

TAB 15

**CITY OF PALMETTO, FLORIDA
ORDINANCE NO. 08-981**

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-08-06 – R&W Gulfcoast Properties, LLC. PID # 2578000008, approximately 1.38+/- 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 R&W Gulfcoast Properties, LLC; and

WHEREAS, R&W Gulfcoast 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, this 5th day of January, 2009.

First Reading:	December 15, 2008
Publication:	December 22, 2008 and December 29, 2008
Second Reading and Public Hearing:	January 5, 2009

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

Begin at a point where the North right-of-way line of U.S 301 intersect with the East line of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 13, Township 34 South Range 17 East, said point being 143.95 feet North of the Southeast corner of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 13; thence Westerly along the North right-of-way line of said highway, 513.43 feet to a point of beginning; thence North parallel to the West line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ a distance of 399.1 feet; thence Westerly 150 feet along a line making a right angle with the last described line to the West line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 13; thence South along the West line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ a distance of 400 feet to the North right-of-way line of Highway 301; thence Easterly along the North right-of-way line of Highway 301 a distance of 150 feet to the point of beginning; lying and being in Manatee County, Florida.

Parcel Identification Number: 2578000008

Staff Report
ANNEXATION (AN0806)
COMPREHENSIVE PLAN AMENDMENT (PA0806)
CHANGE OF ZONING (Z0806)
R&W Gulfcoast Properties
1010 10th Street East
Palmetto, Florida

OWNER/GENERAL LOCATION/PARCEL SIZE:

Owner: R&W Gulfcoast Properties
Location: 1010 10th Street East
Parcel Size: 1.38 acres
PID #: 2578000008

EXISTING LAND USE/ZONING CATEGORY:

Future Land Use: County IL (Industrial Light)
Zoning: County LM (Light Manufacturing)

REQUESTED LAND USE/ZONING CATEGORY:

Future Land Use: City HCOMIND (Heavy Commercial/Industrial)
Zoning: City CHI (Heavy Commercial and Light Industrial)

SURROUNDING PROPERTY ZONING DISTRICT(S)/USES:

Future Land Use

North: City HCOMIND (Heavy Commercial/Industrial)
South: City GCOM (General Commercial)
East: City GCOM (General Commercial)
West: County IL (Industrial Light)

Zoning

North: City CHI (Heavy Commercial and Light Industrial)
South: City CG (Business and Light Commercial)
East: City CG (Business and Light Commercial)
West: County LM (Light Manufacturing)

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 heavy commercial uses 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 City water and septic. The applicant wishes to annex in order to hook into the City of Palmetto sewer collection system. 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 located within the CRA and may qualify for storefront grant money if improvements are proposed in the future.**

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 12" 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 12”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 subject property is in compliance with the criteria established for property annexation into a municipality. The parcel to be annexed is contiguous to the City of Palmetto boundary on three sides and is compact in nature. The subject parcel is identified on the Urban Development Zone (UDZ) map as being a logical expansion area of the City of Palmetto. The site is currently occupied by a commercial business (Wholesale Landscape). No new proposed development is proposed with this application. The existing use is consistent with the Manatee County Comprehensive Plan and Land Development Code. The City of Palmetto Comprehensive Plan Future Land Use and Zoning designations are comparable to the existing County designations. This will enable the site to have a transfer of jurisdictions in a consistent regulatory manner upon annexation.

The purpose of this request is to address a health safety issue. The site is currently occupied without connection to (sewer) central utilities. There have been sanitation problems with the existing septic system. 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 with the following condition:

1. Connection to City utilities must be made within six months from the date of approval.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board recommended unanimous **APPROVAL** of the proposed Annexation, Comprehensive Plan Amendment, and Rezone requests.

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.

Attachments: Comprehensive Plan and Infrastructure Impact Analysis
Urban Development Zone (UDZ) Map
Ariel
Ordinance

**Comprehensive Plan and Infrastructure Impact Analysis
for
Annexation of 1010 10th Street East, Palmetto, Florida 34221**

This analysis serves to address the impact to the infrastructure that this Comprehensive Plan Amendment will have on City services and facilities. Also included is a comparison of the applicable goals, policies and objectives of the City and County Comprehensive Plans.

