

TAB 10

Staff Report
Palmetto Town Center
Comprehensive plan Amendment/ Rezone/Conceptual/General Development
Plan
PA-07-07/Z-07-07GDP-07-07

OWNER/GENERAL LOCATION/PARCEL SIZE:

Owner: William L. Manfull
Heather Lee Cosgrove
Location: 916 4th Street West
Parcel Size: 1.93 acres
PID #s: 2747600050

EXISTING LAND USE/ZONING CATEGORY:

Future Land Use: COMC (Commercial Core)
Zoning: CC (Commercial Core)

REQUESTED LAND USE/ZONING CATEGORY:

Future Land Use: PD (Planned Development)
Zoning: PDMU (Planned Development Multi-Use)

SURROUNDING PROPERTY ZONING DISTRICT(S)/USES:

Future Land Use

North: COMC (Commercial Core)
South: COMC (Commercial Core)
East: COMC (Commercial Core)
West: COMC (Commercial Core)

Zoning

North: CC (Commercial Core)
South: CC (Commercial Core)
East: CC (Commercial Core)
West: CC (Commercial Core)

SUMMARY:

Pursuant to Appendix B: the Zoning Code, Sec. 11.3(d), the property owner has requested an amendment to the zoning code and map.

Each rezoning must meet the requirements pursuant to Appendix B: the Zoning Code, Sec. 11.4(b):

- (1) The need and justification for the change:
The applicant intends to construct a mixed use project that incorporates 80 multi-family units, 21,840 square feet of commercial/office and a parking garage. The project embraces the concepts identified in the Downtown Design Guidelines.

- (2) The effect of the change, if any, on the particular property and on surrounding properties:
The project could have a positive effect on the downtown core. It is the first project proposed since the Downtown Design Guidelines (DDG) have been adopted. The site plan promotes the concept of mixed uses, pedestrian friendly access, and providing attainable housing downtown. The influx of new residents should initiate interest in commercial businesses that see the opportunity to serve the new residents. The applicant is promoting a series of multi-modal transportation concepts that will reduce traffic congestion in the downtown. With the concept of a hotel in the downtown core gaining momentum, the proposed residential units could provide an excellent opportunity for a work/live environment that could benefit existing commercial businesses as well.

- (3) The amount of underdeveloped land in the general area and in the City having the same classification as that requested:
There is little undeveloped land in this area of the city. There is hope that redevelopment of the downtown core is promoted with the approval of this project. Several properties in close proximity are for sale. The success of this project could have a beneficial effect on the rest of the area.

- (4) The relationship of the proposed amendment to the purposes of the City Comprehensive Plan with appropriate consideration as to whether the proposed change will further the purposes of this code and the comprehensive plan.
The Comprehensive Plan, Land Development Code, and Downtown Design Guidelines all allow higher densities, land use intensities and mixed use projects in the downtown core. The subject property is located in the Midtown area as defined in the DDG and, therefore, qualifies for 35 units per acre and a floor area ratio of 5.0. The proposed attainable housing allows the applicant to request a density bonus of up to 25%. The project is proposed to be developed at a density of 41.5 units per acre. The applicant has justified the density bonus and staff supports the request for the increase. All of the units are proposed to be sold below the \$201,600 threshold for attainable housing. The applicant also proposes an incentive

based program for certain qualified residents to additionally reduce the housing costs. The applicant will address those incentives in his presentation.

The project is proposed to be built well below the maximum Floor Area Ratio (FAR) at 1.18.

The project is proposed to be phased as follows:

Phase I: One (1) three story building with first floor 2,520 s.f. retail/office uses and two floors of 4 residential units per floor – 8 units total.

Phase II: Same as Phase I

Phase III: One (1) five story building with first floor 4,200 s.f. retail/office uses and four floors of residential units per floor – 16 units total.

Phase IV: Same as Phase III, including construction of a parking garage. At this point, the project parking need creates the necessity for the garage. The applicant has agreed to donate the land for the garage to the City of Palmetto for municipal parking. The garage may provide up to 400 parking spaces. Less than half of the spaces are needed for the residential portion of the project. The remainder of the spaces could be used for the projects retail/office users along with surrounding businesses. The applicant is working with staff to agree to the terms of and costs associated with this aspect of the project. Any future agreement will need to be presented at a later date.

Phase V: Same as Phase III.

Phase VI: Same as Phases III and V.

