CITY OF BRADENTON, FLORIDA
ORDINANCE NO. 2956

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 101 48TH STREET COURT EAST, BRADENTON, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.13.00030) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RESIDENTIAL-6 TO CITY LOW DENSITY RESIDENTIAL (RES-6); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AS FOLLOWS:

WHEREAS, Article VIII, Section 2, Constitution of the State of Florida, as revised in 1968, provides for and establishes municipalities and grants to those municipalities governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services and authorizes said municipalities to exercise any power for municipal purposes, except as otherwise provided by law; and,

WHEREAS, Chapter 166, Florida Statutes, The Municipal Home Rule Powers Act, implements by general law the authority and jurisdiction granted to municipalities by the Florida Constitution and establishes home rule for said municipalities; and,

WHEREAS, Chapter 163, Florida Statutes, Part II, Local Government Comprehensive Planning/Land Development Regulation, requires, authorizes and empowers municipalities to prepare, adopt, amend and enforce Comprehensive Plans for the development of the City and empowering the City Council of the City of Bradenton to plan for the City's future development and growth in order to responsibly guide the future growth and development of the City, to implement adopted or amended Comprehensive Plans by the adoption of appropriate land development regulations and to establish, support and maintain procedures to carry out the provisions and purposes of said Statute; and,

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council of the City of Bradenton duly designated its Planning Commission as the Local Planning Agency (LPA) for the City of Bradenton; and,

WHEREAS, the LPA and the City Council have in the preparation of the Amendment to the City's Comprehensive Plan performed or caused to be performed, the necessary studies and surveys, the collection of appropriate data, the holding of such public hearings, work shops and meetings, as necessary, and have effectively provided for public participation, notice, opportunity for oral or written comments; and,

WHEREAS, pursuant to Section 163.3184 and Section 163.3187(1)(c), Florida Statutes, the City of Bradenton's LPA held the required public hearing on the proposed Small Scale Development Activity Comprehensive Plan Amendment with public notice; and,

WHEREAS, the LPA having reviewed and considered all comments received during said hearing and provided for necessary revisions, recommended said Amendment to the City Council for approval; and,

WHEREAS, based on the matters of record received by the City Council at the required public hearing pursuant to Section 163.3187(1)(c), Florida Statutes, held on November 13, 2013 after proper notice, and finding the proposed Amendment meets the requirements of Section 163.3187(1)(c), Florida Statutes, the City Council, in the exercise of its home rule and statutory authority, has determined it necessary and desirable, in order to protect the public health, safety and welfare, to adopt said Amendment to the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bradenton, Florida, as follows:

1. The Small Scale Development Activity Amendment to the City of Bradenton Comprehensive Plan, changing the Future Land Use Designation of the property located at 101 48TH Street Court East from County Residential-6 to City Residential-6, attached hereto and incorporated herein as Attachment "A," is hereby adopted as amending the Comprehensive Plan for the City of Bradenton.

2. The Small Scale Development Activity Amendment to the City Comprehensive Plan Future Land Use Element and Future Land Use Map, as set forth in Attachment "A," is incorporated by reference in its entirety as if fully set forth.

3. The applicability and effect of the City of Bradenton Comprehensive Plan shall be as provided by the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and this Ordinance. Except to the extent as amended hereby, the Comprehensive Plan is hereby ratified, confirmed and remains in full force and effect.

4. In the event any provision or portion of this Ordinance is declared by any Court of competent jurisdiction to be void, unconstitutional or unenforceable, then, and in that event, all remaining provisions and portions of this Ordinance shall remain in full force and effect.

5. This Ordinance adopting the Small Scale Development Amendment shall not become effective, as provided by law, pursuant to Section 163.3187(3)(c), F.S., until thirty-one (31) days after adoption. If challenged, within thirty (30) days after adoption, this Small Scale Development Amendment shall not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a final order determining the adopted Small Scale Development Amendment is in compliance.

PASSED AND DULY ADOPTED, by an affirmative vote of not less than a majority of the total membership of the City Council of the City of Bradenton, Florida, this 18th day of December, 2013.

