

TAB 5

**CITY OF PALMETTO, FLORIDA
ORDINANCE NO. 08-978**

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 RES-14 (RESIDENTIAL 14 UNIT PER ACRE) TO PD (PLANNED DEVELOPMENT); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA-08-05 Charles Palmer and Jonathan Shute, PID # 2778600003, approx. 0.3+/-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 RES-14 (Residential 14 units per acre) 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 October 13, 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 January 19, 2009, 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 RES-14 (Residential 14 units per acre) 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 15th day of December, 2008

First Reading: December 1, 2008
Publication: December 5, 2008
Second Reading and
Public Hearing: December 15, 2008

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

By: _____
SHIRLEY GROOVER BRYANT, MAYOR

ATTEST: James R. Freeman,
City Clerk

By: _____
City Clerk/Deputy Clerk

Exhibit "A" Legal Description

**Lot 2, Block 4, Willis Addition to Palmetto as recorded in Plat Book 1, page 202A,
Public Records of Manatee County Florida.**

Staff Report
7th Avenue Cottages
615 5th Street West
Comprehensive Plan Amendment Rezone, Conceptual/General Development
Plan
PA-Z-GDP-08-05

OWNER/GENERAL LOCATION/PARCEL SIZE:

Owner: Mr. Charles Palmer & Mr. Jonathon Shute
Location: 615 7th Street West
Parcel Size: 0.30 acres +/-
PID #: 2778600003

EXISTING LAND USE/ZONING CATEGORY:

Future Land Use: RES-14 (Residential – 14 units per acre)
Zoning: RM-6 (Residential Multi-Family – 10 units per acre)

REQUESTED LAND USE/ZONING CATEGORY:

Future Land Use: PD (Planned Development)
Zoning: PDH (Planned Development Housing)

SURROUNDING PROPERTY ZONING DISTRICT(S)/USES:

Future Land Use

North: RES-14 (Residential – 14 units per acre)
South: RES-14 (Residential – 14 units per acre)
East: RES-14 (Residential – 14 units per acre)
West: RES-14 (Residential – 14 units per acre)

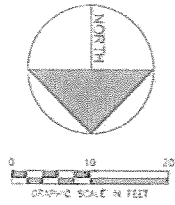
Zoning

North: RM-6 (Residential Multi-Family – 10 units per acre)
South: RM-6 (Residential Multi-Family – 10 units per acre)
East: RM-6 (Residential Multi-Family – 10 units per acre)
West: CG (Business and Light Commercial)

SUMMARY:

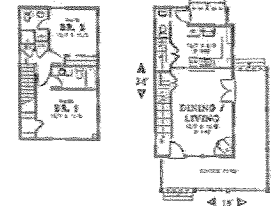
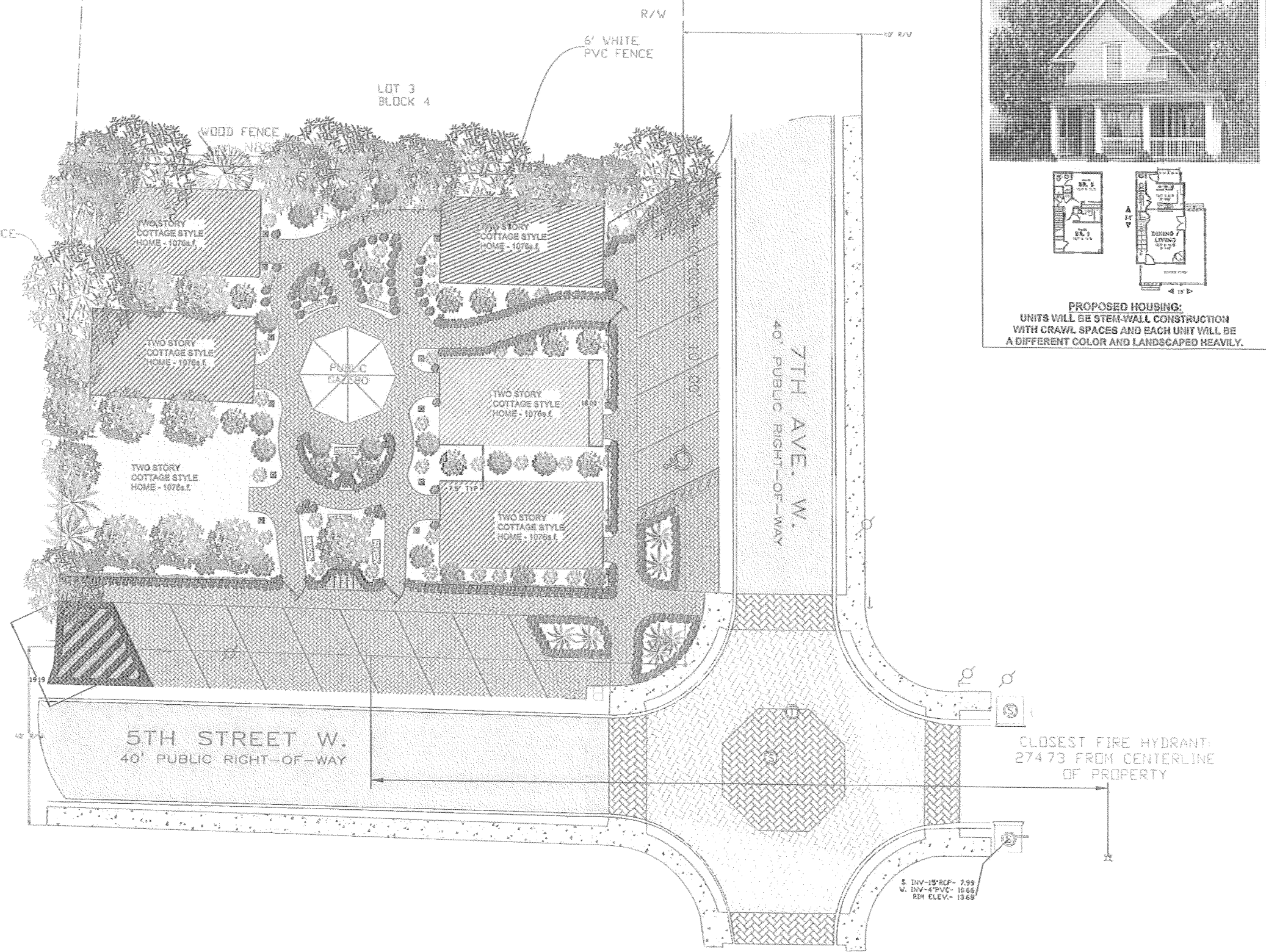
The requested PDH zoning designation is a site plan specific category. PDH only allows residential uses. The project is located within the geographic boundaries of the Downtown Design Guideline (DDG) area. As such, the applicant has opted to request an increase in the allowable density from the RES-14 Future Land Use Category (FLUC) by requesting an amendment to PD. The subject parcel is located

Exhibit "B"



LEGEND:

DOWN GUY	—
UTILITY POLE	⊙
OLD FASHION LAMP POST	⊙
ASPHALT PAVEMENT	▨
SIDEWALK (CONCRETE)	▨
COMMUNITY WALK PATH (BRICK)	▨
TWO STORY COTTAGE HOME FOOTPRINT	▨
BRICKS IN ROAD	▨
4' WHITE PICKET FENCE	—
6' WHITE PVC FENCE	—
SANITARY MAN-HOLE	⊙
STORM MAN-HOLE	⊙

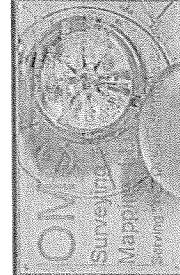


PROPOSED HOUSING:
 UNITS WILL BE STEM-WALL CONSTRUCTION WITH CRAWL SPACES AND EACH UNIT WILL BE A DIFFERENT COLOR AND LANDSCAPED HEAVILY.

Date of Field Survey:	
Project No.:	9-22-08
Scale:	1" = 10'
Drawn By:	TOP
Checked By:	WJS
Date Plotted:	

Conceptual Plan
 - FOR -
 7th AVENUE
 COTTAGES

THIS IS NOT A SURVEY
 LOT 2, BLOCK 4
 WILLIS ADDITION TO PALMETO, AS RECORDED IN PLAT BOOK 1, PAGE 800 OF MAPS AND RECORDS OF HAVASSEE COUNTY, FLORIDA



NO.	REVISION	DATE	BY

DOVE ENGINEERING AND CONSULTING, LC
 CERT. 27262
 P.O. BOX 14631
 BRADENTON, FLORIDA 34200-4631
 CELL: 841-400-6644
 E-MAIL: TIM.D@DOVE-ENGINEERING.COM

in the Midtown District of the DDG. A maximum of 35 units per acre may be requested in the Midtown District. The surrounding area is developed primarily with single family residences despite being zoned RM-6. As proposed, the application would exceed the 14 unit per acre maximum of the RES-14 FLUC, hence the Comprehensive Plan Amendment to PD. The subject property is 0.30 acres in size. The six proposed units constitute a density request of 20 units per acre.

