

TAB 12

**CITY OF PALMETTO
ORDINANCE NO. 09-986**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A CONCEPTUAL/GENERAL DEVELOPMENT PLAN FOR MANATEE SCHOOL FOR THE ARTS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 08-07 Renaissance Arts and Education, Inc., 700 Haben Blvd., PID# 2608610459, approx. 8.314± 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 of Palmetto has received a complete and timely application for approval of a Conceptual/General Development Plan for an Educational Institution project to be located on parcel number 2608610459 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 January 12, 2009, 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 March 23, 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 approval 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 school on the site shall not exceed 35 feet in height from the first floor elevation to the top of roof.

2. Open Space requirements are attained with standards of the City of Palmetto Code of Ordinances

3. Reduction of Stormwater retention is approved by SWFWMD.

4. A traffic impact statement and/or analysis is performed and traffic conditions are maintained in accordance with the City of Palmetto's Comprehensive Plan and Code of Ordinances.

5. Development is subject to construction plan approval.

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 23rd day March, 2009.

First Reading:	February 23, 2009
Publication:	March 6, 2009
Second Reading and Public Hearing:	March 23, 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

BEG AT NW COR OF LOT 29 SUNKIST ACRES; TH S 3 DEG 10 MIN 00 SEC W ALG WLY LN OF SD SUNKIST ACRES, 701.17 FT TO SW COR OF LOT 23 OF SD SUNKIST ACRES; TH S 89 DEG 56 MIN 50 SEC W ALG N LN OF LANDS OF KEAL BLITCH, 246.80 FT; TH S 5 DEG 33 MIN 44 SEC W ALG W LN OF SD LANDS OF KEAL BLITCH, 100.32 FT; TH CONT ALG SD W LN OF LANDS OF KEAL BLITCH, S 4 DEG 00 MIN 04 SEC W, 97.80 FT, TH N 89 DEG 21 MIN 57 SEC W, 94.17 FT; TH S 1 DEG 18 MIN 08 SEC E 36 FT; TH N 89 DEG 35 MIN 00 SEC W, 154.18 FT; TH N 00 DEG 07 MIN 25 SEC W, 231 FT; TH N 02 DEG 11 MIN 59 SEC E 702.60 FT TO SW COR OF LANDS OF SAWDY; TH S 89 DEG 50 MIN 00 SEC E, ALG EXT OF N LN OF AFORESAID LOT 29 OF SUNKIST ACRES, 523.14 FT TO POB, CONT 9.6026 AC (1180/537), LESS ANY & ALL INTEREST IN ANY PORTION OF THE ABOVE PARCEL LYING SOUTH AND WEST OF BOUNDARY LN AGRMT REC IN OR 1750 PG 6361. ALSO LESS O.R. 1822/2546 DESC AS FOLL: COM AT THE SLY OF THE EASTERNMOST CORS OF TRACT "E" OF THE NORTHSHORE AT RIVIERA DUNES PH 1-A, (PB 35/19), AND RUN N 00 DEG 04 MIN 33 SEC E, ALG THE EASTERNMOST BNDRY OF SD TRACT "E" FOR A DIST OF 562.78 FT TO THE NE COR OF SD TRACT "E"; TH N 89 DEG 55 MIN 28 SEC W, ALG THE N BNDRY OF SD TRACT "E" FOR A DIST OF 15.00 FT TO THE E R/W OF HABEN BLVD; TH N 00 DEG 04 MIN 33 SEC E, ALG THE SD E R/W, FOR A DIST OF 208.45 FT; TH LEAVING SD E R/W, S 89 DEG 44 MIN 49 SEC E, FOR A DIST OF 432.50 FT TO THE INTERSEC WITH THAT CERTAIN BNDRY AGREEMENT LN REC IN OR 1750/6361, ALSO BEING THE POB; TH ALG SD BNDRY AGREEMENT LN THE FOLL THREE (3) COURSES: S 02 DEG 11 MIN 59 SEC W, A DIST OF 2.91 FT; S 00 DEG 07 MIN 25 SEC E, FOR A DIST OF 231.00 FT; TH S 89 DEG 35 MIN 00 SEC E FOR A DIST OF 154.18 FT; TH LEAVING SD BNDRY AGREEMENT LN, N 00 DEG 14 MIN 17 SEC W, FOR A DIST OF 35.73 FT TO AN IRON ROD AND PLASTIC CAP STAMPED LB5594; TH S 89 DEG 14 MIN 22 SEC E, FOR A DIST OF 93.99 FT TO AN IRON ROD AND PLASTIC CAP STAMPED LB6432; TH N 03 DEG 57 MIN 30 SEC E, FOR A DIST OF 97.80 FT; TH N 05 DEG 31 MIN 10 SEC E, FOR A DIST OF 100.325 FT; TH N 89 DEG 26 MIN 41 SEC W, FOR A DIST OF 264.29 FT TO THE POB PI#26086.1045/9

