

**TAB 14**

**CITY OF PALMETTO, FLORIDA  
ORDINANCE NO. 08-965**

**AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (AN-08-01 – Sunnydale Properties, LLC. PID #'s 2436200006, 2435900002, 2436500009, approximately 0.89 acres).**

**WHEREAS**, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions, and render municipal services; and

**WHEREAS**, Chapter 166, Florida Statutes, the “Municipal Home Rule Powers Act,” implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and

**WHEREAS**, Florida Statute 171.044 provides for the voluntary annexation of reasonably compact, contiguous real property to a municipality; and

**WHEREAS**, the property described in **Exhibit A**, attached hereto and incorporated herein, is reasonably compact and contiguous to the City of Palmetto; and

**WHEREAS**, the property described in **Exhibit A** is owned by the Sunnydale Properties, LLC. and

**WHEREAS**, Sunnydale Properties, LLC. has petitioned for annexation of said real property into the City of Palmetto; and

**WHEREAS**, notice of said annexation, a copy of which is attached hereto and incorporated herein as **Exhibit B**, has been published as required under Section 171.044, Florida Statutes; and

**WHEREAS**, annexation of the land described in **Exhibit A** does not result in the creation of any enclaves; and

**WHEREAS**, the City Commission has determined that it is necessary, desirable and in the best interest of the citizens of the City, in order to protect the public health, safety, and welfare, to adopt this Ordinance.

**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” clause are adopted herein as findings of fact.

**Section 2.** **Annexation of Land.** The land legally described in **Exhibit A** is hereby annexed into and incorporated within the City of Palmetto, Manatee County, Florida, as fully and effectually as if the same were included within the boundary of the City of Palmetto, Florida, as set forth in its Charter.

**Section 3.** **Amendment of City Boundaries.** The legal description of the City of Palmetto, Florida, kept on file in the City Clerk’s office, is hereby amended to reflect this annexation. The City Clerk is hereby directed to undertake measures necessary to affect such amendment consistent herewith.

**Section 4.** **Repeal of Ordinance.** This Ordinance hereby repeals all ordinances and parts of ordinances in conflict herewith to the extent of such conflict.

**Section 5.**     **Severability.** It is the intent of this Ordinance to comply with all applicable law and constitutional requirements. If any provision, paragraph or section of this Ordinance or the standards and codes adopted hereby, shall be determined by a court of competent jurisdiction to be inapplicable, illegal, unenforceable or unconstitutional, then to that extent such provisions or portions shall be deemed null and void, but the remaining provisions of this Ordinance shall be in full force and effect as applicable.

**Section 6.**     **Effective Date.** This Ordinance shall take effect thirty-one (31) days after its adoption.

**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, and this 21st day of April, 2008.

First Reading: April 7, 2008  
Publication: April 7, 2008 and  
April 14, 2008  
Second Reading and  
Public Hearing: April 21, 2008