The applicant has requested that the project be phased as proposed and constructed in response to market conditions.

Below is an assessment of other applicable policies of the Comprehensive Plan in analysis of both the Comprehensive plan Amendment and Rezone:

1.0 FUTURE LAND USE

Topography, Soil Conditions and the Availability of Facilities and Services

Policy 1.1.3: Availability of public facilities and services shall be concurrent with the impacts of new development and shall meet established level of service

standards. In redevelopment areas, local government shall assist in correcting deficiencies. [9J-5.006(3)(c)3.]

Adequate public facilities exist in the vicinity of the project. Some upgrades will be necessary to the age of the surrounding infrastructure. Details will need to be worked into a development agreement to be presented at a later date.

Policy 1.1.4: New development shall be permitted only where adequate drainage and storm water management, open space and traffic flow and parking are provided. In redevelopment areas, local government shall assist in correcting deficiencies. [9J-5.006(3)(c)4.]

The site has historically been improved with impervious surfaces. The applicant needs SWFWMD approval prior to the approval of construction plans for each phase. It is anticipated that stormwater retention can be provided in connection with the parking garage ramps after the commencement of Phase IV.

Community Redevelopment Area [9J-5.006(3)(b)2.]

Policy 1.2.4: The City shall discourage duplication of the functions of the Commercial Core by avoiding rezoning which permits commercial development or high-density residential development outside the Community Redevelopment Area. **This project is located within the CRA area and promotes its goals.**

2.0 TRANSPORTATION ELEMENT

Level of Service

Policy 2.1.1: The level of service standard for collector and arterial roadways in the City shall be LOS "D", peak hour.

No traffic study has been submitted at this time. The applicant has deferred his request for a Certificate of Level of Service for traffic. When the trip generation rate hits 50 trips for the project, a traffic study will be required. As mentioned, the applicant is proposing a multi-modal element to his plan and will address this in his presentation.

Staff concurs that the nature of the request will result in a project that provides pedestrian opportunities that reduce traffic. The roads in the downtown core are constrained and beneficial for traffic calming. The plans identify the redesign of 10th Avenue West to provide angled parking on both sides of the street along with crosswalks and benches to promote pedestrian activity. These improvements too will require participation by the City and the formulation of a development agreement to define construction responsibility and associated costs.

4.0 SANITARY SEWER

Reclaimed Water Use

Policy 4.3.1: Require the use of reclaimed water to irrigate recreational, agricultural

and future development.

The site will be served with reclaimed water. Landscaping associated with the proposed project will utilize reclaimed water for irrigation.

Policy 4.3.4: Require the construction of an on-site distribution system for the transmission of reclaimed water in all new and future development projects.

Details will be provided with the project construction plans.

6.0 STORM WATER MANAGEMENT

Surface Water

Objective 6.3: To ensure that the quality of surface water within the City is maintained and, where unacceptable, improved.

- Appropriate on-site retention or detention in accordance with adopted local and state regulations including filtration, infiltration, establishment of littoral zones in wetland areas and the use of grassy areas for filtration;
- Protection of wetlands and environmentally sensitive areas; and
- Management and protection of the quantity, timing and quality of water releases and discharges.

Stormwater management plan will be required with the construction plans for the project.

7.0 POTABLE WATER

Maximize Existing Facilities

Objective 7.2: The City shall require that existing and new development maximizes the use of existing potable water facilities.

There is a 10" waterline on 10th Avenue West that needs to be replaced. The details will be presented in a development agreement at a later date.

Policy 7.2.1: The City shall require the use of low-volume plumbing fixtures for all new construction in accordance with the requirements of the most recently adopted Standard Plumbing Code.

Low-volume fixtures will be used in the project.

Policy 7.2.2: The City shall continue to encourage the use of xeriscape in all landscaping projects.

Future landscaping should incorporate xeriscaping.

Policy 7.2.3: Where lines are available, the City shall require new development and redevelopment to connect to the reclaimed water system.

The site will be served with reclaimed water. Landscaping associated with the proposed project will utilize reclaimed water for irrigation.
CONSISTENCY WITH THE DOWNTOWN DESIGN GUIDELINE

Staff has reviewed the initial building elevations and provided comments to the consistencies and inconsistencies of the building design with respect to the Downtown Design Guideline. The revisions to the elevations are not yet available. The applicant has requested time to address this issue in his presentation.

