

TAB 7

**CITY OF PALMETTO
ORDINANCE NO. 08-980**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A CONCEPTUAL/GENERAL DEVELOPMENT PLAN FOR PARCEL #9 OF THE RIVIERA DUNES MASTER DEVELOPMENT PLAN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 08-06 Beach Townhomes Investors, LLC, PID# 2581600959, approx. 1.31± 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, the City Commission of the City of Palmetto has certain regulatory authority granted to it by the Florida Constitution, the Florida Statutes and the City Charter to regulate the use of land within its corporate boundaries; and,

WHEREAS, the City Commission of the City of Palmetto approved a Development Order and Master Development Plan for the Riviera Dunes project, a development of regional impact, on December 20, 1999; and

WHEREAS, said Development Order and subsequent amendments thereto provide that various parcels included in the Master Development Plan shall be developed at different times in accordance with a schedule contained therein; and

WHEREAS, the City of Palmetto has received a complete and timely application for approval of a Conceptual/General Development Plan for a multi-family project to be located on parcel number 9 (“Project”), as shown on the Master Development Plan and more particularly described in **Exhibit A**; and

WHEREAS, the Planning and Zoning Board of the City of Palmetto reviewed the proposed Conceptual/General Development Plan, held a properly noticed public hearing on November 10, 2008, received public comment and testimony, and provided its recommendation to the City Commission of the City of Palmetto; and,

WHEREAS, the City Commission of the City of Palmetto held a properly noticed public hearing on January 5, 2009, and received public comment and testimony at said hearing; and,

WHEREAS, the City Commission of the City of Palmetto finds that approval of the proposed Conceptual/General Development Plan benefits the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AS FOLLOWS:

Section 1. Finding of Fact.

A. The above-referenced “WHEREAS” clauses are adopted herein as findings of fact.

B. The Planning and Zoning Board, acting as the Local Planning Agency, has recommended denial of the proposed Comprehensive/General Development Plan, a copy of which is attached hereto and incorporated herein as **Exhibit B**.

C. The proposed Comprehensive/General Development Plan is consistent with the City of Palmetto's Comprehensive Plan.

D. The proposed Comprehensive/General Development Plan is compatible with adjacent land uses and complies with all pertinent provisions of the City of Palmetto's Zoning Code.

Section 2. Plan Approval. The proposed Conceptual/General Development Plan is hereby approved with the following stipulations:

1. The townhomes on the site shall not exceed 40 feet in height from the first floor base flood elevation to the top of roof.

2. Emergency access is granted to the North River Fire Department through the Bel-Mare parking garage at the north end of the project driveway.

3. A community trash collection area needs to be identified on the construction plans.

4. Development is subject to construction plan approval.

5. No Certificate of Occupancy shall be issued for any units in the project unless and until all applicable requirements of Chapter 17, Article III, Division 1, Sections 17-47, through 17-97 of the City of Palmetto Code of Ordinances, pertaining to provision of Attainable Housing, have been satisfied.

Section 3. Repeal of Ordinance. This Ordinance hereby repeals all ordinances and parts of ordinances in conflict herewith to the extent of such conflict.

Section 4. Severability. If any section, sub-section, paragraph, sentence, clause or phrase in this Ordinance shall be held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions hereof.

Section 5. Effective Date. This Ordinance shall take effect as provided for by law and by City Charter, Section 14 upon execution by the Mayor, or if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

PASSED AND DULY ADOPTED, by the City Commission, in open session, with a quorum present and voting, this 5th day January, 2009.

First Reading: December 15, 2008

Publication: December 19, 2009

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

A parcel of land lying and being in Section 24, Township 34 South, Range 17 East, Manatee County, Florida.

Commence at a southwest corner of tract "H" the northshore at Riviera Dunes Phase 1-A, Plat Book 35, page 19, Public Records of Manatee County, Florida; Thence N. $89^{\circ}59'16''$ W., a distance of 30.00 feet; Thence south, a distance of 105.78 feet; Thence S. $26^{\circ}33'54''$ E, a distance of 41.05 feet; Thence south a distance of 235.30 feet to a point of curvature of a non-tangential curve, concave northwest, of which the radius point lies S $89^{\circ}59'56''$ W., a radial distance of 136.00 feet, thence southwesterly along the arc of said curve through a central angle of $90^{\circ}01'32''$, a distance of 213.69 feet, said curve being subtended by a chord that bears S $45^{\circ}00'42''$ W., a distance of 192.38 feet; Thence N $89^{\circ}58'32''$ W., a distance of 306.43 feet for a point of beginning; Thence N $58^{\circ}21'39''$ W., a distance of 231.96 feet; Thence north, a distance of 132.22 feet; Thence S $89^{\circ}46'56''$., A distance of 156.85 feet; Thence S $00^{\circ}13'04''$ E., a distance of 156.41 feet; Thence west, a distance of 9.19 feet; Thence south, a distance of 85.68 feet, thence N $89^{\circ}47'04''$ E., a distance of 35.23 feet; Thence S $00^{\circ}12'51''$ E., a distance of 41.19 feet; Thence S $89^{\circ}58'09''$ E., a distance of 44.54 feet; Thence N $00^{\circ}12'41''$ W., a distance of 16.99 feet; Thence S $89^{\circ}58'32''$ E., a distance of 283.07 feet; Thence N $00^{\circ}01'28''$ E., a distance of 13.00 feet to the point of beginning.

Containing 57,174 square feet of 1.31 acres, more or less.

