

ORDINANCE 24-36 / PA-23-21
PENLER CPA
SMALL-SCALE COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT
PLN2309-0143

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 AND TEXT AMENDMENT TO ELEMENT 2 - FUTURE LAND USE OF THE COMPREHENSIVE PLAN AMENDING THE FUTURE LAND USE CLASSIFICATION (FLUC) OF APPROXIMATELY 20.19± ACRES OF REAL PROPERTY, CONSISTING OF TWO ADJACENT PARCELS, GENERALLY LOCATED ON THE SOUTH SIDE OF SR 64, APPROXIMATELY 0.3 MILES EAST OF 117 STREET E AND APPROXIMATELY 0.77 MILES WEST OF RYE ROAD, COMMONLY KNOWN AS 12108 AND 12310 SR 64 E, BRADENTON (MANATEE COUNTY), FROM UF-3 (URBAN FRINGE – 3 DU/GA) FLUC TO THE ROR (RETAIL/ OFFICE/ RESIDENTIAL) FLUC; PROVIDING FOR A SPECIFIC AREA POLICY IN THE TEXT OF ELEMENT 2, FUTURE LAND USE ELEMENT, POLICY 2.14.1.28 / D.5.28. REGARDLESS OF ANY ESTABLISHED LAND USE EQUIVALENCY MATRIX (LUEM) OR DENSITY BONUSES, THE PROJECT SHALL BE A MIXED USE DEVELOPMENT LIMITED TO A MAXIMUM NUMBER OF 300 DWELLING UNITS AND 50,000 SQUARE FEET OF NON-RESIDENTIAL USES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Manatee County:

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 Community Planning Act, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

1. 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.
2. The application is for a Privately-Initiated Comprehensive Plan Map Amendment to the Future Land Use Map Series of the Future Land Use Element to change the Future Land Use Classification for specific real property from the UF-3 (Urban Fringe – 3 DU/GA) to the ROR (Retail/ Office/ Residential) Future Land Use Classifications; totaling 20.185 ± acres.
3. The proposed Privately-Initiated Comprehensive Plan Map Amendment encompasses less than 50-acres and is not considered a large-scale plan amendment under Section

163.3187(1)(a) and (1)(c), Florida Statutes, and must therefore be reviewed as a small-scale plan amendment.

4. The Manatee County Planning Commission has been duly designated in Section 301, Land Development Code, as the Local Planning Agency of the County.
5. Section 163.3174(4)c, Florida Statutes, provides that the Local Planning Agency shall review proposed land development regulations and make recommendations to the governing body as to consistency of the proposed land development regulations with the adopted Comprehensive Plan.
6. Section 301.1.D., Land Development Code, authorizes the Planning Commission to hold public hearings and make recommendations as to proposed amendments to the text of the Land Development Code.
7. On September 12, 2024, the Manatee County Planning Commission, after due public notice, held a public hearing to consider the Amendment, and forwarded its recommendation to the Board of County Commissioners as required by law.
8. The Board of County Commissioners held duly noticed and advertised public hearings on October 3, 2024 & October 17, 2024, to receive public comments and consider the recommendation of the Planning Commission as to the Comprehensive Plan Map Amendment.
9. The adoption of the Comprehensive Plan Map Amendment will foster and preserve the public health, safety and welfare and aid in the harmonious, orderly, and progressive development of Manatee County and thus will serve a valid public purpose.
10. 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 (2023), and the Plan Format and Administration Section of the Manatee County Comprehensive Plan.

Section 3. 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 the UF-3 (Urban Fringe – 3 DU/GA) Future Land Use Classification to the ROR (Retail/ Office/ Residential) Future Land Use Classification (20.185± acres), 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 4. Future Land Use Element Amendment: The Manatee County Comprehensive Plan, Element 2 – Future Land Policy 2.14.1.27 is hereby amended to read in strikethrough / underline format:

[Policy 2.14.1.28: D.5.28 / Ordinance No. 24-36 \(Penler CPA - Small-Scale Comprehensive Plan Amendment\), PA-23-21. Regardless of any established Land Use Equivalency Matrix \(LUEM\) or Density/Intensity Bonuses, the project shall be a mixed-use development, limited to a maximum number of 300 dwelling units, and 50,000 square feet of non](#)

-residential uses.

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, CivicPlus, is directed to incorporate the amendments in Section 3 of this Ordinance into the Comprehensive Plan.

Section 7. Effective Date. This Ordinance shall become effective as provided by law.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 17th day of October 2024.