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

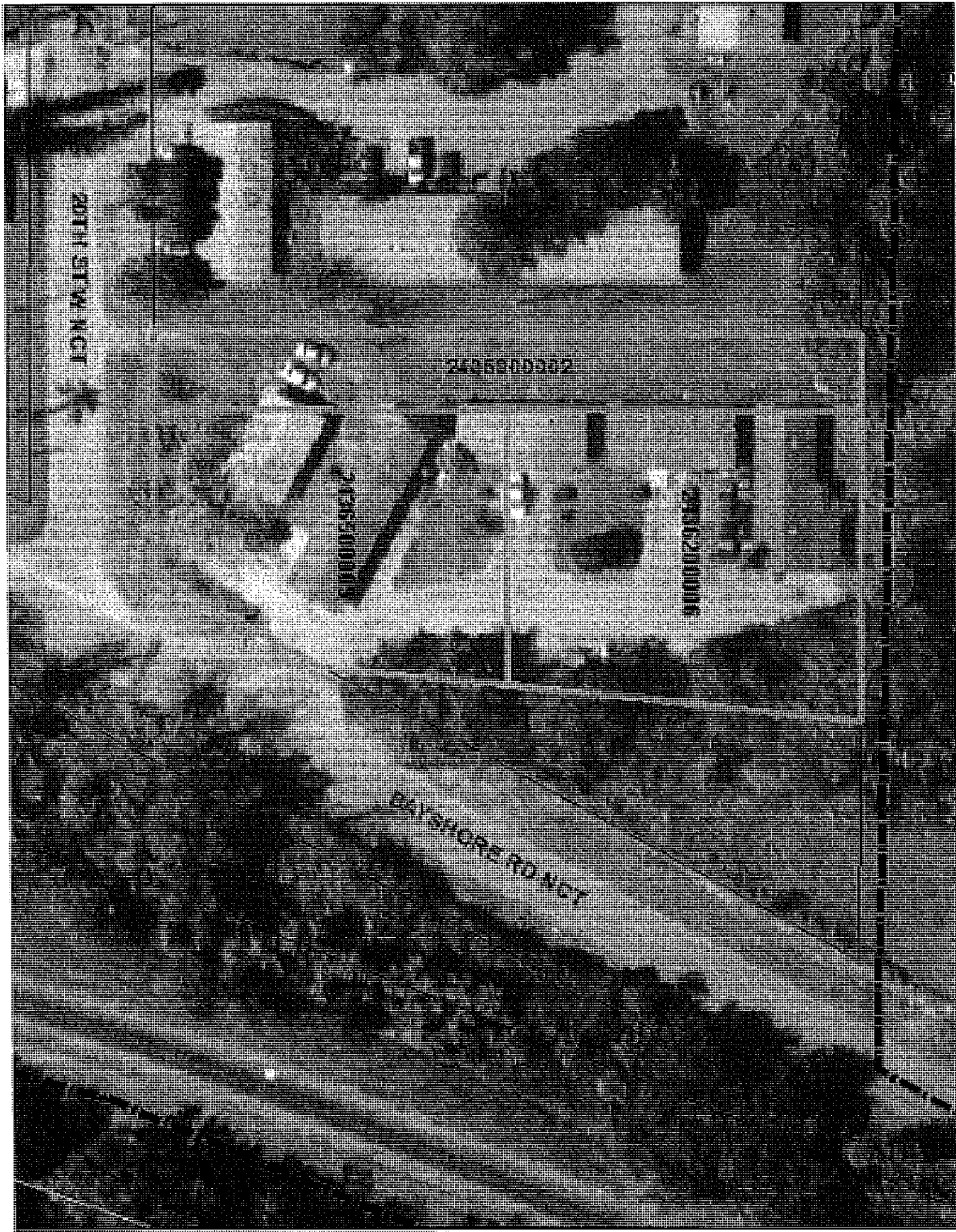
By: \_\_\_\_\_  
LAWRENCE E. BUSTLE JR., MAYOR

ATTEST: James R. Freeman  
City Clerk

By: \_\_\_\_\_  
City Clerk/Deputy Clerk

**Exhibit "A" Legal Description**

The west 32 feet and east 20 feet of Lots 13 and 23, together with all Lots 14, 15, and 24, Block 8, Orange Park Subdivision, according to the Plat thereof, recorded in Plat Book 2, Page 137, of the Public Records of Manatee County, Florida. All of the above less Road Rights of Way.



20115115111111

2406500002

2016700011

2011200011

BAYSHORE RD NCT

**MEMORANDUM FOR RECORD**

FROM: BRYCE CUMMINGS, Building Inspector

RE: SUNNYDALE PROPERTIES INSPECTION

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After doing a brief walk through of Sunnydale properties with Code Enforcement, NRRFD, Public Works and P and Z, the following items were identified:

- 1) Several broken septic tank lids and open sewer.  
After annexation, the property owner will be required to connect to City sewer.
- 2) Several broken windows  
The owner would be required to repair
- 3) Minor electrical violations  
None of the violations was substantial enough to require permit

If you require additional information, please contact me.