ATTEST: CARL CALLAHAN
City Clerk

By:_____
Clerk/Deputy Clerk

CITY OF BRADENTON, FLORIDA, BY AND THROUGH THE CITY COUNCIL OF THE CITY OF BRADENTON

By:_____
Mayor

Public Hearing: December 18, 2013

APPROVED AS TO FORM:

_____
City Attorney, William R. Lisch

CITY OF BRADENTON, FLORIDA
ORDINANCE NO. 2957

AN ORDINANCE AMENDING ORDINANCE NO. 2950, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM COUNTY A-1 TO CITY R-1 FOR PROPERTY LOCATED AT 101 48TH STREET COURT EAST AND LEGALLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING AND BEING IN SECTION 28, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY FLORIDA. COMMENCE AT THE NW CORNER OF NE ¼ OF NE ¼ OF SAID SECTION 28; THENCE S.89°08'52"E., ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 70.00 FEET TO THE INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF 48TH STREET COURT EAST; THENCE S.00°04'39"E. ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 25.14 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S.00°04'39"E. ALONG SAID LINE, A DISTANCE OF 129.65 FEET; THENCE S.00°35'43"W. ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 185.37 FEET; THENCE S.89°09'40"E., A DISTANCE OF 627.70 FEET; THENCE N.00°32'14"E., A DISTANCE OF 315.09 FEET; THENCE N.89°10'04"W., A DISTANCE OF 628.90 FEET TO THE POINT OF BEGINNING. CONTAINING 197,805 SQUARE FEET OR 4.54 ACRES, MORE OR LESS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA:

Section 1: Ordinance No. 2950, Code of Ordinances of the City of Bradenton, Florida, is hereby amended by a Zoning Atlas Amendment of the following described property from County A-1 to City R-1

LEGAL DESCRIPTION

A PARCEL OF LAND LYING AND BEING IN SECTION 28, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY FLORIDA. COMMENCE AT THE NW CORNER OF NE ¼ OF NE ¼ OF SAID SECTION 28; THENCE S.89°08'52"E., ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 70.00 FEET TO THE INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF 48TH STREET COURT EAST; THENCE S.00°04'39"E. ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 25.14 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S.00°04'39"E. ALONG SAID LINE, A DISTANCE OF 129.65 FEET; THENCE S.00°35'43"W. ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 185.37 FEET; THENCE S.89°09'40"E., A DISTANCE OF 627.70 FEET; THENCE N.00°32'14"E., A DISTANCE OF 315.09 FEET; THENCE N.89°10'04"W., A DISTANCE OF 628.90 FEET TO THE POINT OF BEGINNING. CONTAINING 197,805 SQUARE FEET OR 4.54 ACRES, MORE OR LESS

Section 2: This Ordinance shall take effect as provided by law.

PASSED IN REGULAR SESSION, this 18th day of December, 2013.

Wayne H. Poston, President, City Council

ATTEST:

Carl Callahan, City Clerk

Public Hearing: 11/13/2013, 12/18/2013

APPROVED AS TO FORM:

William R. Lisch, City Attorney

APPROVED by me, this 18th day of December, 2013.

Wayne H. Poston, Mayor

City of Bradenton, Florida

City Council Agenda Memorandum

Agenda Item:	ORDINANCE 2956 COMP PLAN AMENDMENT ORDINANCE 2957 LAND USE AMENDMENT	**Agenda Date:**	DECEMBER 18, 2013
Originated by:	BRADY M. WOODS	**Agenda Placement:**	BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:
Authorized by:	TIM POLK		

Explanation

ORDINANCE 2956 PUBLIC HEARING SECOND READING/ADOPTION
AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 101 48TH STREET COURT EAST, BRADENTON, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/ FUTURE LAND USE MAP (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.13.00030) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RESIDENTIAL-6 TO CITY LOW DENSITY RESIDENTIAL (RES-6); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2957 PUBLIC HEARING SECOND READING/ADOPTION
AN ORDINANCE AMENDING ORDINANCE NO. 2950, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A ZONING MAP AMENDMENT TO CHANGE THE DESIGNATION FROM COUNTY A-1 TO CITY R-1 FOR THE PROPERTY LOCATED AT 101 48TH ST CT E.