STAFF RECOMMENDATION:

The applicant is applying for a Comprehensive Plan Amendment, Rezone, and General Development Plan. All three applications are necessary in order to take advantage of the incentives provided for increased densities, land use intensities and a mix of uses. The project provides the opportunity to start a trend of new development downtown designed to attract people, improve commerce, and create an urban environment with vitality. The applicant proposes several concepts that are extraordinary in forethought. The City of Palmetto could be the beneficiary of these innovative ideas. With the previous uses and history of the subject property being less than desirable for downtown, the potential benefits appear to be worth the risk. As such, staff recommends approval of these requests.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board recommended **APPROVAL WITH CONDITIONS**. P&Z Recommendation: Approval with conditions as described in the attached ordinance. In addition, the P&Z Board has requested that the applicant provide new architectural elevations to be reviewed at their next meeting on February 11, 2008.

CITY COMMISSION

The City Commission shall **APPROVE, APPROVE WITH CONDITIONS or DENY** the proposed Comprehensive Plan Amendment, Zoning Atlas Amendment and General Development Plan.

**CITY OF PALMETTO, FLORIDA
ORDINANCE NO. 08-960**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SMALL SCALE DEVELOPMENT AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP BY REDESIGNATING CERTAIN LANDS FROM COMC (COMMERCIAL CORE) TO PD (PLANNED DEVELOPMENT); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA-07-07 William L. Manfull & Heather Lee Cosgrove, PID # 2747600050, approx. 1.93 acres).

WHEREAS, Article VIII, Section 2, Constitution of the State of Florida, 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, known as the Local Government Comprehensive Planning and Land Development Regulation Act, requires, authorizes and empowers municipalities to plan for their future development and growth by adopting and amending comprehensive plans, implementing those plans through appropriate land development regulations, and establishing and maintaining procedures to carry out the provisions and purposes of said Act; and,

WHEREAS, the owners of the property legally described in **Exhibit A**, attached hereto and incorporated herein, have requested that the future land use designation for said property be changed from COMC (Commercial Core) to PD (Planned Development).

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides that local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan; and

WHEREAS, the City's Planning and Zoning Board, acting as the Local Planning Agency (LPA) for the City of Palmetto, and City Commission have determined that the proposed Comprehensive Plan Amendment constitutes a Small Scale Development Amendment pursuant to Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, in preparation and consideration of the proposed Small Scale Development Amendment, the LPA and the City Commission have 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 LPA held the required public hearing on the proposed Small Scale Development Amendment on January 14, 2008 providing proper public notice; and,

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

WHEREAS, based on the matters of record received by the City Commission at the required public hearing pursuant to Section 163.3187(1)(c), Florida Statutes, held on February 18, 2008, after proper public notice, the City Commission, 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 the proposed Small Scale Development Amendment to the Comprehensive Plan.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the City Commission of the City of Palmetto, Florida, as follows:

Section 1. Findings of Fact. The above “whereas” clauses are adopted herein as findings of fact.

Section 2. Amendment. The City of Palmetto 2010 Comprehensive Plan Future Land Use Element / Future Land Use Map is hereby amended by changing the future land use designation for the property legally described in **Exhibit A**, attached hereto and incorporated herein, from COMC (Commercial Core) to PD (Planned Development).

Section 3. Applicability. The applicability and effect of the City of Palmetto 2010 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.

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

Section 5. Effective Date. This Ordinance 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 Commission of the City of Palmetto, Florida, this 18th day of February, 2008.

First Reading:	February 4, 2008
Publication:	February 8, 2008
Second Reading and Public Hearing:	February 18, 2008

CITY OF PALMETTO, FLORIDA, BY
AND THROUGH THE CITY COMMISSION OF
THE CITY OF PALMETTO

By: _____
LAWRENCE E. BUSTLE, JR., MAYOR

ATTEST: James R. Freeman,
City Clerk

By: _____
City Clerk/Deputy Clerk

Exhibit "A" Legal Description

EXHIBIT A

Legal Description

DESCRIPTION: (ORB 2191, PAGE 5274)