**Staff Report**  
**ANNEXATION (AN0801)**  
**COMPREHENSIVE PLAN AMENDMENT (PA0801)**  
**CHANGE OF ZONING (Z0801)**  
**Sunnydale Properties, LLC**  
**Palmetto, Florida**

**OWNER/GENERAL LOCATION/PARCEL SIZE:**

Owner: Sunnydale Properties, LLC  
Location: 2011 Bayshore Road, 2005 Bayshore Road, 415 21<sup>st</sup> Street West  
PID #: 2436200006, 2435900002, 2436500009

**EXISTING LAND USE/ZONING CATEGORY:**

Future Land Use: County RES-9 (Residential – 9 units per acre)  
Zoning: County CG (Commercial General)

**REQUESTED LAND USE/ZONING CATEGORY:**

Future Land Use: City RES-10 (Residential – 10 units per acre)  
Zoning: City RM-6 (Residential Multi-Family - 10 units per acre)

**SURROUNDING PROPERTY ZONING DISTRICT(S)/USES:**

Future Land Use

North: City GCOM (General Commercial)  
South: County RES-9 (Residential – 9 units per acre)  
East: County RES-9 (Residential – 9 units per acre) and City RES-6  
(Residential – 6 units per acre)  
West: County RES-9 (Residential – 9 units per acre)

Zoning

North: City CG (Business and Light commercial)  
South: County GC (General Commercial)  
East: County GC (Commercial General) and City RS-3 (Residential Single  
Family – 5.8 units per acre)  
West: County GC (General Commercial)

**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 comprehensive plan amendment and rezone application is required once the parcel is annexed. The property will then be within the City of Palmetto and must be compliant with all Palmetto municipal regulations.**
- (2) The effect of the change, if any, on the particular property and on surrounding properties:  
**There is no effect on the subject property or surrounding properties with this change. No new development is proposed. The proposed city future land use and proposed zoning designations allow multi-family residential consistent with the existing use.**
- (3) The amount of undeveloped land in the general area and in the City having the same classification as that requested:  
**The subject parcel is developed and no new development is proposed with this request.**
- (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 inclusion of this property into Palmetto along with this comprehensive plan amendment and rezone furthers the purposes of the Comprehensive Plan and Zoning Code.**

#### 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.]

**The site is currently served by well and septic. The applicant wishes to annex in order to hook into City of Palmetto utilities. No county utilities are available to serve the site.**

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.]

**No new development is proposed at this time. If the site is redeveloped in**

**the future, drainage and stormwater management, open space, traffic flow and parking matters will be reviewed for compliance with any associated construction plans.**

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 site is not located within the CRA.**

## 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 new development is proposed. If warranted, a traffic study will be required prior to the approval of construction plans for any redevelopment proposal.**

## 4.0 SANITARY SEWER

### Advanced Water Treatment System

Policy 4.1.3: The City shall require all development to be reviewed for sanitary sewer concurrency standards.

**A 6" sanitary sewer forcemain is available for connection into the City sewer system. The subject property is currently served by a septic system that is inadequate to service the site. Connection to sewer will be made upon approval of this request.**

### Reclaimed Water Use

Policy 4.3.1: Require the use of reclaimed water to irrigate recreational, agricultural and future development.

**Extension of reclaimed water service can be provided to the site if and when it is redeveloped.**

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.

**This system can be in place upon redevelopment of the site.**

## 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.

**No new development is proposed. If the site is redeveloped in the future, development must be in compliance with all SWFWMD permitting requirements and will be reviewed with construction plans.**

## 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.

**A 6" city waterline is available to serve to the subject property upon approval of this request.**

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.

**The developer shall demonstrate compliance with the building permit application(s), if applicable.**

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

**If redeveloped, any future landscaping will 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.

**Extension of reclaimed water service can be provided to the site if and when it is redeveloped.**

Policy 7.3.1: Require the use of reclaimed water to irrigate recreational, agricultural and future development.

**Extension of reclaimed water service can be provided to the site if and when it is redeveloped.**

Policy 7.3.4: Require the construction of an on-site distribution system for the transmission of reclaimed water in all new and future development projects.

