction Drawings.

ATTACHMENTS

- 1. Applicable Comprehensive Plan Policies**
- 2. Zoning Disclosure Affidavit**
- 3. Transportation Analysis**
- 5. Copy of Newspaper Advertising**

APPLICABLE COMP PLAN POLICIES

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: 2.1.2.7 Review all proposed development for compatibility and appropriate timing. This analysis shall include:

- consideration of existing development patterns,
- types of land uses,
- transition between land uses,
- density and intensity of land uses,
- natural features,
- approved development in the area,
- availability of adequate roadways,
- adequate centralized water and sewer facilities,
- other necessary infrastructure and services.
- limiting urban sprawl
- applicable specific area plans
- (See also policies under Objs. 2.6.1 - 2.6.3)

Policy: 2.2.1.17 **R/O/R:** Establish the Retail/Office/Residential future land use category as follows:

Policy: 2.2.1.17.1 Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas which are established and developed areas exhibiting a broad range of commercial, residential and, in certain cases, light industrial uses, and to recognize the continued existence of such areas through the long range planning timeframe. Also, to provide for orderly transition from, or redevelopment of, these existing and developed multiple-use areas. Also, to prohibit the intrusion of new industrial areas into these ROR areas, which typically fail to exhibit a planned or integrated approach to multiple use development, and instead exhibit an incremental or unplanned history of multiple use development. Also to establish at a few major and highly accessible, but currently undeveloped, sites for the development of major future community or region-serving commercial uses with a variety and permitted intensity of use which allows for a multi-purpose commercial and office node, with residential uses. Also, to provide incentives for, encourage, or require the horizontal or vertical integration of various residential and non-residential uses within these areas, achieving

		<p>internal trip capture, and the development of a high quality environment for living, working, or visiting.</p>
<p>Policy:</p>	<p>2.2.1.17.2</p>	<p>Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): 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 (see also Objectives 4.2.1 and 2.10.4), and short-term agricultural uses.</p>
<p>Policy:</p>	<p>2.2.1.17.3</p>	<p>Range of Potential Density/Intensity:</p> <p>Maximum Gross Residential Density:</p> <p>For development existing at time of plan adoption or treated as a special exception under this Comprehensive Plan - 16 dwelling units per acre</p> <p>For new development -</p> <p>9 dwelling units per acre</p> <p>Minimum Gross Residential Density: 7.0 only in CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "Affordable Housing".</p> <p>Maximum Net Residential Density:</p> <p>For development existing at time of plan adoption or treated as a special exception under this Comprehensive Plan - 20 dwelling units per acre</p> <p>For new development -</p> <p>16 dwelling units per acre</p> <p>24 dwelling units per acre inside the CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "Affordable Housing".</p> <p>Maximum Floor Area Ratio: 0.35</p> <p>1.0 inside the CRA's and UIRA</p> <p>Maximum Floor Area Ration for Hotels: 1.0</p> <p>Maximum Square Footage for Neighborhood, Community, or Region-Serving Uses: Large 300,000sf</p>
<p>Policy:</p>	<p>2.2.1.17.4</p>	<p>Other Information:</p> <p>a) All mixed and multiple-use projects shall require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to § 163.3202, F.S.</p> <p>b) All projects for which either gross residential density exceeds 6 dwelling units per acre, or for which any net residential density exceeds 9 units per acre, shall require</p>

special approval.