PARCELS I AND II: FROM THE NORTHWEST CORNER OF LOT 2, BLOCK "F" OF LAMB'S FRACTIONAL SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 164 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; GO N89°59'47"E, A DISTANCE OF 100.00 FEET TO A NAIL & DISK (#3637), SAID POINT BEING THE NORTHEAST CORNER OF THE LANDS OF SAM CORNWELL, DESCRIBED IN OFFICIAL RECORDS BOOK 1007, PAGE 3300, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE N89°59'47"E, ALONG THE SOUTH RIGHT-OF-WAY LINE OF 5th STREET A DISTANCE OF 152.91 FEET TO A NAIL & DISK (#3637) SET AT THE NORTHWEST CORNER OF THAT PARCEL OF LAND OWNED BY GROWERS HARDWARE CO. AS DESCRIBED IN OFFICIAL RECORDS BOOK 335, PAGE 50 (*), OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE WEST AND SOUTH LINE OF SAID PARCEL, TWO COURSES VIZ: S00°03'31"W, A DISTANCE OF 199.57 FEET TO A POINT 0.15 FEET SOUTH OF AN IRON PIPE FOUND; THENCE N89°56'02"E, A DISTANCE OF 59.71 FEET TO AN IRON PIPE FOUND AT THE NORTHWEST CORNER OF THE LANDS OF JOSEPH W. SNYDER & WIFE, AS RECORDED IN OFFICIAL RECORDS BOOK 817, PAGE 452, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF THE LANDS OF SNYDER AND THE WEST LINE OF DONALD G. WEDGE & WIFE, AS DESCRIBED IN OFFICIAL RECORDS BOOK 354, PAGE 2, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, S00°03'01"W, A DISTANCE OF 94.82 FEET TO AN IRON PIPE FOUND; THENCE ALONG THE SOUTH AND WEST LINE OF "WEDGE" AFORESAID TWO COURSES VIZ: S89°02'30"E, A DISTANCE OF 28.08 FEET TO AN IRON PIPE FOUND; THENCE S00°10'16"W, A DISTANCE OF 104.62 FEET TO A NAIL & DISK (#3637) ON THE NORTH RIGHT-OF-WAY LINE OF 4TH STREET; THENCE S89°59'02"W, ALONG THE NORTH RIGHT-OF-WAY OF 4TH STREET A DISTANCE OF 222.13 FEET TO A NAIL & DISK (#3637) SET AT THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1006, PAGE 1966, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE WEST AND NORTH LINES OF SAID PARCEL, FOUR COURSES VIZ: N00°06'04"W, A DISTANCE OF 89.00 FEET TO AN IRON ROD SET (#LB 3790); THENCE S89°58'58"W, A DISTANCE OF 2.33 FEET TO AN IRON ROD SET (CAP #LB 3790); THENCE N00°06'04"W, A DISTANCE OF 43.00 FEET TO AN IRON ROD SET (CAP #LB 3790); THENCE S89°59'02"W, A DISTANCE OF 15.00 FEET TO AN IRON ROD SET (CAP #LB 3790) ON THE EAST LINE OF THAT PARCEL OF LAND DESCRIBED IN MORTGAGE BOOK 191, PAGE 539, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE EAST AND NORTH LINES OF SAID PARCEL, TWO COURSES VIZ: N00°06'04"W, A DISTANCE OF 27.79 FEET TO AN IRON ROD SET (CAP #LB 3790); THENCE S89°59'20"W, A DISTANCE OF 84.92 FEET TO AN IRON PIPE FOUND ON THE EAST RIGHT-OF-WAY LINE OF 10TH AVENUE WEST; THENCE N00°06'04"W, ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 119.77 FEET TO AN IRON PIPE FOUND AT THE SOUTHWEST CORNER OF THE LANDS OF SAM CORNWELL, AFORESAID; THENCE ALONG THE SOUTH AND WEST LINES OF CORNWELL TWO COURSES VIZ: N89°45'09"E, A DISTANCE OF 85.00 FEET TO AN IRON PIPE FOUND; THENCE N00°06'04"W, A DISTANCE OF 119.57 FEET TO THE POINT OF BEGINNING.

PARCEL III:

THE WESTERLY 2.8 FEET OF THE NORTHERLY 199.57 FEET, LESS THE NORTHERLY 7.0 FEET OF THE PROPERTY, AND LESS THE SOUTHERLY 42.17 FEET OF THE

PROPERTY DESCRIBED IN OFFICIAL RECORDS 335, PAGE 450, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

(*) ERRONEOUS CALL FOR PAGE "50" IN DEED. SHOULD BE PAGE "450".