

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 UNITS 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 5, 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 5th day of January, 2009.

First Reading: December 15, 2008
Publication: December 19, 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

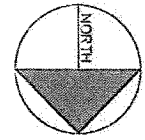
ATTEST: James R. Freeman,
City Clerk

By: _____
City Clerk/Deputy Clerk

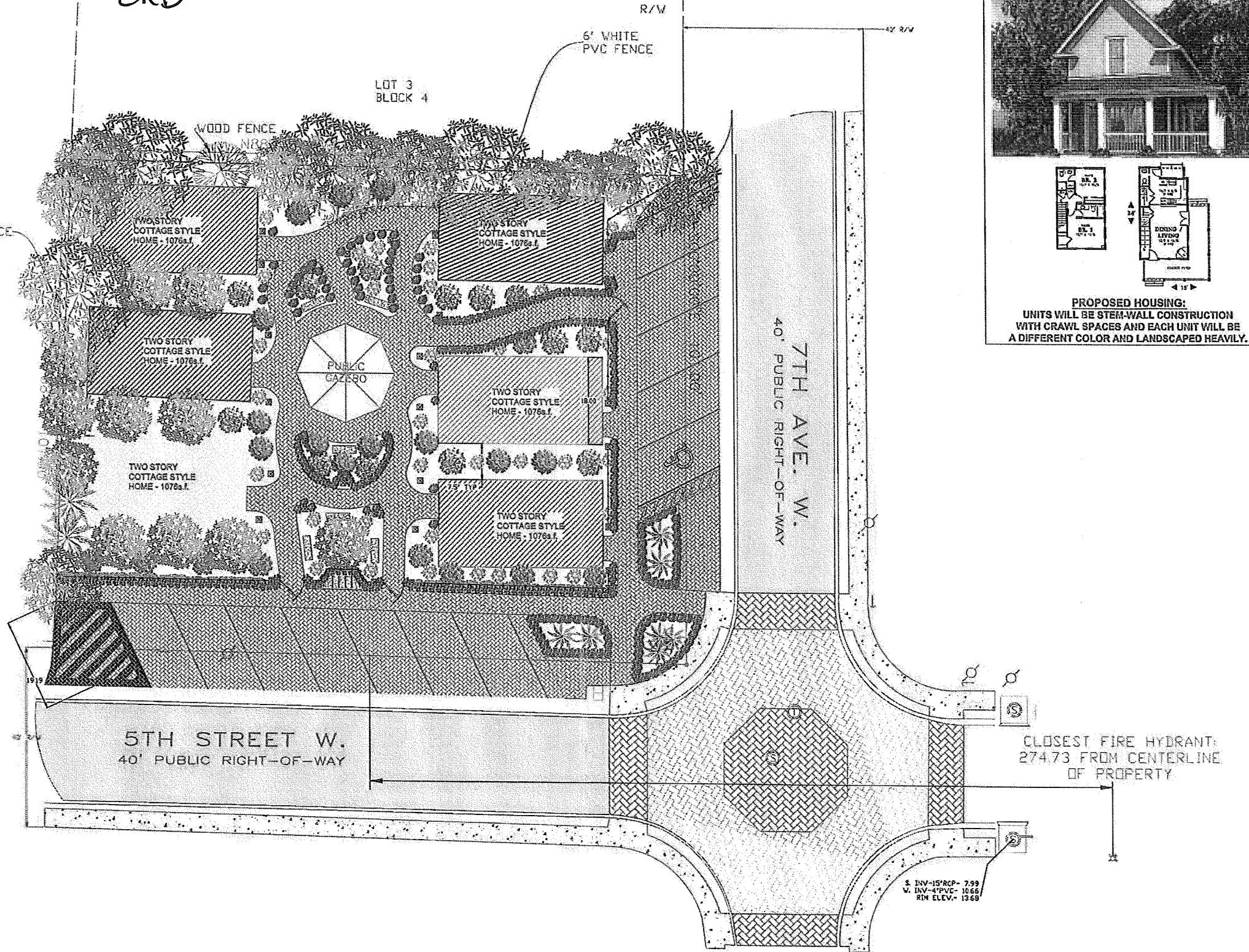
Exhibit "A" Legal Description

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

Exhibit "B"
ORD # 08-978

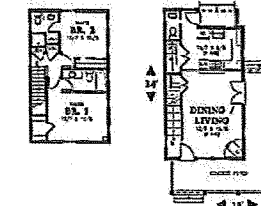


0 10 20
GRAPHIC SCALE IN FEET



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 Final Survey:	
Date of Issue:	
Project No.:	
Date:	9-22-08
Scale:	1" = 10'
Drawn By:	TCP
Checked By:	WJS
Cost File:	

Conceptual Plan
FOR
7th AVENUE
COTTAGES

THIS IS NOT A SURVEY
LOT 2, BLOCK 4
WILLIS ADDITION TO PALMETTO, AS RECORDED IN PLAT BOOK 1, PAGE 200, AND IN PLAT BOOK 2, PAGE 100, OF MANATEE COUNTY, FLORIDA.