**Extension of reclaimed water service can be provided to the site if and when it is redeveloped.**

## **STAFF RECOMMENDATION:**

**The purpose of this request is to address a health safety issue. The site is currently occupied by 10 units without connection to central utilities. There have been sanitation problems with the existing septic system. The Health Department has inspected the site and requested sewer connection. Connection will become available with the approval of this request. As such, staff recommends APPROVAL of the annexation, comprehensive plan amendment, and change of zoning.**

## **PLANNING AND ZONING BOARD RECOMMENDATION:**

The Planning and Zoning Board recommended **APPROVAL WITH CONDITIONS** of the proposed annexation, comprehensive plan amendment, and change of zoning to the City Commission at their February 11, 2008 meeting. The vote was unanimous. The conditions were:

1. The property must pass an inspection by the Building Department to identify that the buildings are safe to occupy.
2. Connection to City utilities must be made within six months from the date of approval.

The site was inspected on February 22, 2008. The buildings were deemed safe to occupy by Building Department staff. There were site related clean-up matters that the City asked the owner to remedy. Most of these matters were related to the debris that has been deposited in the ditch fronting the property along Bayshore Road (see attached pictures). The agent for the owner has agreed to have this debris removed. Staff reported the results of the inspection to the Planning and Zoning Board at their March 10, 2008 meeting. Board members were satisfied with the results. Minutes from both meetings are also attached.

## **CITY COMMISSION**

The City Commission shall **APPROVE, APPROVE WITH CONDITIONS or DENY** the request for advertising the public hearings for the proposed annexation, comprehensive plan amendment, and change of zoning.

**ORDER OF BUSINESS**

1. Approval of Minutes for the January 14, 2008 meeting.

MOTION: Mr. Ugarte moved and Mr. Burton seconded the motion to approve the January 14, 2008 meeting minutes. **MOTION CARRIED UNANIMOUSLY.**

2. Manatee River Community Bank Rezone Z-07-08

Chair Jennings opened the Public Hearing.

Mr. Schmitt presented the Manatee River Community Bank Rezone staff report.

Mrs. Lukowiak read into the record, at Mr. Boyd's request, a letter, addressed to Chair Jennings and Board Members from The Boyd Group on behalf of Manatee River Community Bank.

Mr. Anthony Seney spoke in opposition of the Manatee River Community Bank Rezone. Ms. Marietta Loudon opposed the rezone, due to a lack of information on the project.

Chair Jennings closed the Public Hearing.

Discussion ensued.

MOTION: Mr. Harms moved and Mr. Bennett seconded the motion to approve the request for rezone. **MOTION CARRIED**, 1 nay, Mr. Moore.

3. Sunnydale Properties, LLC AN-PA-Z-08-01

Chair Jennings opened the Public Hearing.

Mr. Schmitt presented the Sunnydale Properties, LLC AN-PA-Z-08-01 Staff report.

Mr. Stephen Thompson, Porges, Hamlin expressed plans for annexation into the City of Palmetto, also received questions and comments.

Chair Jennings closed the Public Hearing.

Discussion ensued.

MOTION: Mr. Moore moved and Mr. Harms seconded the motion to approve the Sunnydale Annexation (AN-08-01). For the record Mr. Moore withdrew motion, Mr. Harms withdrew the second. Mr. Ugarte moved to approve the Sunnydale Annexation contingent upon the property passing inspection by the City of Palmetto Building Department and connection be made within six (6) months. Mr. Bennett seconded. **MOTION CARRIED UNANIMOUSLY.**

Chair Jennings opened the Public Hearing.

No discussion.

Chair Jennings closed the Public Hearing.

MOTION: Mr. Ugarte moved and Mr. Bennett seconded the motion to approve the Comprehensive Plan Amendment (PA-08-01). **MOTION CARRIED UNANIMOUSLY.**

Chair Jennings opened the Public Hearing.

No discussion.