CSP 08-06

EXHIBIT "B" ORDINANCE 08-980

BEACH TOWNHOMES AT RIVIERA DUNES

BY

BEACH TOWNHOMES INVESTORS, LLC

NEW

LEGAL DESCRIPTION

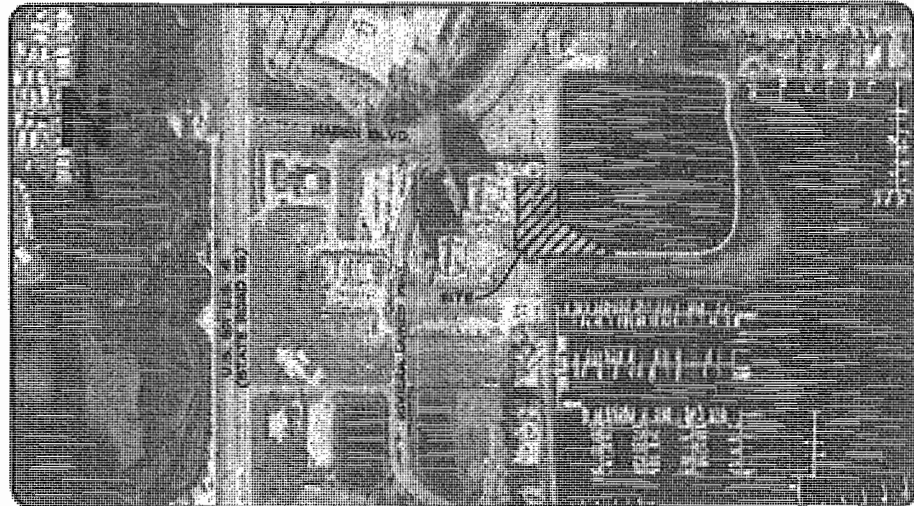
A PARCEL OF LAND LYING AND BEING IN SECTION 24, TOWNSHIP 34 SOUTH RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

COMMENCE AT A SOUTHWEST CORNER OF TRACT 'H' THE NORTHSORE AT RIVIERA DUNES PHASE 1-A, PLAT BOOK 35, PAGE 19, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N.89°59'15"W, A DISTANCE OF 30.00 FEET; THENCE SOUTH, A DISTANCE OF 105.78 FEET; THENCE S.24°33'54"E, A DISTANCE OF 41.05 FEET; THENCE SOUTH, A DISTANCE OF 235.30 FEET TO A POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE NORTHWEST, OF WHICH THE RADIUS POINT LIES S.89°59'56"W, A RADIAL DISTANCE OF 136.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°01'32", A DISTANCE OF 213.69 FEET, SAID CURVE BEING SUBTENDED BY A CHORD THAT BEARS S.45°00'42"W, A DISTANCE OF 192.35 FEET; THENCE N.89°58'32"W, A DISTANCE OF 306.43 FEET FOR A POINT OF BEGINNING; THENCE N.88°21'39"W, A DISTANCE OF 231.96 FEET; THENCE NORTH, A DISTANCE OF 132.22 FEET; THENCE S.89°46'36"W, A DISTANCE OF 156.85 FEET; THENCE S.00°13'04"E, A DISTANCE OF 156.41 FEET; THENCE WEST, A DISTANCE OF 9.19 FEET; THENCE SOUTH, A DISTANCE OF 85.66 FEET; THENCE N.89°47'04"E, A DISTANCE OF 35.23 FEET; THENCE S.00°12'51"E, A DISTANCE OF 41.19 FEET; THENCE S.89°58'09"E, A DISTANCE OF 44.54 FEET; THENCE N.00°12'41"W, A DISTANCE OF 16.99 FEET; THENCE S.89°58'32"E, A DISTANCE OF 283.07 FEET; THENCE N.00°01'28"E, A DISTANCE OF 13.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 57,174 SQUARE FEET OR 1.31 ACRES, MORE OR LESS.

NOTES:

1. BEARINGS ARE BASED ON AN ASSUMED MERIDIAN OF N00°11'34"W BEING THE EASTERLY RIGHT OF WAY OF U.S. 41/U.S. 301.
2. THE RELATIVE ERROR OF CLOSURE OF THIS SURVEY IS WITHIN THE ACCURACY ALLOWED FOR THIS TYPE OF SURVEY.
3. THE SURVEY DEPICTED HEREON IS NOT INTENDED TO SHOW THE LOCATION OR EXISTENCE OF ANY WETLAND OR JURISDICTIONAL AREAS.
4. RE-USE OF THIS SURVEY FOR THE PURPOSES OTHER THAN WHICH IT WAS INTENDED WITHOUT WRITTEN VERIFICATION, WILL BE AT THE RE-USERS SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.
5. THE PROPERTY SHOWN HEREON LIES WITHIN FLOOD ZONE "AE" (BFE=0'), AS PER F.I.R.M. PANEL NO. 120153 0189 B, DATED 06-30-92(SUBJECT TO VERIFICATION) (INFORMATION SCALED FROM FEMA MAP.)
6. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, NO INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE PROVIDED TO, OR PURSUED BY THE UNDERSIGNED. ENCUMBRANCES OTHER THAN SHOWN HEREON MAY EXIST.
7. THIS SURVEY IS SUBJECT TO PERTINENT EASEMENTS, RIGHT-OF-WAY AND RESTRICTIONS OF RECORD, IF ANY.
8. UTILITIES SHOWN HEREON ARE PER ABOVE GROUND EVIDENCE ONLY. NO EXCAVATION WAS PERFORMED TO VERIFY THE LOCATION OR EXISTENCE OF ANY UNDERGROUND IMPROVEMENTS, STRUCTURES OR FOUNDATIONS. THIS DOCUMENT SHOULD NOT BE RELIED UPON FOR EXCAVATION OR CRITICAL DESIGN FUNCTIONS WITHOUT FIELD VERIFICATION OF UNDERGROUND UTILITY LOCATIONS. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST.
9. ELEVATIONS SHOWN HEREON ARE BASED ON BENCHMARK Z66 (RESET 1955) WITH AN ELEVATION OF 9.724 (REFERENCED TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929).
10. A MEAN HIGH WATER SURVEY WAS NOT PERFORMED FOR THE PURPOSE OF THIS SURVEY.
11. OWNERSHIP OF FENCES, IF ANY, WERE NOT DETERMINED AS APART OF THIS SURVEY.
12. BUILDING TIES TO THE PROPERTY LINE SHOWN HEREON HAVE BEEN FIELD VERIFIED. BUILDING SETBACK INFORMATION REQUIRED BY SUBJECT COUNTY LAND DEVELOPMENT CODE WAS PROVIDED BY CLIENT AND HAS NOT BEEN CONFIRMED OR VERIFIED BY THIS OFFICE.



AERIAL VICINITY MAP
SCALE: N.T.S.