**Staff Report
Manatee School for the Arts
700 Haben Blvd
Conceptual/General Development Plan
GDP-08-07**

OWNER/GENERAL LOCATION/PARCEL SIZE:

Owner: Renaissance Arts and Education, Inc. / DBA Manatee School for the Arts
Location: 700 Haben Blvd
Parcel Size: 8.314 acres +/-
PID #: 2608610459

EXISTING LAND USE/ZONING CATEGORY:

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

SURROUNDING PROPERTY ZONING DISTRICT(S)/USES:

Future Land Use

North: PD (Planned Development)
South: PD (Planned Development)
East: RES-6 (Residential – 6 units per acre)
West: PD (Planned Development)

Zoning

North: PDMU (Planned Development Multi Use)
South: PDMU (Planned Development Multi Use)
East: RSF-4.5 (Residential – 4 units per acre)
West: PDMU (Planned Development Multi Use)

SUMMARY:

The PDMU zoning designation is a site plan specific category. Any changes in land use approval require the approval of a new conceptual/general plan. The zoning is not proposed to change with this application. The current use is for a school. Staff has met with the applicant and his agent to discuss the proposal to expand the school's office/classroom floor area.

The PDMU zoning designation is a site plan specific category. Any changes in land use approval require the approval of a conceptual/general plan. The zoning is not proposed to change with this application. The current use is for a school. Staff has met with the applicant and his agent to discuss the proposal to expand the school's office/classroom floor area.

The new site plan includes four phases:

Phase 1: Additional Administrative Building – 9,400 square feet (2009)

Phase 2: Physical Education Building – 20,000 square feet 2-story building (2009)

Phase 2A: Physical Education Covered Pavilion – 6,500 square feet (2009)

Phase 3: Remove existing classroom building (9,600 square feet) and add a 3-story classroom building – 20,400 square feet (2012)

Phase 4: Remove existing building and add new theater – 12,000 square feet and construct 36 parking spaces on a pervious surface (2014)

ATTAINABLE HOUSING:

The Attainable Housing Ordinance is not applicable to an Educational Facility.

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 must be submitted by the project engineer determining 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 a reduction 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.

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.

LDC MODIFICATION REQUESTS:

The following LDC modification is requested for the project:

1. The proposed additions/expansion will utilize a portion of the existing parking spaces, removal of existing buildings and the substantial reduction of the stormwater retention system to retain the removed parking space.

The City of Palmetto requires a percentage of Open Space in a Planned Development regardless of use. The amount of Open Space does not change; however, there will be a substantial change greater than 50% to the primary structure(s) on the site and compliance with City Code may be required to recalculate the Open Space requirements as well as a SWFWMD permit approving the reduction in stormwater retention for the project for replacement of parking space losses.

2. The proposed three story building shall remain under 35' in height to meet the proposed setback to the west of the property.

The City of Palmetto allows a maximum height of 35' to the top of a roof in a Planned Development. According to City of Palmetto Codes, if the proposed building is greater than 35' in height an additional foot of setback

shall be added for each additional foot of height.
STAFF RECOMMENDATION:

A school expansion is intended to meet the growing student population and additional staff required for the student population growth. The proposal will provide much needed space to meet the school's increasing demands. Staff recommends **APPROVAL** of the plan as designed with the following stipulations:

1. Open Space requirements are attained with standards of the City of Palmetto Code of Ordinances.
2. Reduction of Stormwater retention is approved by SWFWMD.
3. A traffic impact statement and/or analysis is performed and traffic conditions are maintained in accordance with the City of Palmetto's Comprehensive Plan and Code of Ordinances.
4. Development is subject to construction plan approval.
5. The project will comply with the city code of height and setback requirement at construction plan approval stage.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board recommended **APPROVAL WITH STIPULATIONS** the proposed conceptual/general development plan. The stipulations are as stated above.

CITY COMMISSION ACTION:

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

SUMMARY:

The PDMU zoning designation is a site plan specific category. Any changes in land use approval require the approval of a conceptual/general plan. The zoning is not proposed to change with this application. The current use is for a school. Staff has met with the applicant and his agent to discuss the proposal to expand the school's office/classroom floor area.