Chair Jennings closed the Public Hearing

MOTION: Mr. Harms moved and Mr. Ugarte seconded the motion to approve the Rezone (Z-08-01). **MOTION CARRIED UNANIMOUSLY.**

4. Old Business:

- Palmetto Town Center tabled until March 10, 2008 meeting.
- Mr. Ugarte commented on the Palmetto Town Center building stating, the floor plan showed no windows in the bedrooms, the building needs to be turned around to face the existing street.
- Mr. Schmitt stated a change should be noticed at the 1811 8<sup>th</sup> Ave W location. A site plan was submitted. If improvements are not made by next meeting action will be taken. Chair Jennings requested the Car Lot be placed on the agenda for the March 10, 2008 meeting.

Development Plan (GDP-05-03). For the record Mr. Burton amended the motion to approve the Sanctuary Cove Amended Conceptual/General Development Plan (GDP-05-03) amending stipulation #3 of the Staff Report, adding the word "proposed" boardwalk and striking stipulation #6 which reads: All corner lots along Sanctuary Cove Way (Boulevard) shall maintain two front yard setbacks and two side yard setbacks. **MOTION CARRIED UNANIMOUSLY.**

Item #4, BOMA Tract Rezone (Z-08-02) - MOTION: Mr. Bennett moved and Mr. Smith seconded the motion to approve the BOMA Tract Rezone (Z-08-02). **MOTION CARRIED UNANIMOUSLY.**

Item #5, Rogers Tract Rezone (Z-08-03) - MOTION: Mr. Bennett moved and Mr. Moore seconded the motion to approve the Rogers Tract Rezone (Z-08-03). **MOTION CARRIED UNANIMOUSLY.**

6 Old Business:

a. Palmetto Town Center GDP-PA-Z-07-07

Mr. Allison, Allison Engineering and Ms. Gee, Laura Gee Architect, gave an update of the projects architectural design at the request of the Board, and received comments. The Board gave the engineer and architect instructions to coordinate and review their plans with the Building Department and North Fiver Fire District (NRFD) and report back if there are substantial changes to the plans.

b. Sunnydale Properties, LLC AN-PA-Z-08-01

Mr. Schmitt gave an update on the Sunnydale Properties at the Board's request. The property was inspected by several staff members including the Building Department and Code Enforcement. Police records were also obtained. The property did pass inspections, and no major issues from the Police Department were noted. A representative for Sunnydale Properties attended the City Commission workshop and presented their request for annexation. The City Commission approved the annexation process to move forward.



**Bob Schmitt**

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**From:** William Strollo  
**Sent:** Tuesday, April 08, 2008 2:02 PM  
**To:** Bob Schmitt  
**Subject:** Sunnydale Properties

Bob,

Just to update the memo from this morning, I have a contact person for the property, Fritz Stauffer of West Coast Tomato; Fritz plans to clean the County ditch next week. I have no other issues with Sunnydale Properties.  
Bill.

4/8/2008

## Bob Schmitt

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**From:** William Strollo  
**Sent:** Tuesday, April 08, 2008 8:05 AM  
**To:** Bob Schmitt  
**Subject:** FW: 2005-2011 Bayshore Road

Hi Bob,

I'm sending this to you again for your report to Commission. I took a drive through the complex last week, and it remains in compliance. I spoke to Mr. Thompson last night, and he will provide me with a contact in the event issues need to be addressed with the duplexes. In addition, he plans to clear the County drainage ditch of the debris from his tenants.

I will visit the site before the next Commission meeting, and if I encounter any changes, I will advise.

Thanks.

Bill.