GENERAL DEVELOPMENT PLAN FOR A PROJECT LOCATED IN: S: 24 T: 34S R: 17E

GENERAL NOTES:

1. ALL CONSTRUCTION (INCLUDING LANDSCAPING AND IRRIGATION) SHALL BE IN ACCORDANCE WITH THE CITY OF PALMETTO REQUIREMENTS.
2. REFUSE COLLECTION FOR THE PATIO HOMES SHALL BE BY STANDARD RESIDENTIAL COLLECTION METHODS.
3. THE PROPOSED PROJECT SHALL MEET THE FIRE PROTECTION REQUIREMENTS OF THE NORTH RIVER FIRE DISTRICT.
4. APPROPRIATE FIRE FLOW SHALL BE PROVIDED TO MEET CONCURRENCY REQUIREMENTS.
5. THE RESIDENTIAL GATED ENTRANCE/EXIT ARRANGEMENTS SHALL BE IN COMPLIANCE WITH THE FIRE PREVENTION CODE (ACCESSIBILITY TO THE DEVELOPMENT FOR EMERGENCY SERVICES PROVIDERS.) PLANS INDICATING SPECIFIC DETAILS OF THE ENTRANCE/EXIT ARRANGEMENTS SHALL BE SUBMITTED TO THE NRPD FOR REVIEW AND APPROVAL.
6. FIRE HYDRANTS AND BACKFLOW PREVENTION DEVICES FOR THE FIRE PROTECTION SYSTEMS SHALL BE SHOWN ON THE FINAL SITE PLAN.
7. THE DEVELOPER SHALL RELOCATE ALL UTILITIES LOCATED IN ANY RELOCATED RIGHT-OF-WAY UNLESS PROPERLY PLACED IN AN APPROVED UTILITY EASEMENT. ALL EASEMENTS AND RELOCATIONS SHALL BE APPROVED BY THE AFFECTED UTILITY FACILITY OWNER.
8. THE PROPOSED PROJECT SHALL CONNECT TO ALL UTILITIES IN THE RIGHT-OF-WAY ADJACENT TO THE PROJECT OR IN AN APPROVED EASEMENT ON THE PROJECT. THESE UTILITIES ARE WATER, SEWER, GAS, TELEPHONE, AND CABLE TV. ALL PROPOSED UTILITIES SHALL BE UNDERGROUND.
9. ALL SITE LIGHTING SHALL BE IN CONFORMANCE WITH THE THE CITY OF PALMETTO.
10. SEE LANDSCAPE ARCHITECT'S PLANS FOR SCHEMATIC LANDSCAPE LAYOUT.
11. CONSTRUCTION TO BEGIN APRIL 2009, INFRASTRUCTURE TO BE COMPLETED BY JULY 2009.
EACH BUILDING TO BE COMPLETED IN SEPARATE PHASES.
PHASE 1A - BUILDING 1 AND INFRASTRUCTURE
PHASE 1B - BUILDING 2
PHASE 1C - BUILDING 3
12. THERE ARE NO EXISTING TREES ON SITE.
13. ANY MODIFICATION TO THE EXISTING TOP OF BANK OF THE STORMWATER FACILITY IS SUBJECT TO SWPMD APPROVAL.
14. ALL UTILITIES WILL BE PRIVATELY MAINTAINED.
15. ALL LIGHTING WILL BE IN ACCORDANCE WITH SEPTD STANDARDS PER THE CITY OF PALMETTO REGULATIONS. FINAL DETAILS WILL BE PROVIDED WITH THE CONSTRUCTION PLANS.

EXISTING SITE INFORMATION

TOTAL PROJECT AREA: 1.31 AC.
 ZONING JURISDICTION: CITY OF PALMETTO
 EXISTING LAND USE: VACANT
 EXISTING ZONING: PDMU
 ZONING: PD
 FLU: PDMU
 ADJACENT ZONING: NORTH: PDMU
 SOUTH: PDMU
 EAST: PDMU
 WEST: PDMU
 ADJACENT LAND USE: NORTH: FUTURE BEL MARE TOWER
 SOUTH: RIVIERA DUNES COMMERCIAL
 FUTURE BANQUET CENTER
 EAST: EXISTING SWF, RESIDENTIAL
 WEST: BEL MARE TOWERS 1 & 2
 A-B(#1201159 0004 C DATED 11/16/83)
 SEC. 24, TWP. 34S, RANGE 17E
 196 RIVIERA DUNES WAY.
 FLOOD ZONE: A-E
 LOCATION: 196 RIVIERA DUNES WAY.