An application for annexation into the City of Palmetto has been made concurrent with this Comprehensive Plan Amendment. The application area encompasses one tax parcel number identified as parcel 2578000008. Such parcel is owned by R & W Gulfcoast Properties, L.L.C. and, is 1.38 acres in size and located entirely within Section 13 of Township 35 South, Range 17 East and consists of a retail and Light Industrial) County Comprehensive Plan Future Land Use Category (FLUC).

This application is requesting approval of a Comprehensive Plan Amendment to the City of Palmetto HCOMIND. Once established, the HCOMIND FLUC will allow a subsequent application for Rezone to CHI. There will be no need for a site plan approval with the applications, as the landscaping business has no need for expansion of its business.

The following analysis addresses infrastructure impacts:

Infrastructure Impact Analysis

Access

The property has direct access to 10th Street East (U.S. 301). U. S 301 is a principal arterial. As such, adequate access is provided for emergency services, mass transit and other essential services.

Natural Resources

The site contains no jurisdictional wetlands.

Water and Sewer

The County currently provides water. Septic is currently on the site.

Solid Waste

Solid waste collection was provided by the County with disposal to the Manatee County landfill. The landfill has adequate capacity to continue to serve the facility.

Emergency Services

The site will be served with City police protection, North River Fire Department fire protection, and Manatee County emergency services. It is not anticipated that these services will be degraded due to the development of this site.

In summary, requests contained in this proposed Comprehensive Plan Amendment are not anticipated to create any adverse impact to public facilities or services.

Comprehensive Plan Comparison

The following represents a comparative analysis of the applicable provisions of the City and County Comprehensive Plans relative to Future Land Use and Intergovernmental Coordination. This proposal is consistent with those defined:

City of Palmetto

Future Land Use Element

Future Land Use Goal - To manage the growth and development of the City of Palmetto to promote the achievement of a community in which residents and visitors live in a healthful and safe environment that conserves the historical and natural qualities of the City while providing opportunities for economic and social advancement.

Objective 1.1 - To give due consideration to topography, soil conditions, and the availability of facilities and services in the location and density of future land uses.

Objective 1.4 - To conserve and protect natural and historic resources from unnecessary destruction.

Objective 1.6 - To ensure the availability of and provide for utility needs of the area.

Objective 1.7 - Discourage the proliferation of urban sprawl by encouraging...the in-fill development of vacant enclaves within the City's service area.

Objective 1.8 - To encourage the use of planned developments and mixed use developments when such techniques improve the City's ability to meet its land use goal.

Intergovernmental Coordination

Intergovernmental Coordination Goal - To achieve maximum governmental efficiency and improve local governmental planning capability by improving the quality of intergovernmental coordination.

Objective 11.1.1 – Open Communication. Establish effective formal and informal communication mechanisms with other local governments regarding planning issues to ensure effective and efficient implementation of the Comprehensive Plan attaining maximum efficiency.

Objective 11.1.2 - Intergovernmental coordination shall help to achieve effective implementation

of the local comprehensive plan.

Manatee County

Future Land Use Element

Future Land Use Goal - A distribution of land uses throughout Manatee County which limit urban sprawl, providing a predictable and functional urban form, allowing public facilities and services to be provided in a relatively cost efficient manner.

Objective 2.1.1 - Follow a mapping methodology limiting urban sprawl which recognizes existing development, projected growth areas, projected population and employment growth, and a possible development density and intensity less than the maximum specified on the Future Land Use Map.

Policy 2.1.1.4 - Promote development in currently undeveloped areas which have the greatest level of public facility availability and investment.

Policy 2.1.2.3 - Permit the consideration of new residential and non-residential development with characteristics compatible with existing development, in areas which are internal to or contiguous expansions of existing development.

Goal 2.6 - Development consistent with existing and proposed adjacent land uses.

Objective 2.6.1 - Compatibility through screening, buffering, setbacks and other mitigative measures: Require suitable separation between adjacent land uses to reduce the possibility of adverse impacts to residents and visitors, to protect the public health, and to provide for strong communities.

Policy 2.10.1.1 - Encourage the development of new commercial uses as infill development and discourage the expansion of existing commercial areas not meeting commercial locational criteria contained in Objective 2.10.4.