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

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court and Comptroller

By: _____
Deputy Clerk

Exhibit "A" LEGAL DESCRIPTION

PARCEL 1:

COM AT THE NE COR OF SEC 32, TH S 0 DEG 15 MIN 30 SEC W 50.35 FT TO A CONC MON ON THE S R/W LN OF SRD 64 FOR THE POB; TH CONT S 0 DEG 15 MIN 30 SEC W ALG THE E LN OF SD SEC 32, & ALG A FENCE LN A DIST OF 922.47 FT TO A CONC MON; TH W ALG A FENCE LN, 540.24 FT; TH N 0 DEG 15 MIN 30 SEC E 922.52 FT TO SD S R/W LN OF S.R. 64; TH E 539.97 FT TO THE POB AS DESC IN ORB 483 P 4493 PRMCF, LESS MINERAL RIGHTS AS DESC IN ORB 625 PGS 63 & 64 PRMCF P-1-3.

LESS OR 2089/6999 FOR RW DESCRIBED AS FOLLOWS:

PARCEL 106 THAT PORTION OF THE EAST 1/2 OF SECTION 32, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA. BEING DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SECTION 29, TOWNSHIP 34 SOUTH, RANGE 19 EAST, ALSO BEING THE NORTHEAST CORNER OF SAID SECTION 32; THENCE ALONG THE EAST LINE OF SAID SECTION 29, NORTH 00°18'41" EAST A DISTANCE OF 7.58 FEET TO THE SURVEY BASE LINE OF STATE ROAD 64; THENCE ALONG SAID SURVEY BASE LINE NORTH 89°38'15" WEST A DISTANCE OF 28.58 FEET; THENCE SOUTH 00°33'35" WEST A DISTANCE OF 50.00 FEET TO THE SOUTH EXISTING RIGHT OF WAY LINE OF SAID STATE ROAD 64 (PER SECTION 1305-250) FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°33'35" WEST A DISTANCE OF 108.00 FEET; THENCE NORTH 89°38'15" WEST A DISTANCE OF 540.01 FEET; THENCE NORTH 00°34'32" EAST A DISTANCE OF 108.00 FEET TO SAID SOUTH EXISTING RIGHT OF WAY LINE; THENCE ALONG SAID SOUTH EXISTING RIGHT OF WAY LINE SOUTH 89°38'15" EAST A DISTANCE OF 539.98 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

COMMENCE AT THE NE CORNER OF SECTION 32, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, AS PER KARL SQUIRES, REGISTERED LAND SURVEYOR, FLORIDA CERTIFICATE NO. 87; THENCE WEST, ALONG THE NORTH LINE OF SAID SECTION 32, A DISTANCE OF 539.95 FEET; THENCE S 0°15'30" W, 50.3 FEET TO A CONCRETE MONUMENT ON THE SOUTH R/W LINE OF STATE ROAD 64 FOR A POINT OF BEGINNING; THENCE WEST, ALONG SAID R/W LINE, 364.64 FEET TO A S.R.D., R/W MONUMENT BEING THE P.C. OF A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 5779.58 FEET AND CENTRAL ANGLE OF 1°44'18"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 175.35 FEET TO ITS INTERSECTION WITH A WHITE BOARD FENCE; THENCE S. 0°15'30" W, ALONG SAID FENCE AND THE EXTENSION THEREOF 925.32 FEET TO A CONCRETE MONUMENT ON A FENCE LINE; THENCE EAST,

ALONG SAID FENCE LINE 540.24 FEET; THENCE N 0°15'30" E, 922.52 FEET TO THE AFOREMENTIONED SOUTH R/W LINE OF S.R. 64 AND THE P.O.B.

AND ALSO:

COMMENCE AT THE NE CORNER OF SECTION 32, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, PER KARL SQUIRES REGISTERED LAND SURVEYOR, FLORIDA CERTIFICATE NO. 87; THENCE WEST, ALONG THE NORTH LINE OF SAID SECTION 32, A DISTANCE OF 539.95 FEET; THENCE S 0°15'30" W, 50.3 FEET TO A CONCRETE MONUMENT ON THE SOUTH R/W LINE OF STATE ROAD 64 FOR A POINT OF BEGINNING; THENCE WEST, ALONG SAID R/W LINE, 364.64 FEET DEED (364.75 MEASURED) TO A S.R.D., R/W MONUMENT BEING THE P.C. OF A CURVE, CONCAVE TO NORTH, HAVING A RADIUS OF 5779.58 FEET AND CENTRAL ANGLE OF 1°44'18" DEED (1°44'24" MEASURED); THENCE NORTHWESTERLY; ALONG THE ARC OF SAID CURVE, 175.35 FEET DEED (175.51 MEASURED); THENCE S 0°15'30" W, 406.07 FEET; THENCE EAST 540.24 FEET; THENCE N. 0°15'30", 403.4 FEET TO THE AFOREMENTIONED SOUTH R/W LINE OF S.R. 64 AND THE P.O.B.

LESS ANY PORTION CONVEYED TO FLORIDA DEPARTMENT OF TRANSPORTATION FOR ROAD RIGHT OF WAY BY DEED RECORDED IN BOOK 2098, PAGE 1069.

THE ABOVE DESCRIPTION IS THE SAME AS IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE NO. NCS-1178242-ATL, BEARING AN EFFECTIVE DATE OF MAY 4, 2023.

Exhibit "B"