DEVELOPMENT TEAM

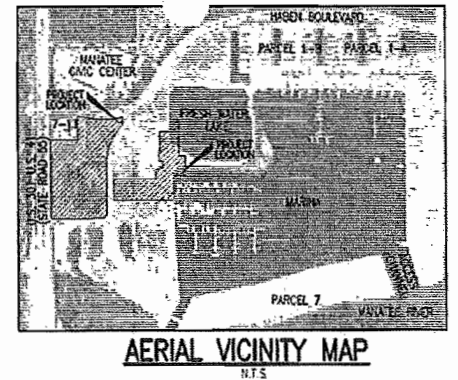
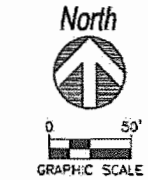
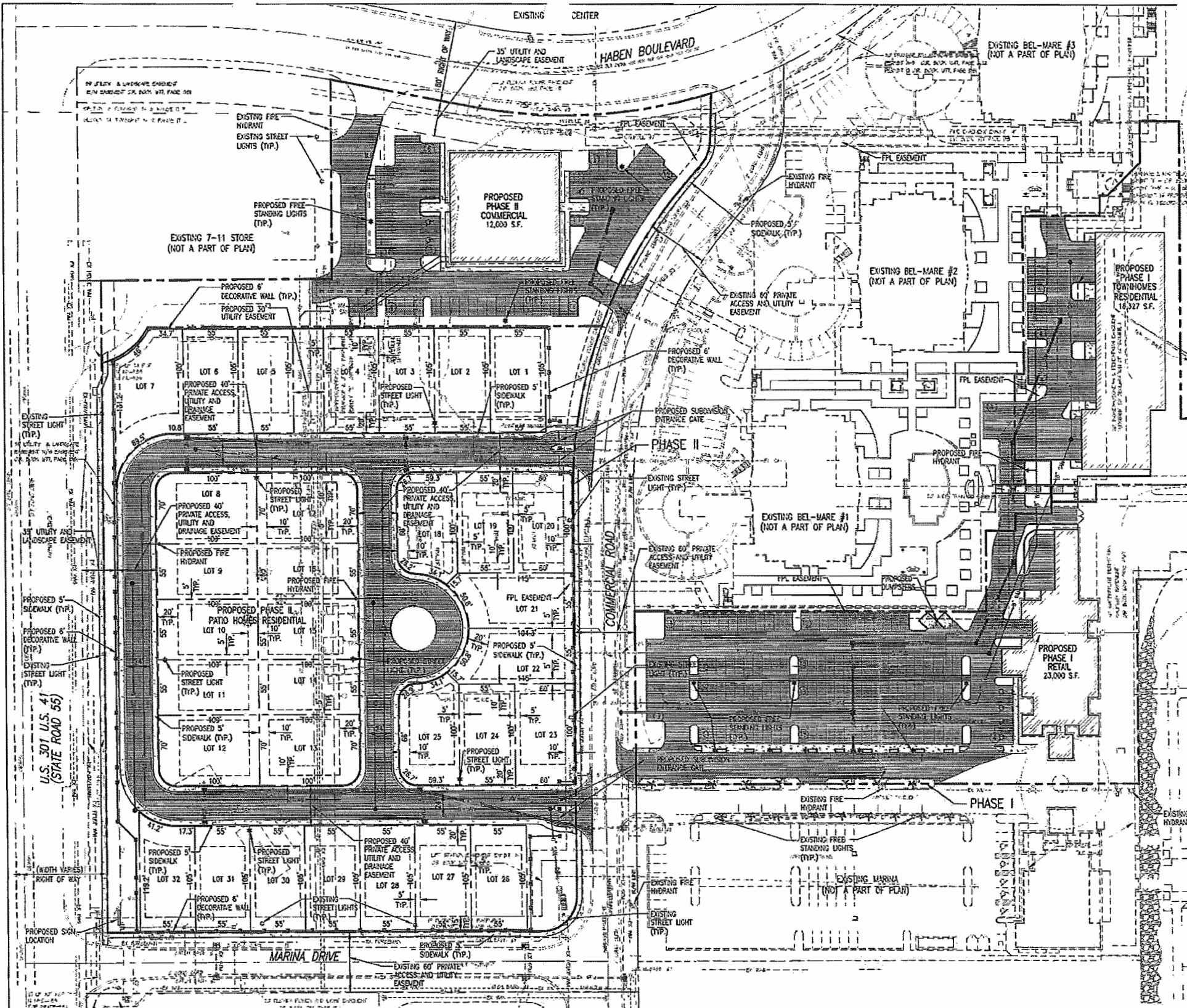
DEVELOPER BEACH TOWNHOMES INVESTORS, LLC 130 RIVIERA DUNES WAY #303 BRADENTON, FL 34221	PLANNER/AGENT P 33, LLC 1226 3rd Street Circle East Palmetto, FL 34221 Phone: (941) 704-4333 Fax: (941) 722-2579	
SURVEYOR: Global Surveying of Bradenton, LLC P.O. Box 20755 Bradenton, FL 34204 Phone: (941) 746-1512 Fax: (941) 747-2450	CIVIL ENGINEER: Cavoli Engineering, Inc. 7357 International Place, Ste. 101 Sarasota, FL 34240 Phone: (941) 907-7007 Fax: (941) 907-7008	ARCHITECT Brad Design & Engineering 708 Lithia Pinecrest Rd., Ste. 101 Brandon, FL 33511 Phone: (813) 689-7002 Fax: (813) 684-1691

CITY OF PALMETTO SIGNATURE BLOCK

DRC MEMBER	CK	SIGNATURE	DATE
DIRECTOR OF PUBLIC WORKS			
SUPERINTENDENT OF PUBLIC WORKS			
CITY PLANNER			
FIRE MARSHALL			
CITY ENGINEER			
DRC COORDINATOR			

John Cavoli
1/24/09

OLD GAP PTO



LEGEND

- PROPERTY BOUNDARY
- - - PROPOSED RIGHT OF WAY LINE
- ▨ PROPOSED CONCRETE PAVEMENT/ SIDEWALK
- ▩ PROPOSED BUILDING
- PROPOSED ASPHALT PAVEMENT
- Ⓢ PARKING SPACE BY TOTAL

LEGAL DESCRIPTION

SEE ATTACHED SURVEYS

NOTES

1. ALL CONSTRUCTION (INCLUDING LANDSCAPING AND IRRIGATION) SHALL BE IN ACCORDANCE WITH THE CITY OF PALMETTO REQUIREMENTS.
2. FINAL DUMPSTER LOCATIONS SHALL BE APPROVED BY THE CITY OF PALMETTO. REFUSE COLLECTION FOR THE PATIO HOMES SHALL BE BY STANDARD RESIDENTIAL COLLECTION METHODS.
3. THE PROPOSED PROJECT SHALL MEET THE FIRE PROTECTION REQUIREMENTS OF THE NORTH RIVER FIRE DISTRICT.
4. APPROPRIATE FIRE FLOW SHALL BE PROVIDED TO MEET CONCURRENCY REQUIREMENTS.
5. THE RESIDENTIAL GATED ENTRANCE/EXIT ARRANGEMENTS SHALL BE IN COMPLIANCE WITH THE FIRE PREVENTION CODE (ACCESSIBILITY TO THE DEVELOPMENT FOR EMERGENCY SERVICES PROVIDERS). PLANS INDICATING SPECIFIC DETAILS OF THE ENTRANCE/EXIT ARRANGEMENTS SHALL BE SUBMITTED TO THE AFD FOR REVIEW AND APPROVAL.
6. FIRE HYDRANTS AND BACKFLOW PREVENTION DEVICES FOR THE FIRE PROTECTION SYSTEMS SHALL BE SHOWN ON THE FINAL SITE PLAN.
7. THE DEVELOPER SHALL RELOCATE ALL UTILITIES LOCATED IN ANY RELOCATED RIGHT OF WAY UNLESS PROPERLY PLACED IN AN APPROVED UTILITY EASEMENT. ALL EASEMENTS AND RELOCATIONS SHALL BE APPROVED BY THE AFFECTED UTILITY FACILITY OWNER.
8. THE PROPOSED PROJECT SHALL CONNECT TO ALL UTILITIES IN THE RIGHT OF WAY ADJACENT TO THE PROJECT OR IN AN APPROVED EASEMENT ON THE PROJECT. THESE UTILITIES ARE WATER, SEWER, GAS, TELEPHONE, AND CABLE TV. ALL PROPOSED UTILITIES SHALL BE UNDERGROUND.
9. ALL SITE LIGHTING SHALL BE IN CONFORMANCE WITH THE CITY OF PALMETTO REQUIREMENTS.
10. SEE LANDSCAPE ARCHITECT'S PLANS FOR SCHEMATIC LANDSCAPE LAYOUT.