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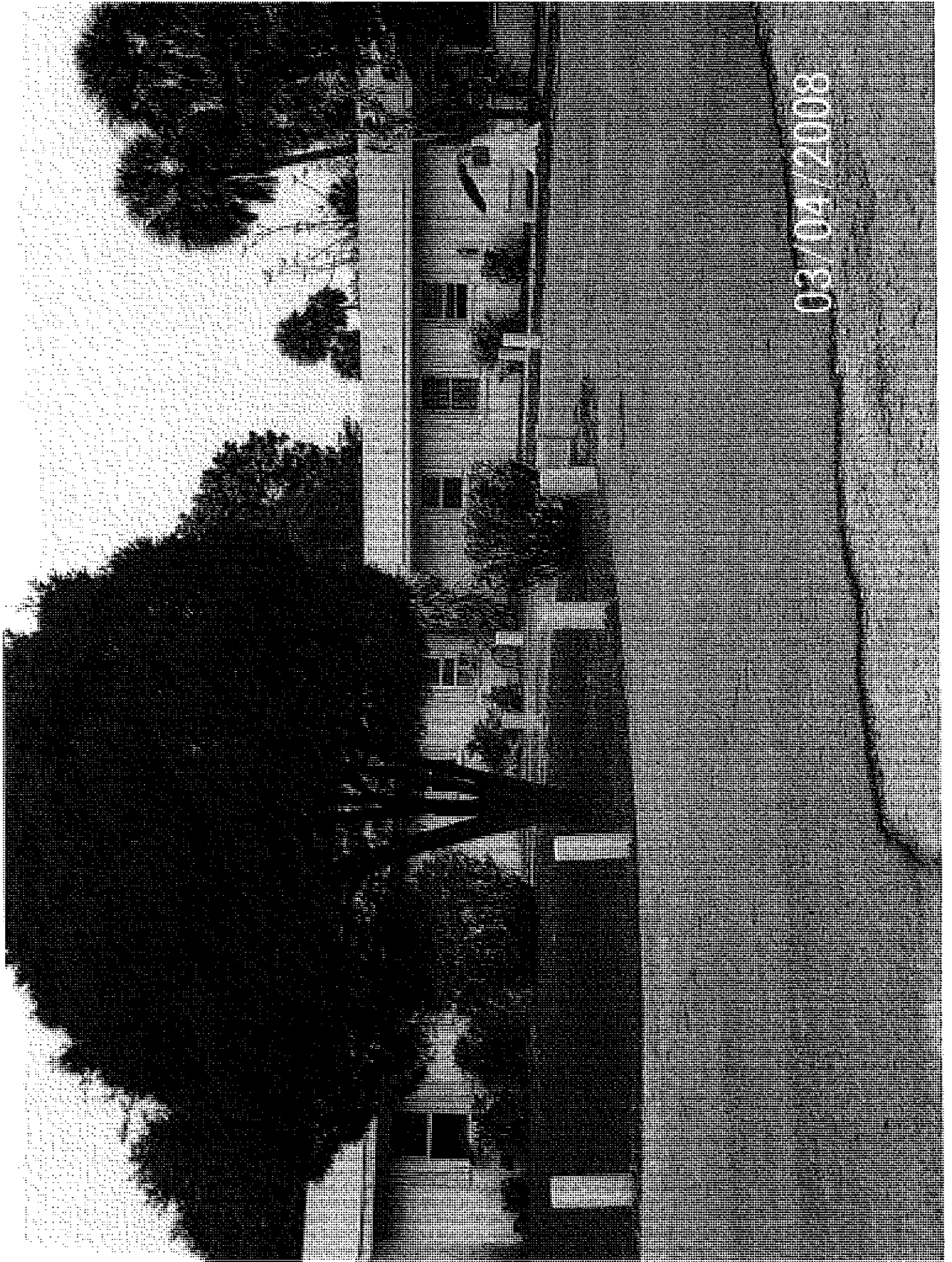
**From:** William Strollo  
**Sent:** Tuesday, March 04, 2008 1:48 PM  
**To:** Chris Lukowiak; Bob Schmitt; Jim Freeman  
**Subject:** 2005-2011 Bayshore Road