- c) All non-residential projects, or part thereof, exceeding 0.25 FAR shall also require special approval except mini-warehouse.
- d) Non-residential projects exceeding 150,000 square feet gross building area may be considered only if consistent with the requirements for large commercial uses, as described in this element.
- e) In areas where existing development is recognized utilizing the Retail/Office/Residential category, or where the spatial form of the Retail/Office/Residential designation on the Future Land Use map is accordingly inconsistent with the commercial locational criteria contained in this element; development or redevelopment within the area designated under this category shall not be required to achieve compliance with the commercial locational criteria described in Sections 2.10.4.1 and 2.10.4.2 of this element. However, any such development or redevelopment shall still be required to achieve compliance with other commercial development standards contained in this element, and be consistent with other goals, objectives, and policies in this Comprehensive Plan (see also 2.10.4.2).
- f) In areas where the Retail/Office/Residential category is designated in a manner entirely consistent with the commercial locational criteria, all commercial development or redevelopment shall be conducted in a manner consistent with the commercial location criteria and development standards contained in this element.
- g) In order to distinguish between uses which may be permitted in the R/O/R category, as compared to those which require siting within an industrial category, the following guidelines shall be utilized:
 - I. No uses which have a primary purpose of distribution of goods from that site shall be permitted in the Retail/ Office/ Residential designation.
 - II. No new areas (a new area, for the purposes of this policy, shall be defined as property beyond those parcel configurations as of May 11, 1989 which had light industrial uses established upon them) engaging in the manufacturing, processing, and assembly of goods shall be permitted in the Retail/Office/ Residential designation except as provided below:
 - III. Legally established light industrial uses existing

prior to the adoption of this Comprehensive Plan shall be considered legally conforming uses, limited to their approved location. With special approval, other light industrial uses and additional square footage within the same parcel may be approved if there are no additional impacts to adjoining properties and all special approval criteria are met.

- iv. If a legally established light industrial use ceases operation for over six months with no action to re-establish and/or continue such use, the use shall now be prohibited from development within the R/O/R designation.

Policy: 2.10.4.2

Prohibit the consideration of any development order establishing the potential for commercial development, where the proposed project site is inconsistent with commercial locational criteria. Consistency shall be determined through the application of the commercial location review process described in the operative provisions contained in this Element. Permitted exceptions to these requirements are limited to:

- existing commercial uses that are legally permitted, and that are in place at time of comprehensive plan adoption. However, where such uses are nonconforming to other development regulations, nothing in this policy shall render those uses conforming to the subject regulations.
- redevelopment of an existing commercial use which does not meet the commercial locational criteria, subject to the finding by the Board of County Commissioners that the proposed project is consistent with the general welfare of Manatee County residents.
- locations designated as Retail/Office/ Residential (ROR) or Low Intensity Office (OL), Medium Intensity Office (OM) or Mixed Use (MU) or within the MU-C Mixed Use Community and its Sub Areas which are inconsistent with commercial locational criteria [see 2.2.1.16.4(b) and 2.2.1.17.4(e)].
- recreational vehicle parks. However, compliance with Policy 2.10.5.2 shall be required.
- establishments providing nursing services as described in Chapter 464, F.S.
- sale of agricultural produce at roadside stands.
- small commercial uses associated with a permanent roadside agricultural stand. Maximum commercial square footage shall be 3,500 square feet of the project. Development must be located on functionally classified rural arterial or rural collector roadway. Planned

development approval required.

- agricultural service establishments (e.g. farm equipment sales and service).
- low intensity commercial recreational facilities (e.g., driving range).
- rural recreational facilities located in the Ag/R future land use category meeting adverse impact standards as established within the Manatee County Land Development Code. All such uses must receive Special Approval.
- appropriate water-dependent, water -related, and water-enhanced commercial uses, as described under Objective 4.2.1.
- commercial uses located within Port Manatee.
- Professional office uses not exceeding 3,000 square feet in gross floor area within the Res-6, Res-9, RES-12, and Res-16 future land use categories may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and detailed in the operative provisions provided such office is located on a roadway classified as a minor or principal arterial on the roadway functional classification map, however, not including interstates, and shall still be consistent with other commercial development standards and with other goals, objectives, and policies in this Comprehensive Plan (see also 2.2.1.12.4, 2.2.1.13.4, 2.2.1.15.4).
- commercial uses located within the rural community of Myakka City which is designated as those lands on Sheet 29 f the Future Land Use Map shown as Res-3 or Res-1 on May 11, 1989, provided that they are located along State Road 70 within 1,500 feet from its intersection with Wauchula Road, and located within 1,000 feet along Wauchula Road from its intersection with State Road 70. Further, properties developed commercially, or having commercial zoning in place at the time of adoption of this Comprehensive Plan if they have frontage on State Road 70 and are within three-quarters mile of the State Road 70 and Wauchula Road intersection are also exceptions. Furthermore, all commercial uses allowable under this provision will be exempt from the one-half mile spacing requirement denoted in Policy 2.10.4.3(4).
- Small commercial (professional) office uses which operate as an accessory use to a residential religious development. Such accessory office uses which do not serve the general public but which serve the residential religious development may locate in residential future