PROPOSED SITE INFORMATION (PHASES I AND II)

PHASE I DEVELOPMENT

BUILDING DATA (PHASE I):
 TOURNHOUSES: 1 BUILDING - 8 UNITS
 BUILDING HEIGHT: 40 FEET, 2 STORES WITH ROOF DECK
 DENSITY: 8 UNITS/1.17 AC. (RES. AREA ONLY) = 6.8 UNITS/AC
 REQUIRED PARKING: 2 SPACES PER UNIT
 PROVIDED PARKING: 25 SPACES

RETAIL: MAXIMUM 23,000 S.F. AND/OR RETAIL OFFICE, BANQUET ROOMS WITH ALTERNATIVE USES TO INCLUDE DELICATESSEN, 1 DWELLING UNIT, RESTAURANT
 BUILDING HEIGHT: 44 FEET, 2 STORES
 DENSITY (FAR): 23,000 S.F./10,416 S.F. = 1.48 OR 20.8%
 REQUIRED PARKING: 1 SPACE/200 S.F. * 23,000 S.F. = 115 SP.
 PROVIDED PARKING: 131 SPACES

AREA CALCULATIONS (PHASE I):
 BUILDING AREA: 28,435 S.F. = 0.65 AC. OR 17.6%
 IMPERVIOUS AREA: 76,022 S.F. = 1.74 AC. OR 47.1%
 RECREATION/OPEN SPACE: 58,897 S.F. = 1.31 AC. OR 35.3%
 TOTAL: 161,354 S.F. = 3.70 AC.

PHASE II DEVELOPMENT

BUILDING DATA (PHASE II):
 PATIO HOMES: 32 LOTS
 BUILDING HEIGHT: 35 FEET, 2 STORES
 DENSITY: 32 LOTS/6.44 AC. (RES. AREA ONLY) = 4.97 LOTS/AC
 REQUIRED PARKING: 2 SPACES PER UNIT
 PROVIDED PARKING: 2 SPACES PER UNIT

COMMERCIAL: 1 BUILDING - 12,000 S.F.
 BUILDING HEIGHT: 40 FEET, 1 STORY
 DENSITY (FAR): 12,000 S.F./83,997 S.F. = 1:7.0 OR 14.3%
 REQUIRED PARKING: 1 SPACE/200 S.F. * 12,000 S.F. = 60 SPACES
 PROVIDED PARKING: 60 SPACES

AREA CALCULATIONS (PHASE II):
 BUILDING AREA (NON-RESIDENTIAL): 12,000 S.F. = 0.27 AC. OR 3.3%
 IMPERVIOUS AREA (NON-RESIDENTIAL): 34,215 S.F. = 0.79 AC. OR 9.4%
 IMPERVIOUS AREA (PATIO HOMES): 188,928 S.F. 4.34 AC. OR 51.8%
 RECREATION/OPEN SPACE: 123,480 S.F. = 2.97 AC. OR 35.5%
 TOTAL: 364,693 S.F. = 8.37 AC.

INFRASTRUCTURE IMPACTS

POTABLE WATER			
LOG(CAL)	PERSONS/UNIT	UNITS	DEMAND
105	2.2	41	9,471 GPD
WASTEWATER			
105	2.2	41	9,620 GPD
SOLID WASTE			
7.1 LBS./DAY	2.2	41	132 LBS./DAY
RECREATION			
LOG(CAL)	PERSONS/UNIT	UNITS	DEMAND
4 AC/1000 PEOPLE	2.2	41	0.36 AC.

DEVELOPMENT SCHEDULE

PHASE	START CONSTRUCTION	CONSTRUCTION DURATION
I - RETAIL	MAY 2007	12 MONTHS
I - TOURNHOUSES	MARCH 2007	18 MONTHS
II - COMMERCIAL	MAY 2007	9 MONTHS
II - PATIO HOMES	MARCH 2007	35 MONTHS

DEVELOPMENT INFORMATION

DEVELOPER
 RIVIERA DUNES DEVELOPMENT PARTNERS, LLC
 1401 MANATEE AVENUE WEST, SUITE 500
 BRADENTON, FLORIDA 34209
 PHONE: (841) 708-9920
 FAX: (841) 708-9999

CIVIL ENGINEER
 JENSEN AND GROUP, LLC
 431 12th STREET WEST, SUITE 204
 BRADENTON, FLORIDA 34209
 PHONE: (841) 747-7400
 FAX: (841) 747-3959

ARCHITECT
 DESIGN TEAM WEST, INC.
 1201 9th AVENUE WEST
 BRADENTON, FLORIDA 34205
 PHONE: (841) 745-1700
 FAX: (841) 749-0811

SURVEYOR
 GLOBAL SURVEYING OF BRADENTON, LLC
 P.O. BOX 20755
 BRADENTON, FLORIDA 34204
 PHONE: (841) 746-1512
 FAX: (841) 747-2450

EXISTING SITE INFORMATION

PHASE I AREA: 3.70 ACRES±
 PHASE II AREA: 8.37 ACRES±
 TOTAL AREA: 12.07 ACRES±

ZONING JURISDICTION: CITY OF PALMETTO
EXISTING LAND USE: VACANT
EXISTING ZONING: P(AM)
PROPOSED LAND USE: RESIDENTIAL, COMMERCIAL, RETAIL
ADJACENT ZONING: NORTH: A-1
 SOUTH: MANATEE RIVER EAST USE A-5
 NORTH: CIVIC CENTER
 SOUTH: MANATEE RIVER EAST: SINGLE FAMILY
 WEST: PUBLIC RECREATION
 A-8 (#120159 0034 DATED 11/16/83)
 SEC. 13 & 24, TWP. 34 S., RGE. 17 E.