Chris, Bob & Jim,

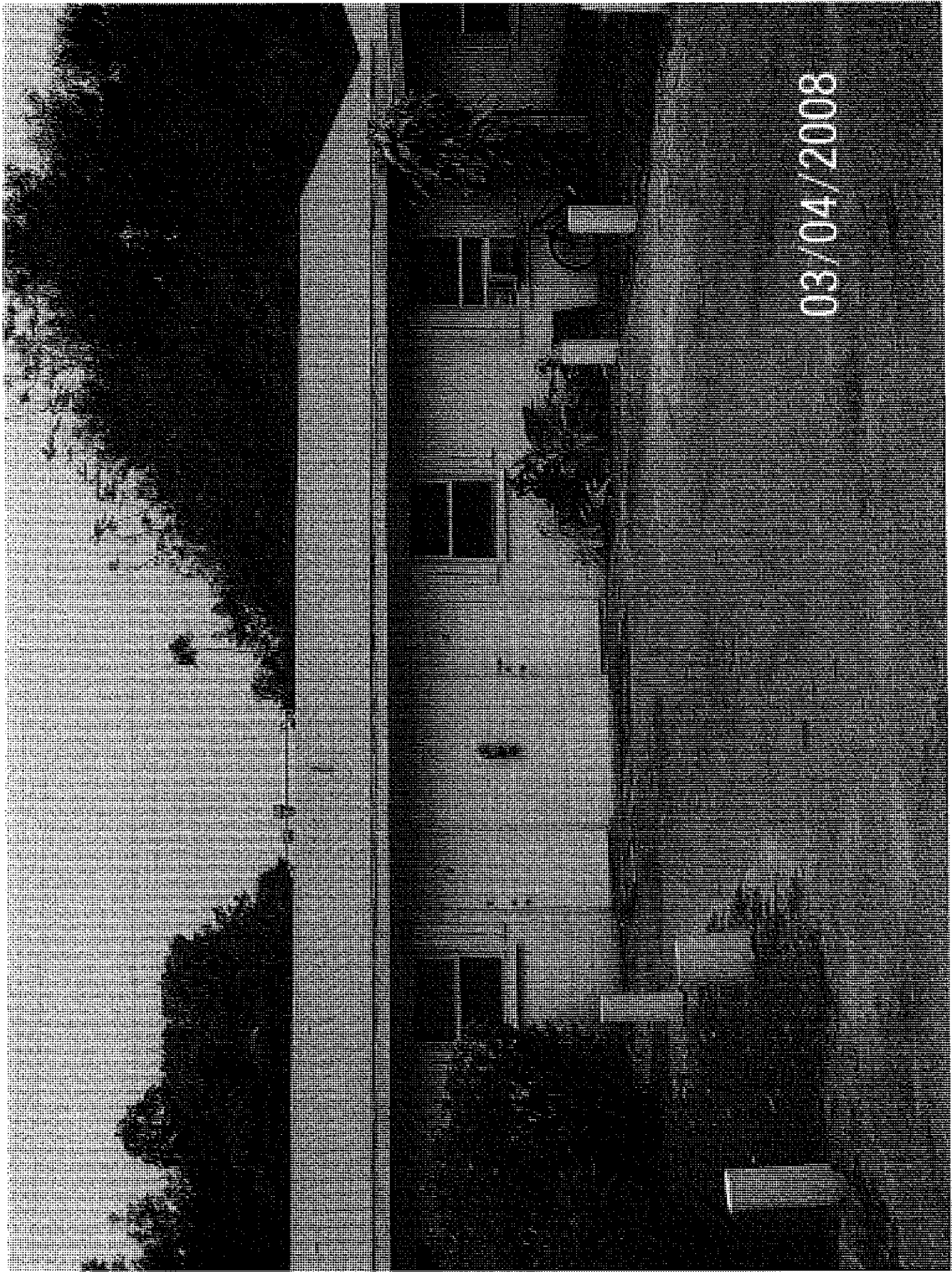
This morning I took pictures of the Sunnydale Property; you may access these pictures from our "X" drive, under Code Enforcement pictures. As I reported last night, I do not have major issues with this annexation, but I anticipate on-going problems with debris, overgrowth and abandoned vehicles. If we annex this property, the owners should provide a contact number to facilitate remediation of any violations.