NO.	REVISION	DATE	BY

DOVE ENGINEERING AND CONSULTING, LC
CERT. 27262
P.O. BOX 14631
BRADENTON, FLORIDA 34280-4631
CELL: 941-400-6044
E-MAIL: TIM.D@DOVE-ENGINEERING.COM

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

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.

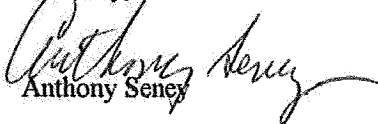
The by-laws of the condominium must not allow rental and forbid vehicle repair in the parking areas. The association should put in place necessary penalties to prevent abuse, and be so drafted to allow neighbors legal recourse for failure of the association to act. Such safe guards are common in condominium 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.

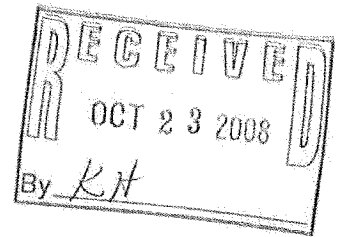
Sincerely,


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 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

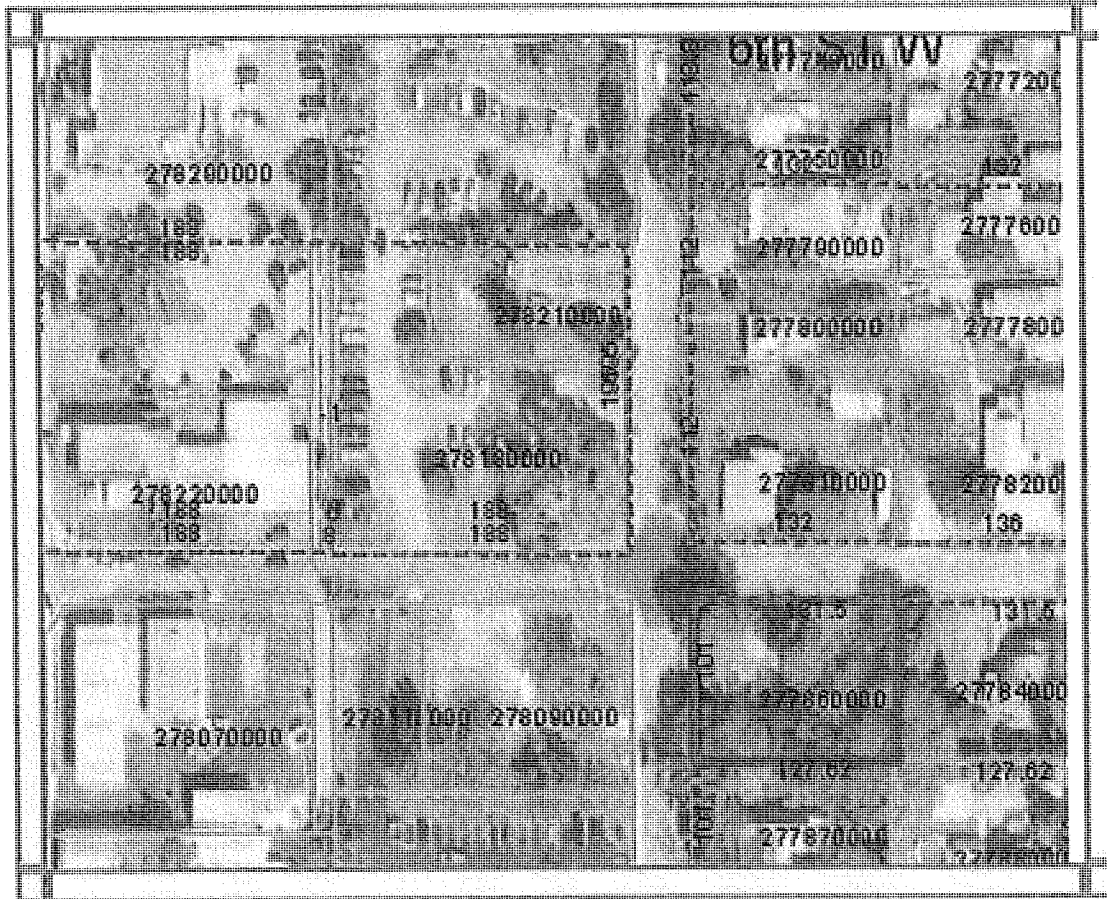
Main Property Search

Owner Address Account Advanced Map S

PARID: 2778600003
WHITECAP PROPERTIES LLC

615 5TH S

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



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

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 1
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 NRRFD 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
July 23, 2008