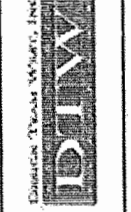
ADJACENT LAND USE:
 FLOOD ZONE: LOCATION

CITY OF PALMETTO SIGNATURE BLOCK

OPC NUMBER	OK	SIGNATURE	DATE
DIRECTOR OF PUBLIC WORKS			
SUPERINTENDENT OF PUBLIC WORKS			
CITY PLANNER			
FIRE MARSHALL			
CITY ENGINEER			
DPC COORDINATOR			

JAG
 Jensen and Group, LLC
 Engineering Consultants
 431 12th Street West, Suite 204
 Bradenton, Florida 34209
 Phone: (841) 747-7400
 Fax: (841) 747-3959

PROJECT NO: 001-017
 DISCUSSED BY: ENST
 DRAWN BY: TMM
 CHECKED BY: MWA
 PHOT. MGR: MWA
 DATE: 07/16/06



RIVIERA DUNES DEVELOPMENT PARTNERS, LLC
 DEVELOPMENT PLANS
 RIVIERA DUNES - HARBOR SIDE PHASE
 GENERAL DEVELOPMENT PLAN / PRELIMINARY PLAN

FOR FILE
 DATE: 7/16/06
 FILE NO: 34500
 E.B. #23430
 DATE

C-01

Palmetto City Commission
Date: December 23rd, 2008
Re: Beach Townhomes
Riviera Dunes
Palmetto Florida 34221

This letter is in reference to the proposed building of the Beach Townhomes condominiums adjacent to Bel Mare at Riviera Dunes condominiums in Palmetto, FL. It has been brought to our (residents and owners) attention that the plans for this project call for the height of these units to be at a roof elevation of forty feet. This is just one of several concerns that we, the owners and residents have regarding this project. We feel that all owners including those that are not residing here would also be greatly concerned regarding this project due the impacted negative aesthetic presence (i.e. forty foot roof obstructing the common grounds) as well as the negative equitable impact to the owners on floors two, three, and possibly up to floor number four. We also have a potential security issue with another condominium such as Beach Townhomes connected to and potentially sharing the garage of our facility (for supposed utilities services such as a refuse disposal easement). We strongly feel confident that the non-residing, permanent owners in Bldg two (140 Riviera Dunes Way) would be greatly opposed to this project if they become aware of it.

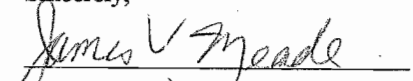
There are questions regarding the style/type of roof that these units will have. Are they aesthetically cohesive with the design, quality, and taste as to not interfere with the quality of life one expected/expects as an owner at Bel Mare looking down at every day? Will the roofing materials be quality, barrel tile or a flat gravel roof with obtrusive air conditioner units on the roof (versus hidden on the ground)?

Another concern is the environmental impact on the already sensitive ecosystem including waterfowl, fish (snook, tarpon, snapper, etc.) and mangroves that these units could pose, may be of a disastrous magnitude along the lake. The potential run-off into the lake from fertilizer (which ties into the saltwater harbor, then flows into the Manatee River) could adversely disrupt and affect the quality of life of the marine mammal/ fish, and plant life along the shore and marina.

We were told by the sales representative(s), Peggy Wingard, a hired realtor acting by law, in good faith as an agent for Sky Sotheby's real estate (in collaboration/representation of Tim Morris and the Corvus Group) that "there are going to be "bungalow style" condominiums not to exceed the height of the top of the wall on the amenities floor of the Bel Mare buildings". This was unsolicited information which at the time added credence to the sincerity of the scope and perceived high quality of this complex. If a forty foot roof is in the plans for the proposed project, this is in direct conflict as to what we were told and eventually sold, as well as it having drastic impact on the value of our property.

These are just a few of the *initial*, immediate concerns that come to mind. As this project is reviewed by the other owners at Bel Mare, we think there will be many other issues/concerns and questions coming to the table. Once again, the implications of this project are huge and potentially detrimental to every owner in this condominium.

Sincerely,



James V. Meade, Owner - Unit 2-402



Vincent Eurice, Owner - Unit 2-502

DEC 23 2008



Staff Report
Beach Townhomes at Riviera Dunes
Conceptual/General Development Plan
Riviera Dunes DRI Parcel 9
GDP-08-06

OWNER/GENERAL LOCATION/PARCEL SIZE:

Owner: Beach Townhomes Investors, LLC
Location: 136 Riviera Dunes Way, Palmetto FL 34221
Parcel Size: 1.31 acres
PID #: 2581600950

EXISTING LAND USE/ZONING CATEGORY:

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

SURROUNDING PROPERTY LAND USE/ZONING DISTRICTS:

Future Land Use

North: Planned Development (PD)
South: Planned Development (PD)
East: Planned Development (PD)
West: Planned Development (PD)

Zoning

North: Planned Development Multi Use (PDMU)
South: Planned Development Multi Use (PDMU)
East: Planned Development Multi Use (PDMU)
West: Planned Development Multi Use (PDMU)

SUMMARY:

This project is located within the Riviera Dunes Development of Regional Impact (DRI), directly to the east of the parking garage for Bel Mare Building II. A Conceptual/General Development Plan (GDP) was previously approved for this area on January 22, 2007 (Ord. 06-912) and was valid for one year. The subject parcel was part of an overall 3.70 acre site which had been allocated for a 23,000 square foot banquet center and retail/office building, along with an eight unit townhouse building. The subject 1.31 acre area is the same area previously approved for the eight unit townhouse building. Construction plans have since been approved for a

12,252 square foot banquet center building on the remaining portion of the overall 3.70 acre site. Construction has yet to commence on the banquet center building. Those construction plans were submitted and approved prior to the expiration of the previously approved GDP. The previously approved GDP has now expired serving the need for re-approval of the residential building. This plan effectively incorporates a redesign of the previously approved residential units.

The previous plan proposed one building with eight attached units. Those units were proposed as two story units at a height of 40 feet with decks on the rooftops. The new design leaves the height the same, but removes the rooftop decks. In addition, the new plan will provide less of a wall effect since the units are broken into three separate buildings. The previously approved GDP and the proposed GDP are attached to this staff report. The proposed plan is consistent with the overall DRI.

ATTAINABLE HOUSING:

The applicant will be required to comply with the Attainable Housing Ordinance. Attainable Housing will be provided off-site in accordance with the provisions of said ordinance.