Intergovernmental Coordination Element

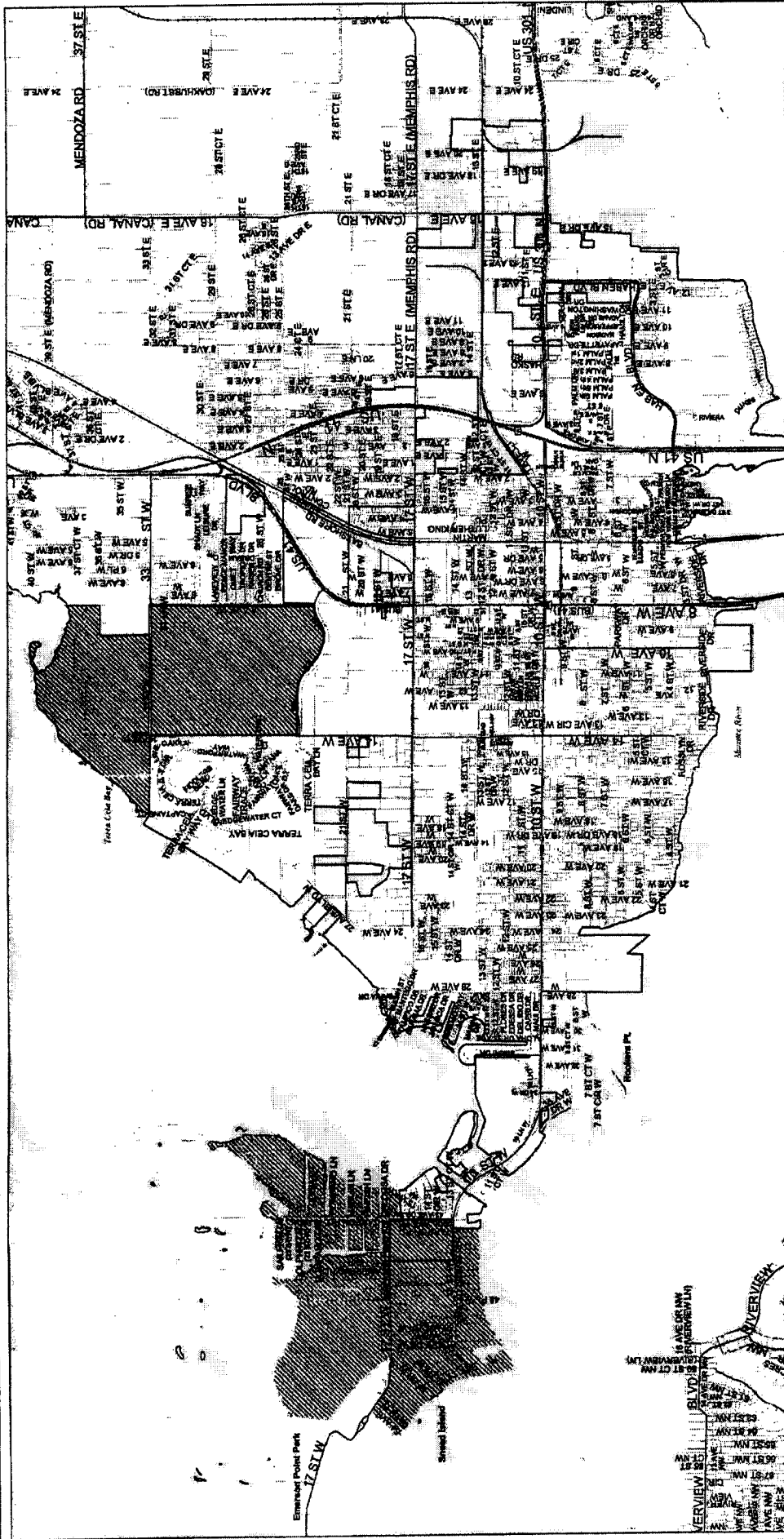
Objective 11.1.2 - Coordination of Annexations: Allow annexations which maintain consistency with this Comprehensive Plan to promote efficient extension of government services and identity.

Conclusion





The development plan will recognize the provisions of both Comprehensive Plans. The

Comprehensive Plan Amendment is mandatory due to the property's annexation. Once annexed, the Comprehensive Plan Amendment is necessary to bring the property in compliance with all provisions of the City of Palmetto's Comprehensive Plan. This serves as a logical expansion to the City and eliminates the property an enclave within Manatee County.