Financial Impact

Requested action to be taken by Council

ADOPTION OF ORDINANCE 2956
ADOPTION OF ORDINANCE 2957

Staff Recommendation

ADOPTION OF ORDINANCE 2956
ADOPTION OF ORDINANCE 2957

Attachments

PCD STAFF REPORT; CP APPLICATION; COMP PLAN COMPARISION; COMMUNITY IMPACT REPORT; ORDINANCE 2956; LU APPLICATION; PROPERTY DISCLOSURE FORM; FINDINGS OF FACT; LEGAL DESCRIPTION; ORDINANCE 2957; ZONING AERIAL; SITE PLAN; SURVEY

EVALUATION AND REPORT

Department of Planning & Community Development

bradenton
The Friendly City

TO:	Mayor and City Council
FROM:	Brady M. Woods, Development Services & Zoning Manager
DATE:	10/7/13; 10/18/13; **REVISED 11/19/2013**
APPLICANT:	White Oak Development, LTD, agent for Florida Coast Development Corp, owner
WARD:	4
PROJECT #:	**CP.13.00030 / LU.13.00053**

CASE SYNOPSIS:

Applicant's Request:	*Future Land Use Map Amendment (County Res-6 to City Res-6)* *Zoning Map Amendment (County A-1 to City R-1)*
Location:	*101 48th Street Court East*
Staff Recommendation:	***Approval***
Planning Commission:	***Approval***
City Council Action:	***Forward to Second Reading*** *TBD – December 18, 2013 (2nd Read)*

FINDINGS OF FACT

APPLICANT'S REQUEST:

A small scale Comprehensive Plan FLUM Amendment from County Res-6 to City Res-6 Low Density Residential, and a Zoning Map Amendment from County A-1 to City R-1 Single Family.

COMPLETE APPLICATION REMARKS:

The application is complete.

ACREAGE 4.54± acres

FLOOD ZONE: AE

LOCATION OF SUBJECT PROPERTY:

The subject property is located along the east side of 48th Street Court East, about midway between Manatee Avenue East (SR 64) and the Manatee River. The address is 101 48th Street Court East. A legal description is on file. The subject property is also located in Neighborhood 20.03.

CHARACTERISTICS OF THE SUBJECT PROPERTY:

The subject property contains a two story residence, and small shed. The perimeter appears to be heavily vegetated. The abutting land area to the north is currently being developed for single family residential use (Cottages at San Casciano). Property to the west of 48th Street Court is the Inlets at Riverdale subdivision.

SURROUNDING USES AND DESIGNATIONS:

Existing: Inlets at Riverdale FLU: COUNTY RES-6 Zoning: COUNTY RSF-6	Existing: Cottages at San Casciano FLU: CITY RES-6 Zoning: CITY R-1/PDP	Existing Cottages at San Casciano FLU: CITY RES-6 Zoning: CITY R-1/PDP
Existing: Inlets at Riverdale FLU: COUNTY RES-6 Zoning: COUNTY RSF-6	**SUBJECT PROPERTY**	Existing: Single Family Residential FLU: COUNTYRES-6 Zoning: COUNTY A-1
Existing: Inlets at Riverdale FLU: COUNTY RES-6 Zoning: COUNTY RSF-6	Existing: Vacant Residential FLU: CITY RES-6 Zoning: CITY R-1/PDP	Existing: Vacant Residential FLU: CITY RES-6 Zoning: CITY R-1/PDP

HISTORY OF PREVIOUS ACTION RELEVANT TO THIS REQUEST:
City Council approved Annexation petition AX.05.0006 for 49.16± acres, which included the 4.54-acre subject parcel, on April 13, 2005. Prior to receiving City FLUM and Zoning Map designations, the applicant filed a request to de-annex (AX.05.0012) the 4.54-acre subject parcel indicating that the subject parcel's contiguity appears to form an enclave. City Council approved the de-annexation request on November 16, 2005. City FLUM and Zoning Map designations were never approved or assigned to the subject parcel. Most recently on August 14, 2013, City Council approved AX.13.00023/Ordinance 2952 which annexed the 4.56 acre subject property into the Bradenton municipal limits.