COMPREHENSIVE PLAN ANALYSIS:

Potable water, sanitary sewer, and parks and recreation levels of service have been satisfied with the overall DRI. The reduction in commercial uses has improved the level of service to traffic concurrency. 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.

There are no additional transportation impacts with this plan. The traffic was projection from these eight units is incorporated in the DRI traffic study. The DRI master plan indicates 23,000 square feet of specialty retail and 8 townhomes for this parcel. A new traffic analysis for the entire DRI is required to be submitted with the upcoming annual report at the end of 2008.

4.0 SANITARY SEWER

Reclaimed Water Use

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

Riviera Dunes currently utilizes 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.

Riviera Dunes currently utilizes 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.

The Riviera Dunes development was designed with a master stormwater management system to serve the stormwater runoff from the proposed and future development within the overall development boundaries. The master stormwater system (SWFWMD Permit No. 44017473.000) infrastructure is routed to existing stormwater ponds located south of Marina Drive. The existing drainage eventually discharges eastward into the marina basin and ultimately to the Manatee River.

The proposed townhomes of Riviera Dunes as presented in the General Development Plan are designed to direct stormwater from the proposed parcels via stormwater piping to the existing stormwater collection system network within the Commercial Road right-of-way. The proposed drainage is then routed to, and accommodated for within, the existing ponds within the existing piping.

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.

Riviera Dunes 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.

This provision is acknowledged by the applicant. Riviera Dunes is served with city water.

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.

Riviera Dunes currently utilizes city reclaimed water for irrigation.

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

Riviera Dunes currently utilizes 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 applicant will be required to connect to the reclaimed water system for any new development.

STAFF RECOMMENDATION:

The proposed project is consistent with previous requests within the Riviera Dunes DRI. It is also consistent with the City of Palmetto Comprehensive Plan and the PDMU provisions of the Land Development Code. Elevations need to be provided with building permit applications. Private review and approval from the Riviera Dunes Master Association will be required. The separation between buildings will provide some additional view corridors that were not part of the previous plan. As such, staff recommends **APPROVAL** of the plan as designed with the following stipulations:

1. The townhomes on the site shall not exceed 40 feet in height from the first floor elevation to the top of roof.
2. Emergency access is granted to the North River Fire Department through the Bel-Mare parking garage at the north end of the project driveway.

3. A community trash collection area needs to be identified on the construction plans.
4. Development is subject to construction plan approval.
5. No Certificate of Occupancy shall be issued for any units in the project unless and until all applicable requirements of Chapter 17, Article III, Division 1, Sections 17-47, through 17-97 of the City of Palmetto Code of Ordinances, pertaining to provision of Attainable Housing, have been satisfied.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board recommended DENIAL of the proposed conceptual/general development plan by a vote of 4 to 2.

CITY COMMISSION ACTION:

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

Attachments: Ordinance
New General Development Plan (GDP)
Old General Development Plan (GDP)
Aerial
Correspondences

Planning and Zoning Board
Date: November 7, 2008
Re: Beach Townhomes
Riviera Dunes
Palmetto Florida 34221

This letter is in reference to the proposed building of the Beach Townhomes condominiums adjacent to Bel Mare at Riviera Dunes condominiums in Palmetto, FL. It has been brought to our (residents and owners) attention that the plans for this project call for the height of these units to be at a roof elevation of forty feet. This is just one of several concerns that we, the owners and residents have regarding this project. We feel that all owners including those that are not residing here would also be greatly concerned regarding this project due the impacted negative aesthetic presence (i.e. forty foot roof obstructing the common grounds) as well as the negative equitable impact to the owners on floors two, three, and possibly up to floor number four. We also have a potential security issue with another condominium such as Beach Townhomes connected to and potentially sharing the garage of our facility (for supposed utilities services such as a refuse disposal easement). We strongly feel confident that the non-residing, permanent owners in Bldg two (140 Riviera Dunes Way) would be greatly opposed to this project if they become aware of it.

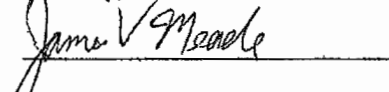
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Sincerely,


James V. Meade, Owner – Unit 2-402


Vincent Eurice, Owner – Unit 2-502

Main Property Search

Owner Address Account Advanced Map Search

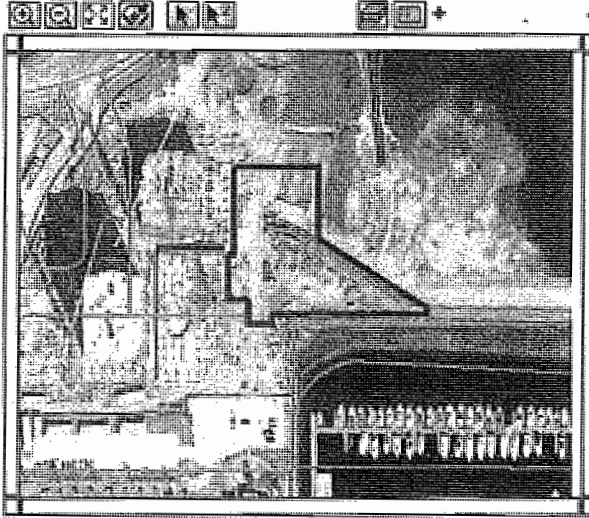
- Profile
- Values
- Sales
- Residential
- Commercial
- Out Buildings
- Permits
- Land
- Agriculture
- Sketch
- Exemptions
- Full Legal
- Map

PARID: 2581600959
BEACH TOWNHOMES INVESTORS LLC

136 RIVIERA DUNES WAY

CURRENT RECORD

1 of 1



Manatee County
Last GIS Data Update: 29-Sep-2008

REPORTS

- CSV Report
- Parcel Information Report

GO

Printable Version

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. Forristal 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
- NRRFD 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
NOVEMBER 10, 2008 – 6:15 P.M.

BOARD MEMBERS PRESENT

Barbara Jennings, Chair
Charlie Ugarte
Jon Moore
Christopher Moquin

Robert Smith
Devin Harms

BOARD MEMBER ABSENT

Michael Burton
Ed Bennett

ALTERNATE BOARD MEMBER ABSENT

Emilio Morales

SCHOOL BOARD APPOINTEE ABSENT

Mike Pendley

STAFF AND OTHERS PRESENT

Bob Schmitt	Lucienne Gaufillet
Ken Hawkins	Sandi Bargfrede
Linda Butler	Steve Haeffele
Michele Hall	

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.