Urban Development Zone / Joint Planning Overlay



Urban Development Zone
 Joint Planning Overlay
 Existing City Limits

This map was developed by the Alachua County Land Information System program. It is provided for general reference, is subject to change, and is not warranted in any way. The information contained within is derived from several sources of varying quality and accuracy. Errors from misinterpretation of features from this map may occur. The user assumes all responsibility for the use of this information. Further, the Alachua County BOCG shall not be held liable for any inaccuracy or unavailability of the information.

Source:
 The data depicted in this map was provided by the Alachua County Board of County Commissioners and is a digital representation of Exhibit A Resolution # 11-2014.

Main Property Search

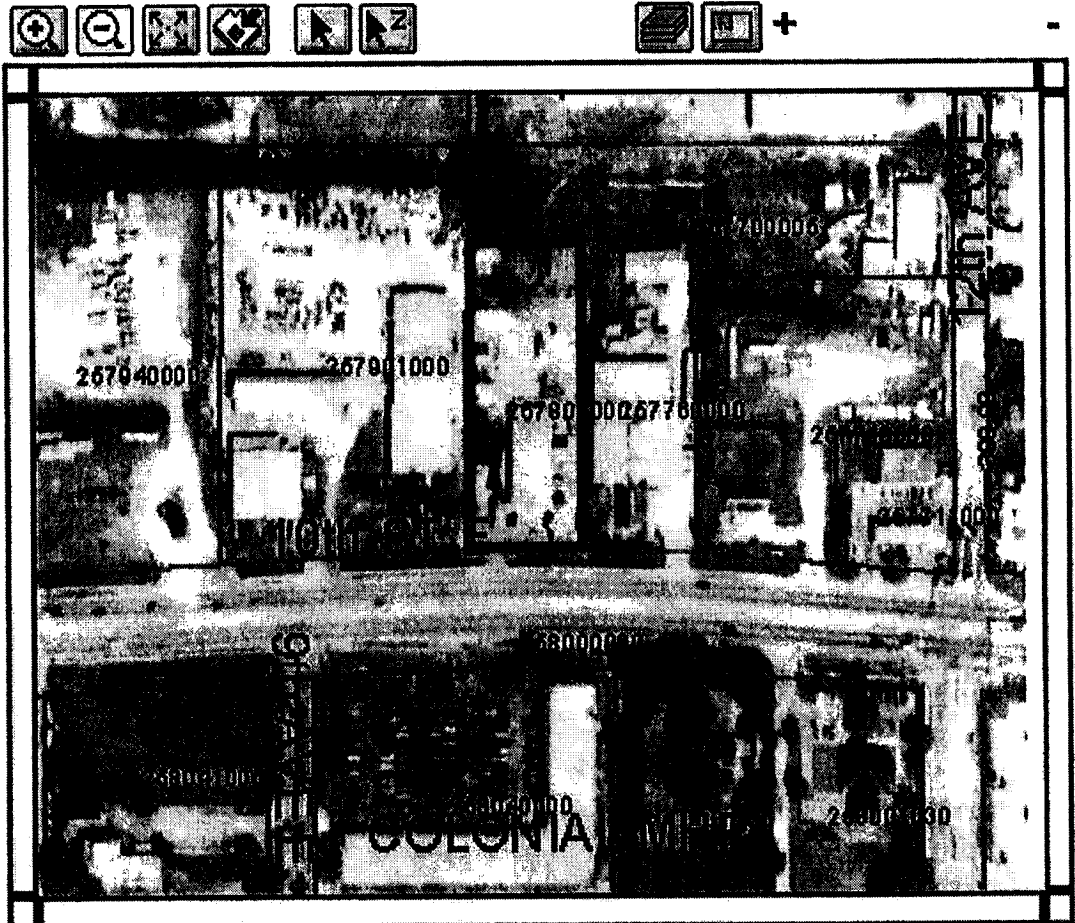
Owner Address Account Advanced Map Search

- Profile
- Values
- Sales
- Residential
- Commercial
- Out Buildings
- Permits
- Land
- Agriculture
- Sketch
- Exemptions
- Full Legal
- Map