PRESENT

Bob Schmitt, City Planner
Frank Woodard, Deputy Director Engineering
Dick Clarke, ZNS Engineering
Matt Bloome, Stormwater Manager
Ken Hawkins, Planner 1
Rusty Tona, NRRFD Inspector
Linda Butler, Planning Tech.

Meeting started at 9:00 am

ORDER OF BUSINESS:

1. Discussion/Distribution of Plan:
 - a. None

2. Comments Due
 - a. Sanctuary Cove-BOMA revision (05-443Rev)
 - Access issue has been addressed
 - Plat has been approved by CC, if changes have been made since then; plat will need to go back before CC.
 - Legal description on plat must exactly as on title.
 - Cannot record plat until well issues are addressed.

 - b. 7th Ave Cottages (Shute Rezone) (Z-08-05)
 - Landscape issues need to be addressed
 - Distance to property line an issue
 - NRRFD: Install residential sprinklers, FDC at road (stand pipe)
 - On street parking issue

3. Pre-Application Meeting:

a. Laura Gee (Pre-application 810 10th Ave W) @ 10:00a.m.

- Notify Historic Preservation Board
- 1500 sq. ft landscape business with handicap bathroom and office
- Trucks will park on site at night
- Need exempt letter from SWFWMD
- Parking area is required to be paved with asphalt or concrete
- Building will be block & stucco
- 0 set back required if building is surrounded by commercial
- NRRFD suggested installing a door in the back for access purposes
- Building need to be equipped with standard fire extinguishers
- No on-site customer service transactions

b. Walt Smith (7th Ave Cottages -Shute Rezone -) @ 10:30 am

- Also see notes on 7th Ave Cottages -Shute's rezone under Comments Due
- Walkway is on private property
- Landscape plans
- Parking is an issue, some members are not happy with on-street parking, will try to shift parking onto site
- Site visibility triangle
- Schedule meeting with SWFWMD
- Need tree replacement chart
- Designate garbage pick-up area
- Water meter can be individual or a master meter
- Green homes design
- All utilities are on one side of street
- Reconfigure distance between structures, 7.5 to 8 ft.
- Bike racks on-site

4. Plan Sign Off Review

a. None

5. Team Inspection

- a. None

6. New Business

- a. None

7. Old Business follow-up Discussions

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

- Will go before the P&Z on August 11, 2008, a member of the P&Z had to recuse himself, and therefore no quorum was present.

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

- Approved by P&Z unanimously on July 14, 2008 with stipulation and opposition from some citizens.

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

- This item was continued until August 11, 2008, a member of the P&Z had to recuse himself, and therefore no quorum was present.

4. Adjourned: 11:40 a.m.

City of Palmetto
Development Review Committee
Meeting Minutes
October 8, 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
Ken Hawkins, Planner 1
Linda Butler, Planning Tech

Meeting started at 9:00 am

ORDER OF BUSINESS:

1. Discussion/Distribution of Plan:

a. 7th Ave Cottages (Rezone, Plan Amendment, GDP-08-05)

- Revised plans are in
- Number of units reduced by 1
- Need agreement regarding pavers replacement
- Install 4 way stop
- Project consistent with Palmetto Riverside Bed & Breakfast
- Land condominiums

2. Comments Due

- Riviera Beach Townhomes comments due in two weeks

3. Plan Revision/Pre-Application Meeting:

a. Race Trac Expansion (07-536), Billy Hampton, Jim Vandercrake

- Need approval from Manatee County
- Need SWFWMD permit to move/modify pond
- Remove driveway once new one is ready
- Line up driveway with Lincoln Park entrance
- Add parking in different location

- Traffic survey

4. Plan Sign Off Review

- a. None

5. Team Inspection

- a. None

6. New Business

- a. Value Pawn Conditional Use Permit (Sign)

- Request to change sign to a strolling marquee sign
- Stipulation to include limit letter size to 6 inches and no flashing lights

7. Old Business follow-up Discussions

- a. South Pullen Tract right-of-way and deed issues
- b. Community Sign Workshop scheduled for November 12, 13, 19, 20 and 24th, 2008

8. Adjourned: 10:50 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