Bob Schmitt, Ken Hawkins, Michele Hall, Lucienne Gaufillet, Sandi Bargfrede, Steve Haeffele, Ann Marshall, Michael Strink, Bill Horton, Frank Fitzpatrick are sworn in.

ORDER OF BUSINESS

1. Approval of Minutes for the October 13, 2008 meeting.

MOTION: Mr. Smith moved and Mr. Moquin seconded the motion to approve the October 13, 2008 meeting minutes. **MOTION CARRIED UNANIMOUSLY.**

2. Value Pawn and Jewelry CU-08-05

Chair Jennings opened the public hearings.

Mr. Hawkins gave a brief overview of the project referring to the staff report. Mr. Hawkins stated staff recommends denial of the conditional use permit. The location of Value Pawn is within the Downtown Design Guidelines (DDG) area, therefore does not meet the guideline.

Ms. Bargfrede displayed pictures of several signs that are located in the city, Horizon Bank, CVS, Manatee Civic Center and Walgreens and stated they are the same type signs as she is requesting. The sign is being requested to alleviate change copy and save time. Ms. Bargfrede shows pictures of the existing sign and the proposed sign. Ms. Bargfrede stated she is willing to accept conditions put on the sign. If the sign is not allowed to scroll, flash or pop they will abide by the conditions.

Mr. Moquin asked why the signs are not allowed in the DDG, is it because of trying to maintain the character of Palmetto?

Mr. Hawkins stated the signs that are erected now were approved before the DDG was adopted. The flashing lights are restricted due to safety, and it takes away for the aesthetic of downtown Palmetto.

Mr. Harms stated in the past, the Board denied the Horizon Bank sign and the Commissioners passed it.

Ms. Hall asked if Value Pawn was a tenant or owner. Ms. Bargfrede stated they are tenants with a 15 year lease with two 5 year options and has invested approximately \$250,000 in renovating the building.

- Ms. Marshall, citizen, stated she is concerned, it is past time this Committee and the Department Heads get a sign ordinance. It is time to stop talking and get a sign ordinance in place.

Mr. Ugarte asked if the intention of the applicant was to have the sign a copy sign or have movement. Ms. Bargfrede stated she just wants to be able to advertise the merchandise. If the Board conditions the sign the store will abide. Mr. Ugarte stated he is not opposed to a static sign, but does not support the flashing signs.

Chair Jennings closed the public hearing.

Discussion ensued regarding the need to develop and implement a sign ordinance.

MOTION: Mr. Moore moved to recommend approval of Value Pawn and Jewelry Conditional Use permit, CU-08-05 to City Commission. Mr. Smith seconded. **DISCUSSION ENSUED:** Mr. Morquin motion to amend: move to recommend approval of a static electronic message sign to change after 5 minutes intervals. Mr. Harms seconded. **MOTION CARRIED** 5 to 1.

3. Beach Townhomes @ Riviera Dunes GDP-08-06

Chair Jennings opened the public hearings.

Mr. Hawkins gave a brief overview of the project referring to the staff report. The project is located at 136 Riviera Dunes Way. Mr. Hawkins stated staff recommends approval of the plan as designed with the following stipulations:

1. The townhomes on the site shall not exceed 40 feet in height from the first floor elevation to the top of roof.
2. Emergency access is granted to the North River Fire Department through the Bel-Mare parking garage at the north end of the project driveway.
3. A community trash collection area needs to be identified on the construction plans.

Mr. Schmitt stated for the record this application has nothing to do with the commercial square footage. It is strictly 8 townhomes.

Ms. Gauffillet provided a review of the project and showed graphics on overhead.

Chair Jennings asked the height of the buildings. Ms Gaufillet stated 40 ft.

Mr. Harms asked if the GDP differs from the old GDP and has North River Fire District (NRFD) approved the plans. Mr. Hawkins stated NRFD has reviewed the project and given a letter of approval.

Mr. Michael Strink, Board Member of Bel-Mare, yearly resident voiced concerns regarding the following:

- Freshwater lake/pond
- Maintenance of lake
- Fire access
- Creating safety hazard

Mr. Bill Horton, citizen, voiced concerns regarding the following:

- Agrees with Mr. Strink
- 40ft height
- View
- Security

Steve Haeffele, citizen, was sworn in and voiced concerns regarding

- The approved GDP was approved before any tenant was there, with no representation; it was done in a vacuum.

Mr. Hawkins read into the record a letter from Mr. James V. Meads, owner of unit 2-402 and Mr. Vincent Eurice, owner, unit 2-502 dated November 7, 2008 (see attached). The letter voiced concerns regarding the following:

- Height of 40 ft
- Negative aesthetic presence
- Security issue
- Style type of roof
- Environmental impact
- Direct conflict to what was told to prospected owners
- Impact of property value

Ms. Gaufillet addressed the concerns voiced by the public that spoke.

Mr. Ugarte asked if the original site development plan had a maximum height of 40 ft. and if so, was the 40 ft height to the flat roof of the structure or to the elevator? Ms. Gaufillet stated the 40 ft height was to the top of the elevator. Mr. Schmitt stated the GDP did not provide elevations and the construction plans were never submitted.

Chair Jennings closed the public hearing.

MOTION: Mr. Harms moved to recommend approval of Beach Townhomes @ Riviera Dunes GDP-08-06 to City Commission. Mr. Ugarte seconded. **MOTION DENIED 2 to 4.**

4. Old Business:

- a) Mr. Bill Strollo, Code Enforcement, provided a slide presentation of issues faced by code enforcement. The code enforcement process was also reviewed.
- b) Mr. Hawkins provided an update of stockpile of dirt in Palmetto.

5. New Business

- Mr. Harms stated Walgreens is using strobe lights on their building and were we aware of it. Staff is not aware of the use of strobe lights at Walgreens but will investigate it.

6. Adjournment: 8:30 pm

MOTION: the Board unanimously moved to adjourn the meeting. Next Planning and Zoning Board meeting will be held on December 08, 2008.

Barbara Jennings, Chairman