PARID: 2578000008

RANDW GULFCOAST PROPERTIES L L C

1010 10TH ST E



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

Data Copyright Manatee County Property Appraiser's Office [Disclaimer] [Privacy Policy]

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City of Palmetto
Development Review Committee
Meeting Minutes
July 9, 2008

PRESENT

Bob Schmitt, City Planner
Frank Woodard, Deputy Director Engineering
Dick Clarke, ZNS Engineering
Duane Kinn, Deputy Director Operations
Matt Bloome, Stormwater Manager
Ken Hawkins, Planner I
Rusty Tona, NRRFD Inspector
Linda Butler, Planning Tech.

Meeting started at 9:00 am

ORDER OF BUSINESS:

1. Discussion/Distribution of Plan:
 - a. Sanctuary Cove-BOMA revision (05-443Rev)
 - Engineering issues needs to be addressed before plat is signed off
 - Need clean open gated access
 - NRRFD reported the fire hydrant reading is good on all but 2 hydrants
 - A question arose regarding wells on the property. It was discovered that the wells were approved before reclaim was available on site.
 - b. C&D Migrant Housing (08-579) 2nd submittal
 - Utilities will supply pipe if they will put them in the ground
 - Will have one master meter
 - Dumpster issue has been addressed, will make dumpster pad thicker
 - NRRFD has access to property
 - c. 7th Ave Cottages (Shute Rezone) (Z-08-05)
 - Need comments on preliminary bases in 2 weeks
 - Parking requires 2 spaces per unit, 7 units is being proposed
 - Project is a good concept, but needs to be revised. Will be unable to fit 7 units and meet all the set back requirement and parking requirement

2. Comments Due

a. Palmetto Riverside Bed & Breakfast (GDP-08-01)

- Will require sprinkler
- Access for NFRD is ok

3. Pre-Application Meeting:

a. Will Robinson (Annex pre-application 1010 10th St E) @ 10:00a.m.

- There will be no development on site
- Will need comp plan, redesignation
- Currently on forcemain (lift station)
- Will tentatively go before the P&Z on Sept. 8 and City Commission Oct. 6, 2008
- Need updated legal survey

4. Plan Sign Off Review

a. None

5. Team Inspection

a. Inspection 7/10/08 @9:00 am Riviera Walk East (04-386)

6. New Business

a. Palmetto High School expansion

The school wants to expand the auditorium and would like to expedite the project.

7. Old Business follow-up Discussions

a. Spacebox @ Palmetto (05-434)

- Stipulations written for the utilities connection
- Hydrant issue not clear

b. Palmetto Town Center FSP (07-574)

- Seeking financing

c. MCAT Transit Station (06-499)

- Matt will check the status of the connection of the lift station.

4. Adjourned: 10:30 a.m.

City of Palmetto
Development Review Committee
Meeting Minutes
September 10, 2008

PRESENT

Bob Schmitt, City Planner
Duane Kinn, Deputy Director of Operation
Frank Woodard, Deputy Director Engineering
Dick Clarke, ZNS Engineering
Matt Bloome, Stormwater Manager
Rusty Tona, Fire Inspector
Ken Hawkins, Planner 1
Linda Butler, Planning Tech

Meeting started at 9:00 am

ORDER OF BUSINESS:

1. Discussion/Distribution of Plan:
 - a. None
2. Comments Due
 - a. Forrystal C&D Transfer Revision Submittal (3rd Submittal 07-553Rev)
 - Utilities, good
 - Drainage concerns, hydrant relocated
 - Forward comments to Ms. Forristall
3. Plan Revision/Pre-Application Meeting:
 - a. Lucienne Gaufillet & John Cavoli (Beach Townhomes) @ 10:00 am.
 - 8 units proposed
 - Enclosed 2 car garage
 - Single family attached units
 - The GDP has expired
 - There are no issues with height. Units will be 35 ft or under, due to setback constraints
 - Two parking spaces per unit
 - NRPD requires the buildings to be sprinkled and would like to see the use of non-combustible construction material

- NRFD will not require 2 sided access if above mention issue is met
- Traffic Study required
- There will be cross access with Riviera Dunes water and drainage

4. Plan Sign Off Review

- a. None

5. Team Inspection

- a. None

6. New Business

- a. Sanctuary Cove water meter easement

- Agreement need to go before Commission for approval

- b. R&W Gulf Coast Properties (Wholesale Landscape 1010 10th St E)

- Currently on septic system
- Will check status of water system
- DRC has no objection to annexation
- Will go to P&Z in October

4. Old Business follow-up Discussions

- a. Palmetto Riverside Bed & Breakfast (GDP 08-01)

- Approved by City Commission, September 8, 2008 meeting.