Let me know if you need additional pictures, comments, etc.

Bill.



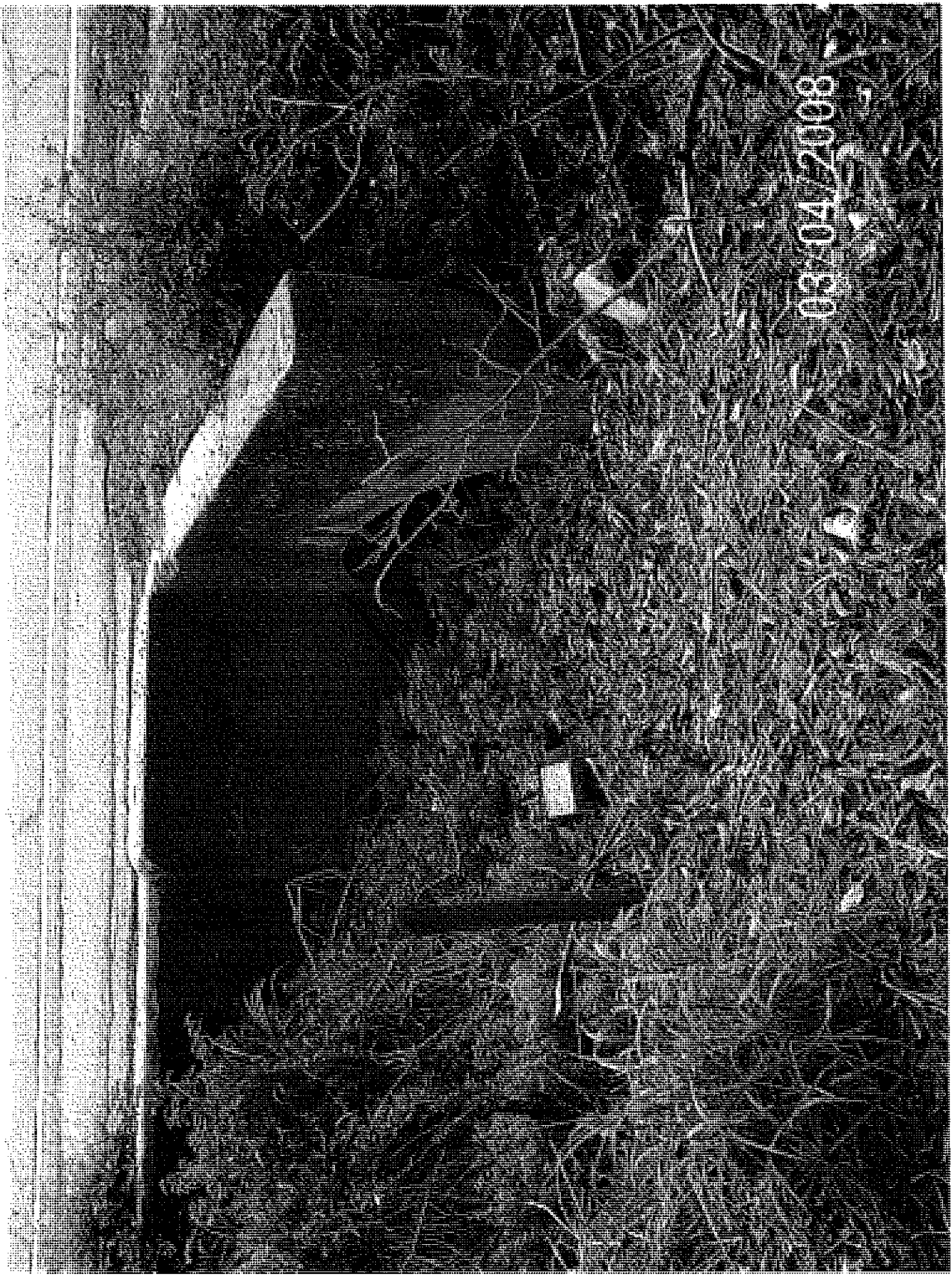
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