ANALYSIS

COMPREHENSIVE PLAN CONSISTENCY/IMPLICATIONS:
The proposed Comprehensive Plan FLUM Amendment appears to be consistent with the Comprehensive Plan. Please see the attached impact analysis for itemized plan element consistency.

IMPACT OF THE PROPOSED ZONING AMENDMENT ON AFFORDABLE HOUSING:
The Residential-1 zoning district specifically allows the development of residential single family units. This could include accommodate affordable housing based on the zoning classification.

STAFF EVALUATION:
COMPREHENSIVE PLAN AMENDMENT CP.13.00030
The Comprehensive Plan Future Land Use Map Amendment is necessary as a result of the annexation of the subject property. The amendment transfers the property and land uses from Manatee County designations to City of Bradenton designations. It is the intent to initiate city land use designations for annexed property that are similar and comparable to the former county designation. Under the county designation, the land could feasibly be developed at residential density at six units per acres, yielding 27 residential units. The applicant is proposing to develop at a lesser density, which will result in the development of 22 residential units.

This is an application for a small scale (10 acres or less) Comprehensive Plan Amendment which, if approved by the City Council, is adopted by Ordinance and submitted to the State Department of Community Planning and Development in final form. State review and approval is not required.

ZONING AMENDMENT LU.13.00053
The intent of annexation and subsequent map amendments is to provide similar land use designations in order to provide consistency, and to prevent land owners from annexing lands into the City of Bradenton in order to increase the allowed density or intensity. Comparable future land use and atlas designations are used whenever possible. The City does not have an agricultural (A-1) zoning, however there are residential uses that can be developed in an agricultural district under the county regulations. Additionally, properties to the north and south of the subject property are currently zoned residential, and the property fronts a collector roadway, making the Residential-1 Single Family designation appropriate.

In considering a request for rezoning, all potential uses allowed within the proposed zoning district must be taken into account in addition to the applicant's stated, intended use. Non-residential uses permitted in the R-1 zoning district include daycare facilities, mortuaries/crematories, cultural/education uses, and public parks and facilities. These uses are allowable but must receive City Council approval via a Special Use hearing. It is unlikely that the subject property would be developed for uses other then residential as the applicant intends to make it part of a larger, previously approved residential development project (Cottages of San Lorenzo).

SUMMARY OF OUTSIDE AGENCY/PUBLIC NOTIFICATION RESPONSE:
None has been received as of the date of this report.

STAFF RECOMMENDATION:
APPROVAL of CP.13.00030 based on the Findings of Fact and Analysis of the proposed Comprehensive Plan FLUM Amendment

APPROVAL of LU.13.00053 based on the Findings of Fact and Analysis of the proposed Land Use Regulation Zoning Map Amendment

PLANNING COMMISSION RECOMMENDATION (October 16, 2013):
APPROVAL of CP.13.00030 based on the Findings of Fact and Analysis of the proposed Comprehensive Plan FLUM Amendment
APPROVAL of LU.13.00053 based on the Findings of Fact and Analysis of the proposed Land Use Regulation Zoning Map Amendment

CITY COUNCIL ACTIONS
First read (November 13, 2013):
FORWARD CP.13.00030 to seconding reading December 18, 2013
FORWARD LU.13.00053 to seconding reading December 18, 2013

Second read (December 18, 2013):

Comprehensive Plan Map Amendment Application

bradenton
The Friendly City

Department of Planning & Community Development
101 Old Main Street, Bradenton, FL 34205
Ph: (941) 932-9400 Fax: (941) 932-9534
www.cityofbradenton.com

DATE: September 12, 2013 **PERMIT NUMBER:** CP.13.00030

CONTACT INFORMATION:

Name of Property Owner: Florida Coast Development Corporation

Owner Address: 10603 Riverbank Terrace, Bradenton Telephone: 941-750-6000

Name of Agent: Marcus Helmuth &/or David McNabb of White Oak Development, Ltd.