- b. C&D Migrant Housing (CU-08-03)

- Will submit application for a variance
- Presentation will be given to City Commission regarding Farm Labor Camps on September 22, 2008

- c. T-Mobile (CU-08-04)

- Approved by City Commission

- d. MCAT Transit Station (06-499)
 - Impact fees
 - Stip Plans, approved as they presently are to date
 - e. Palmetto High School Expansion 03-378 exp08
 - Will go to P&Z September 15, 2008, informational purposes only
 - f. Memphis Road
 - Bac-t test to be performed
 - g. Taylor Fulton
 - The building is erected
 - Ready for CO
 - Is the landscape done?
 - h. Pullen Tract
 - Willing to dedicate right-of-way
 - Schedule site visit
8. Adjourned: 11:30 a.m.

CITY OF PALMETTO
PLANNING AND ZONING BOARD
516 8TH Avenue West
Palmetto, Florida 34221

MEETING MINUTES
OCTOBER 13, 2008 – 6:15 P.M.

BOARD MEMBERS PRESENT

Barbara Jennings, Chair
Michael Burton, Vice Chair
Jon Moore
Christopher Moquin

Robert Smith
Ed Bennett
Devin Harms

BOARD MEMBER ABSENT

Charlie Ugarte

ALTERNATE BOARD MEMBER ABSENT

Emilio Morales

SCHOOL BOARD APPOINTEE ABSENT

Mike Pendley

STAFF AND OTHERS PRESENT

Bob Schmitt	Michele Hall
Ken Hawkins	Walt Smith
Linda Butler	Timothy Dove
Jonathan Shute	Will Robinson

The regular meeting of the Palmetto Planning and Zoning Board was called to order by Chair Jennings, in the Palmetto City Hall Commission Chambers, 516 8th Ave. W., Palmetto, Florida at 6:15 p.m. pursuant to notice being sent to the public and the Board members in accordance with Palmetto's City Code.

Chair Jennings introduced and welcomed the newest alternate member to the P&Z Board, Christopher Moquin. Mr. Moquin stated he looked forward to serving the community to the best of his ability and appreciated the opportunity the Commissioners have given him.

Bob Schmitt, Michele Hall, Walt Smith, Timothy Dove, Jonathan Shute, Will Robinson, Alice Kaddatz, Marietta Loudon, and Mike Merrill are sworn in.

ORDER OF BUSINESS

1. Approval of Minutes for the September 15, 2008 meeting.

MOTION: Mr. Burton moved and Mr. Bennett seconded the motion to approve the September 15, 2008 meeting minutes. **MOTION CARRIED UNANIMOUSLY.**

2. R&W Gulfcoast Properties, LLC., AN-PA-Z-08-06 (1010 10th St E)
 1. Annexation (AN-08-06)
 2. Plan Amendment (PA-08-06)
 3. Rezone (Z-08-06)

Chair Jennings opened the public hearings.

Mr. Schmitt stated the subject property is in compliance with the criteria established for property annexation into a municipality. The parcel to be annexed is contiguous to the City of Palmetto boundary on three sides and is compact in nature. The subject parcel is identified on the Urban Development Zone (UDZ) map as being a logical expansion area of the City of Palmetto. The site is currently occupied by a commercial business (Wholesale Landscape). No new development is proposed with this application. The existing use is consistent with the Manatee County Comprehensive Plan and Land Development Code. The City of Palmetto Comprehensive Plan Future Land Use and Zoning designations are comparable to the existing County designations.

The purpose of this request is to address a health safety issue. The site is currently occupied without connection to (sewer) central utilities. There have been sanitation problems with the existing septic system. 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 with the following condition:

Mr. Will Robinson, agent, stated he has nothing else to add, and stated his client is excited about being in the City of Palmetto. Also Mr. Robinson commended Mr. Schmitt on a wonderful job as always in presenting and representing the intent of the project.