land use categories (RES-1, RES-3, UF-3, RES-6, RES-9, RES-12 and RES-16)

- and may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and detailed in the operative provisions (see also 2.2.1.9, 2.2.1.10, 2.2.1.11, 2.2.1.12.4, 2.2.1.13.4, 2.2.1.14.4 and 2.2.1.15.2).
- Neotraditional developments that have commercial and office developments located internal to the project and whose main project access is located on a road designated as a collector or higher.
- DRI's and Large Project developments that have mixed uses with a residential component and meet minimum development characteristics (see Neo-Traditional Development definition for development characteristics), have commercial uses located internal to neighborhoods and whose main neighborhood access is located on a road designated as a collector or higher.
- commercial uses located within the Parrish area for properties fronting US 301, from Moccasin Wallow Road to the realigned Ft. Hamer Road. These commercial uses are limited to a building footprint of 5,000 square feet except at nodes.

No exception to commercial locational criteria provided for under this policy shall be used as a precedent for establishing other commercial development inconsistent with this Comprehensive Plan.

Nothing in this policy shall require the issuance of a development order solely on the basis of compliance with commercial locational criteria. Compliance with other commercial development standards contained in Policy 2.10.4.3 below, and with all other goals, objectives, and policies of this Comprehensive Plan is also required for issuance of a development order approving commercial uses. In particular, compliance with the policies of Objectives 2.6.1 and 2.6.2 is mandatory for approval of any commercial use within a residential designation.

Policy: 2.10.4.3

Require that all proposed commercial uses meet, in addition to commercial locational criteria, the following commercial development standards:

- 1) any proposed commercial site must be sized and configured to provide for adequate setbacks, and buffers from any adjacent existing or future residential uses.
- 2) any proposed commercial site must be configured and sized to allow for orientation of structures, site access

points, parking areas, and loading areas on the site in a manner which minimizes any adverse impact on any adjacent residential use.

- 3) no proposed commercial site shall represent an intrusion into any residential area. As used in this standard, "intrusion" means located between two residential uses or sites which are not separated by the right-of-way of any roadway functionally classified as collector or higher, unless the proposed commercial use meets the definition of "infill commercial development," demonstrated through evaluation of existing land use patterns in this vicinity of the proposed use, and pursuant to guidelines contained in commercial locational criteria found in the operative provisions of this Element. Permitted exceptions listed in Policy 2.10.4.2 shall not be required to meet this development standard. No such intrusion shall be found in neotraditional developments approved as such by the County, as a mixture of uses is encouraged within those projects. No such intrusion shall be found in DRI and Large Project developments where commercial uses are internal to neighborhoods, approved as such by the County, as a mixture of uses are encouraged within those neighborhoods.
- 4) Commercial nodes meeting the requirements specified in the operative provisions of this Element shall, additionally, be spaced at least one-half mile apart, as measured between the centers of two nodes. However, where two commercial nodes have been established by the development of commercial uses prior to plan adoption, and are spaced less than the minimum required one-half mile, then a waiver of this commercial development standard may be considered. Preferentially, in instances where previous development has not established a pattern of land uses inconsistent with commercial locational criteria or development standards, nodes shall be spaced no less than one mile apart. Neotraditional projects shall be exempt from this requirement. DRI and Large Project developments that have mixed uses with a residential component that receive approval to locate commercial uses internal to neighborhoods shall be exempt from this requirement.