Agent Address: 10603 Riverbank Terrace, 34212 Telephone: 941-750-6000

Email: wodevelopment@gmail.com FAX: 941-750-9229

LOCATION:

Property Address: 101 48th St Ct E, Bradenton FL 34208

Parcel #: 1123710004 Total Acreage: 4.54

Existing Future Land Use: RES 6
*click to view City FLU map

Proposed Future Land Use: Low Density Residentia
*click to view City FLU map

(Manatee County Future Land Use information can be obtained by contacting 941-748-4501 or www.mymanatee.org)

TYPE OF AMENDMENT REQUESTED:

☐ Large Scale (10 acres or more) ☒ Small Scale (9.99 acres or less)

REQUIRED MATERIALS FOR REVIEW:

Before submitting an application to the City of Bradenton, please check with the Planning & Community Development Department to verify all essential information for review is present. Incomplete applications will delay the review process.

- Comprehensive Plan Map Amendment Application
- Application Review Fees: *(Tampa Bay RPC Review Fee will also be charged, as applicable)*
  - Large Scale = $1,000. Public Notification: $4,100. Hearing Signs: $21. **TOTAL = $5,121**
  - Small Scale = $1,000. Public Notification: $2,500. Hearing Signs: $14. **TOTAL = $3,514**
- Notarized Agent Authorization Form, if applicable
- Thirty-five (35) copies of Letter of Request
- Thirty-five (35) copies of Community Impact Report (CIR)(see page 2 for CIR requirements)
- Thirty-five (35) copies of Comparison of City and County Comprehensive Plans, if applicable
- One (1) Property Survey (signed & sealed within the last three years) and thirty-five (35) copies of survey
- One electronic copy of Comprehensive Plan Amendment Application and all required materials for review

The owner of this property and/or the undersigned agree to conform to all applicable laws of the City of Bradenton and to all applicable Federal, State, and County laws.

Signature of Owner — 10603 Riverbank Ter, 34212 (Address) — 941-750-6000 (Phone)

RECEIVED SEP 12 2013 CITY OF BRADENTON PLANNING DEPT.

****CITY STAFF ONLY****

Application Sufficiency: ☐ Sufficient ☐ Incomplete

Stage: ☐ Transmittal ☐ Adoption

CP Large Amendment Fees:
Application Review Fee: $1,000
Notice Publication: $4,100
Public Hearing Signs: $21

TOTAL FEES: $

CP Small Amendment Fees:
Application Review Fee: $1,000
Notice Publication: 2,500
Public Hearing Signs: $14

TOTAL FEES: $

Review Dates:
DRC: 9/24/13
Planning Commission: 10/16/13
1st City Council: 11/13/13
2nd City Council: 12/18/13

Planning & Zoning Agent Authorization Form

bradenton
The Friendly City

Department of Planning & Community Development
101 Old Main Street, Bradenton, FL 34205
Ph: (941) 932-9400 Fax: (941) 932-9534
www.cityofbradenton.com

Date: September 12, 2013 **Parcel Number:** 1,123,710,004

Property Address: 101 48th St Ct E, Bradenton 34208

I, Walt Eppard, Pres of FL Coast Dev Corp, the registered property owner(s) of the above noted property, do hereby authorize

Marcus Helmuth &/or David McNabb — White Oak Development, Ltd.
Print Name of Agent — Company Name

to act on my behalf and take all actions necessary for the processing, issuance and acceptance of this permit or certification and any and all standards and conditions applicable.

Signature of Owner(s) — 10603 Riverbank Terr, Bradenton 34212
Owner(s)Address (if different than property above)

Signature of Agent — 10603 Riverbank Terr, Bradenton 34212
Agent Address and Phone 750-6000

STATE OF FLORIDA, MANATEE COUNTY

The Foregoing instrument was acknowledged before me this 12 day of September, by Walt Eppard + David McNabb who are personally know by me or who has produced _____ respectively, as as identification and who did (did not) take an oath:

Signature

_____, Notary Public
Print Name

State of Florida
My Commission Expires

HEATHER SCANLAN
MY COMMISSION # EE178268
EXPIRES June 06 2016
(407) 398-0153 FloridaNotaryService.com

City Of Bradenton
EXHIBIT C

CP.13.00030

RECEIVED
SEP 1 2 2013
CITY OF BRADENTON
PLANNING DEPT.