The project proposes six single family detached structures in a land condominium format. All common areas will be maintained by a homeowners association and is accessible to all residents of the project. The proposal includes a courtyard concept added to enhance social congregation of the residents into the gazebo and courtyard area. Parking is proposed to be on-street similar to the request of the Palmetto Riverside Bed and Breakfast project that was recently approved. Street parking is encouraged within the DDG and promotes a more pedestrian oriented project. The applicant intends to market to people interested in an urban environment with a single family detached quaint cottage look and feel. Staff agrees that the proposal is superior to the alternative to a multi-family residential complex. The applicant has incorporated a bicycle parking area within the plan to encourage residents to walk or bike to shop at nearby the Sweetbay Grocery Store, or get an ice cream cone at the A-la-Mode Restaurant. In addition, the close proximity of several office locations may entice workers to buy a residence from which they can walk to work. These concepts are consistent with the objectives of the DDG.

The typical rendering of the houses is included on the plan. The architecture includes incorporating wrap-around porches on the northernmost end structures. The interior units will have front and rear porches. This will give a front door look to the houses facing 7th Avenue West as well as from the interior. Pedestrian walkways will connect the interior of the project with the parking spaces surrounding the project.

COMPREHENSIVE PLAN ANALYSIS:

Potable water, sanitary sewer, and parks and recreation levels of service are satisfied with this request. Below is a synopsis of the impacts to roads, drainage, and reclaimed water infrastructure related elements of the Comprehensive plan:

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.

A traffic impact statement has been submitted by the project engineer identifying that the impact is de minimus and does not result in any degradation in roadway level of service.

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 is currently served with city 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.

The site is currently served with city reclaimed water for irrigation.

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.

Prior to the approval of a final development plan, the applicant shall provide a letter from SWFWMD regarding the approval of exemption or other direction regarding retention requirements.

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.

The site is served with City water.

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 site is served with City water. Details of low volume plumbing fixtures will be addressed with building permits.

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

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.

The site is currently served with city reclaimed water for irrigation.

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

The site is currently served with city reclaimed water for irrigation.

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.

The site is currently served with city reclaimed water for irrigation.

VARIANCE REQUESTS:

The following variances are requested for the project:

1. *Section 8.5 (c) – minimum off-street parking and loading requirements:* The proposed parking spaces will utilize a portion of the 7th Avenue West and 5th Street West right-of-way and back into the street.

The City of Palmetto promotes on-street parking in the downtown core and has on-street parking in several locations. The site is enhanced with paver bricks in the parking and sidewalk area. Staff supports the request as an aesthetic superior alternative to asphalt or concrete.

2. *Section 8.5 (a) (2) & (3) – minimum setbacks:* The plan depicts the project setbacks reduced to 17 feet in the front yards and 7.5 feet between structures.

The DDG promotes locating structures close to the street. There is enough room between the edge of pavement and the proposed residential structures to accommodate the required parking described above. The strict application of the required setbacks would render the project undevelopable as proposed.

As previously mentioned, PDH zoning is a site plan specific category that gives the applicant the ability to request waivers and modifications from LDC

requirements. This provision allows the flexibility to request changes that lead to a superior development alternative.

STAFF RECOMMENDATION:

The site can accommodate a four unit residential multi-family building under the RES-14 designation. Although the increase in density requires the comp plan amendment to PD and rezone to PDH, the plan promotes several of the design aspects of the adopted DDG. Staff is of the opinion that this project can serve as a model for higher density residential projects within the downtown core. The detached houses will be limited to two stories in height, incorporate a front porch concept, and have on focal point to attract people and promote a socially interactive neighborhood. Staff recommends **APPROVAL** of the plan as designed with the following stipulations:

1. A parking and sidewalk easement shall be provided for the area located on the private property adjacent to 7th Avenue West and 5th Street West where the parking and sidewalk is located.
2. The architecture of the proposed structures shall be consistent with the elevation depicted on the plan. Final design shall be presented to the Planning and Zoning Board for discussion prior to the commencement of building construction.
3. Development is subject to construction plan approval.