Chair Jennings asked Mr. Robinson to elaborate more on the septic system. Mr. Robinson stated the system is a very old system that needs to be replaced or put on city utilities.

Mr. Bennett questioned the economic benefit to the City? Ms. Hall stated the utilities lines are already there. Mr. Robinson stated it will be adding to the City tax base. Mr. Schmitt stated police service will have to be provided and the city would add a customer to help pay for utilities.

Chair Jennings closed the Annexation (AN-08-06) public hearing.
Chair Jennings closed the Plan Amendment (PA-08-06) public hearing.
Chair Jennings closed the Rezone (Z-08-06) public hearing.

MOTION: Mr. Harms moved to recommend approval of AN-08-06 to commission. Mr. Bennett seconded. **MOTION CARRIED UNANIMOUSLY.**

MOTION: Mr. Bennett moved to recommend approval of PA-08-06 to City Commission. Mr. Smith seconded. **MOTION CARRIED UNANIMOUSLY.**

MOTION: Mr. Burton moved to recommend approval of Z-08-06 to City Commission. Mr. Moore seconded. **MOTION CARRIED UNANIMOUSLY.**

3. 7th Avenue Cottages PA-Z-GDP-08-05

1. Plan Amendment (PA-08-05)
2. Rezone and General Development Plan (Z-GDP-08-05)

Chair Jennings opened the public hearings.

Mr. Schmitt stated the site located at 615 5th St W. 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 Downtown Design Guideline (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.

Walt Smith, agent, commended and thanked Mr. Schmitt on a job well done in presenting the technical aspect of the project. Mr. Smith explained and reviewed the concept of the project and stated the concept fits the DDG. A similar project on a smaller scale was constructed in the City of Bradenton. Mr. Smith stated they are aware of the economic risk, but believe this will be a great attraction to the downtown Palmetto. Also the building will offer the "green building" concept.

Chair Jennings questioned the time frame in starting the project. Mr. Smith stated as soon as they can get through the final engineering plan.

Mr. Burton questioned if they are seeking Green Building certification. Mr. Smith responded yes they are looking to move forward in that direction.

Mr. Harms questioned if the homes are modular homes. Mr. Smith responded yes they are modular structures; they will be built in a factory and shipped in.

Ms. Hall asked the anticipated selling price. Mr. Shute stated they will be in a price range of \$175,000 to \$200,000, and they will be land condominium.

Mr. Moore questioned the angled parking versus the 90 degree parking, and asked for an explanation. Mr. Shute stated the 90 degree parking doesn't work for the turning movement off the street, creates a greater hazard when pulling in and backing up. You have a higher visibility with angled parking, and also the best and safest. Mr. Shute stated he has no issue with the parking being angled or 90 degrees.

Mr. Burton asked if North River Fire District (NRFD) had looked at the plans for accessing all the structures. Mr. Schmitt stated they had and is now satisfied with the separation between the units, however this still needs to go through the building permit process. Mr. Smith stated they are also providing NRFD with a fire department connection at NRFD request.

Mr. Burton asked Mr. Dove to explain the criteria for the stormwater exemption. Mr. Dove stated SouthWest Water Management District (SWFWMD) requires 4,000 square feet for impervious paved surface and 9,000 square feet total impervious area and are under the threshold.

Chair Jennings asked about the trash pick-up, where will the waste management cans be? Mr. Smith pointed out on the plan designated locations for the trash cans.

Mr. Moore asked if this were not a plan unit development will the landscaping concept comply with the City plans. Mr. Schmitt stated no because it doesn't meet the minimum buffer requirement. One of the issues that was reviewed is the cross visibility and the site is in compliance with it. Mr. Moore stated a lot of nice trees and greenery is shown on the plan, but in fact with only 7 1/2 feet between the units you don't want to plant any significant size trees because it will take the foundation up.

Mr. Shute stated some of the trees are in poor health; they will be very selective in removing any trees. The large oak will remain and have a gazebo built around it.

Chair Jennings questioned the material used to build the homes. Mr. Shute stated the material meets or exceeds local building codes. The material is energy efficient.