In addition, staff recommends approval of the two variance requests. There are no health, safety or welfare detriments to these requests. Approval of these variances will maintain compatibility and consistency with the development of the surrounding area.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board recommended **APPROVAL** of PA-08-05 by a vote of **6 to 1**.

The Planning and Zoning Board recommended **APPROVAL WITH CONDITIONS** as recommended by staff of Z-GDP-08-05, along with an additional stipulation to include a detail planting plan for the perimeter landscaping with specifications as part of the GDP by a vote of **6 to 1**. The planting plan is to be included with the plan presented to the City Commission.

CITY COMMISSION ACTION:

The City Commission shall **APPROVE, APPROVE WITH CONDITIONS** or **DENY** the proposed conceptual/general development plan.

Attachments: Site Plan
Ariel
Ordinance
Correspondences

Anthony & Jean Seney
502 7th Ave. West Palmetto, Fl 34221

Oct. 4, 2008

The City of Palmetto
Planning and Zoning Board
516 8th Ave. West
Palmetto, Fl 34221

Dear Planning and Zoning Board,

The plans for development of the parcel on 7th Ave. known as "The Cottages" appear on the surface to be an improvement to the residential area, however, with the current economic conditions, we feel that some safe guards should be utilized to protect the neighborhood from any negative impact.

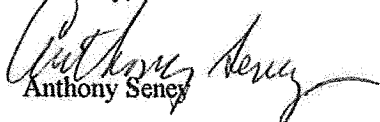
The by-laws of the condominium must not allow rental and forbid vehicle repair in the parking areas. The association should put in place necessary penalties to prevent abuse, and be so drafted to allow neighbors legal recourse for failure of the association to act. Such safe guards are common in condominium association by-laws. The parking accommodation is flawed by requiring the use of the right of way and seems to be the only negative in the plan in my view.

We hope that this development will provide moderately priced housing to our neighborhood attracting neighbors that have similar desires in the pride of home ownership. Safeguards will ensure care of the property and the rights of all neighbors to quiet enjoyment.

We do not approve of any development in our neighborhood that could be turned into a cluster of low income rental units such as others currently in the area. The over site by this board in limiting the use as noted above is vital to continue our neighborhood recovery process.

The city development process should be governed by time limits and over site. It is my hope that developments in the future are time sensitive and presents the board with an enforceable completion date. Often accommodations are made, developments started and due to conditions are not completed. This prevents development in a different direction that may be more economically viable. Started and not completed projects reflect badly on the city and on its ability to claim to be a vital climate for both residential and business interests.

Sincerely,


Anthony Seney

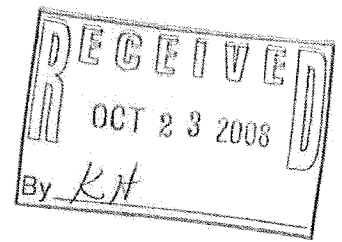
RECEIVED

OCT 06 2008

CITY HALL

Palmetto City Commission
Planning and Zoning Committee

October 22, 2008



Redevelopment Area:

8th Ave West- R.R. Tracks
Riverside Dr- 7th St West

I would like to address the Cottage Project for the corner of 7th Ave W and 5th St West. For the benefit of the City Commission, the Planning and Zoning Committee recently gave the go ahead for this project. There will be 6-2 story homes placed of on this lot starting price of \$170,000.00, with parking on the right of way. I do not know of many people who are going to invest that kind of money in a home to live cornered from a MIGRANT CAMP.

There are many homes for sale in the area, as well as throughout the entire town, both new and old, some have been turned into rentals with apartments within them. This area is full of rentals-homes, duplexes, triplexes, apartment houses, large yards, small yards, many have been for sale for so long that the signs have been taken down. If what we've already got isn't selling, why allow more to be built?

The empty corner of 4th St and 7th Ave West is an example of what happens when the City of Palmetto rezones for this kind of density. About 20 years ago, our City rezoned this area to accommodate a builders plan to redevelop the waterfront area. The development never happened, and the zoning stayed at multifamily. Duplexes that were built at that time have already had to be torn down. There are still about 50 rentals in this small area, some look just as bad as what has had to be torn down, some are homes that are not selling.

The Cottage parking in the right of way is not going to work. Cars parked in the right of way will block the clear site triangle. I have had two homes built across the street from my house with room for one car, their second, third and sometimes fourth are in the yards, in the street and sometimes blocking traffic. Our streets were not designed to handle this kind of mess.