Mr. Harms asked if the site will be eligible for impact fee credits. Mr. Schmitt stated he will look into it.

Mr. Moore questioned if the City's building codes address modular homes/structure. Mr. Schmitt stated the modular homes are addressed the same as single family residential homes. No building permits have been applied for at this time. Staff will talk with Roger Titus, Building Official regarding the issue.

Mr. Burton suggested to the applicant, to provide for the City Commission, a separate sheet, a landscape plan, with specification that

indicate that the perimeter planting will provide an opaque capacity to provide more privacy for the adjacent property owners.

Chair Jennings called for public comments and questions.

- Ms. Marietta Loudon, 414 7th Ave W, citizen, Opposed. Issues with the project: Turning into rental units, number of units on lot and the closeness to her property line. However, the rendering does look beautiful.
- Mr. Mike Merrill, 417 6th Ave. W., citizen, Opposed. Mr. Merrill has lived there 22 years. Issues with the project: density and parking.
- Ms. Alice Kaddatz, 511 4th St W., citizen, Opposed. Issues with the project: parking, traffic and congestion.
- Mr. Ray Frazier, citizen, Opposed. Issues with the project: density and congestion.
- Mr. Steve Pyles, citizen. Mr. Pyles was sworn in, stated it was a blessing Mr. Shute purchased the lot and tore down what was there. Opposed. Issues with the project: cutting down his trees, invasion of his privacy, congestion, density, possibility of the project turning into rental units and traffic.
- Mr. Anthony Seney, 507 7th Ave W., citizen, Mr. Seney was sworn in, stated the cottages appear on the surface to be an improvement, and is pleased that it is residential development. Issues with project: would like to see four units instead of 6, don't want rental units, vehicle repair on site, and parking accommodations. Also the city development process should be governed by time limits.

Mr. Schmitt informed the Members and public that a quadruplex can be built on that site without coming before the Board or Public Hearing.

Chair Jennings closed the plan Amendment (PA-08-05) public hearing

Chair Jennings closed the Rezone, General Development Plan (Z-GDP-08-05) public hearing.

Mr. Burton requested staff to address the statement made by the residents regarding reducing or eliminating density in the area. Mr. Schmitt stated he is not aware of any reduction or push to eliminate density not in the Urban Core.

Mrs. Tanya Lukowiak, CRA Director, was sworn in. Mrs. Lukowiak stated the density reductions in question were the removal of 3 building, 6 duplex units next to the CRA building. They were run down buildings. The intention is not to leave the property vacant. The DDG will allow for more urban setting in that area. The underlying land use did not change and the allowable density on the property under zoning remains the same.

Mr. Harms stated times are changing; the reality is that everybody is coming back to the core. People want to live closer to their job, banks and shopping.

Mr. Moore asked Mr. Schmitt to elaborate on the 7 units versus 6 that was originally planned. Mr. Schmitt stated the DDG would have allowed the seven units by density, but functionally it was not feasible, too compact and the parking was an issue. Mr. Moore asked, with economics aside, under the DDG, how many units are allowed on the lot. Mr. Schmitt answered 35 units per acre, with the lot being less than 1 acre, you can put a multi family building up to 11 units.

MOTION: Mr. Burton moved to recommend approval of PA-08-05 to City Commission. Mr. Bennett seconded. **MOTION CARRIED 6 to 1.**

MOTION: Mr. Bennett moved to recommend approval of Z-GDP-08-05 with stipulation recommended by staff and add a stipulation to include a detail planting plan for the perimeter landscaping with specification as part of the GDP to City Commission. Mr. Moquin seconded. **MOTION CARRIED 6 to 1.**

4. Old Business:

- Mr. Moore questioned the status of the intersection of 7th and 301. Mr. Schmitt stated Code Enforcement is now involved. Also Mr. Strollo will be invited to attend the next meeting to discuss code enforcement findings and their procedures.

5. New Business

- Mr. Schmitt announced there will be a Community Sign Workshop held in November. Flyers were distributed. Input is welcomed and encouraged.

6. Adjournment: 8:00 pm

MOTION: the Board unanimously moved to adjourn the meeting. Next Planning and Zoning Board meeting will be held on November 10, 2008.

Barbara Jennings, Chairman