Please keep in mind that the light at 5th St and 8th Ave West is the first light on this end of town. This is a heavily traveled area. This light allows safe access from one side of town to the other, it is the main road for Jet Park, our neighborhood and the Packing Plant.

The City of Palmetto's Redevelopment Plan for the Riverfront area is for a complete makeover for the entire area, not a lot here or there- We've had enough of that. This Plan is to make it easier for a developer to come in and redevelop the whole thing. Rework the roads, widen them to accommodate the extra traffic, deal with the serious drainage problems, and hopefully replace both public and private utilities in the area. This is one of the older areas in Palmetto.

Alice Kaddatz
511 4th St West

Main Property Search

Owner Address Account Advanced Map S

Profile

Values

Sales

Residential

Commercial

Out Buildings

Permits

Land

Agriculture

Sketch

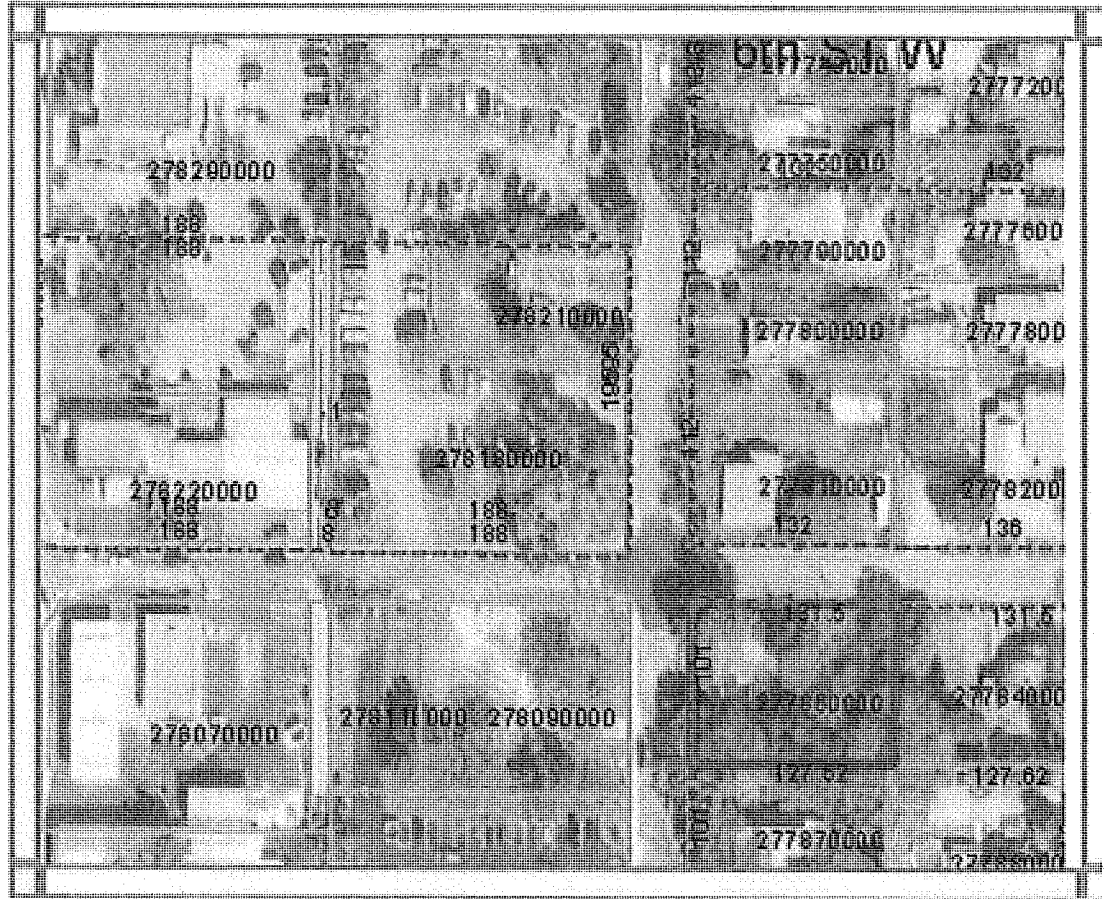
Exemptions

Full Legal

Map

PARID: 2778600003
WHITECAP PROPERTIES LLC

615 5TH S



Manatee County
Last GIS Data Update: 1-Sep-2008

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