The new site plan includes four phases:

- Phase 1: Additional Administrative Building – 9,400 square feet (2009)
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- Phase 2A: Physical Education Covered Pavilion – 6,500 square feet (2009)
- Phase 3: Remove existing classroom building (9,600 square feet) and add a 3-story classroom building – 20,400 square feet (2012)
- Phase 4: Remove existing building and add new theater – 12,000 square feet and construct 36 parking spaces on a pervious surface (2014)

City of Palmetto
Development Review Committee
Meeting Minutes
October 22, 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
Linda Butler, Planning Tech

Meeting started at 9:00 am

ORDER OF BUSINESS:

1. Discussion/Distribution of Plan:

- a. None

2. Comments Due

- a. Beach Townhomes @ Riviera Dunes (GDP-08-06)

- Site visit; verify parking garage height for entrance of fire truck and garbage trucks
- Comments are due

3. Pre-Application & Follow-up Meeting:

- a. Philip Saia (Winn-Dixie) 9:30 am

- Meeting canceled by client, project on hold due to the economy

- b. Jon Moore (MSA Expansion) 10:00 am

- The construction details have been worked out with NRFD and the Building Dept.
- Reviewed site plans

- Project meets NFRD and building codes and requirement
- Project will be phased (1-4)
- Parking will meet state requirement, 127 parking spaces required, 190 designed in plan
- Dr. Jones has spoken with SWFWMD staff regarding permits; there will be no increase in impervious surfaces
- A request to add a note on plans to identified phases time frame (approximately)
- A traffic statement will need to be submitted at the GDP stage

4. Plan Sign Off Review

a. Forristall C&D Transfer Station (07-553)

- Forristall C&D Transfer Station (07-553) Plans signed off

5. Team Inspection

a. None

6. New Business

a. None

7. Old Business follow-up Discussions

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

- The project was approved by the P&Z Board 6 to 1
- Several citizens that reside in the neighborhood spoke in opposition of the project, one resident spoke in favor, with everyone echoing the same sentiment, the number of cottages needs to be reduced to 4 but 5 will be acceptable.

b. R & W Gulfcoast Properties (Wholesale Landscape) AN-PA-Z-08-06

- The P&Z Board unanimously approved the Annexation, Plan Amendment and Rezone of R&W Properties.

c. Palmetto Armory Expansion (07-537)

- NFRD is no longer involved with permits for the Palmetto Armory; State will handle all the permits for the expansion project.
- The Building Dept has issued the CO

8. Adjourned: 10:45 a.m.

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

PRESENT

Allen Tusing, Interim Public Works Director
Bob Schmitt, City Planner
Duane Kinn, Deputy Director of Operation
Frank Woodard, Deputy Director Engineering
Dick Clarke, ZNS Engineering
Matt Bloome, Stormwater Manager
Roger Titus, Building Official
Rusty Tona, Fire Inspector
Ken Hawkins, Planner 1
Linda Butler, Planning Tech.

OTHERS

Steven Carlin
Barry Romkey
Peter Shaw
Jerry Snyder

Meeting started at 9:00 am

ORDER OF BUSINESS:

1. Discussion/Distribution of Plan:

a. Sanctuary Cove Sales Office (08-581)

- It was reiterated from last meeting, to not issue a C/O for this site until drainage, access, and utility improvements for Sanctuary Cove have been satisfied and a determination has been made for a pedestrian crosswalk to the north.
- NRFD will send a letter of approval
- Mr. Hawkins will schedule project for sign-off

b. Manatee School for the Arts Expansion (GDP-08-07)

- Per Mr. Clarke, reconfiguration of the dry detention on the south side of the site will require SWFWMD approval for Phase 4;
- Also previous parking in Phase 4 may require a specialized approval at that time;

- And on sheet GDP-3 it indicates PM student pick-up vehicles being split off from the buses at the SW corner of the building. How will this be controlled or enforced?
- Mr. Bloome stated the fourth phase shows a reduction in the retention pond for parking and must be approved by SWFWMD and the City of Palmetto.
- Mr. Hawkins stated under the General Notes section on Sheet GDP-1; it should include note for SWFWMD approval in modification of retention pond;
- On sheets GDP-1 and GDP-2; plans need to show all existing and proposed utilities and utility easements (electric, gas, potable water, waste water, storm water, and reuse water) on site plans;
- The Open Space requirements per City Ordinance needs to be recalculated (parking areas are not included in Open Space and Retention areas only count at 50% if they are usable for recreation purposes). By Code 25% of total area needs to be used for Open Space;
- A Landscape Plan needs to be included and a tree removal/replacement chart or if no trees are to be removed or replaced add a note stating that there will be no tree removal/replacement;
- Sheet GDP-2 needs to show Right-of-Way and Easement for the access road to the school, and how solid waste will be collected.

c. DRI #236 Annual Status Report Riviera Dunes

- Mr. Schmitt stated comments are due 01-14-09

2. Comments Due 12/10/08

- a. None

3. Pre-Application Meeting:

- a. Links at Terra Ceia Multi-Family Project (Steven Carlin, Barry Romkey, Peter Shaw, Jerry Snyder)
- Mr. Carlin stated the proposed project is for a total of 50 residential units, with 4 buildings being 5 or 6 stories each;
 - Each unit will have a heated garage;

- It will have pedestrian walkway all around;
- Per NFRD will need 2nd access, and will require sprinklers throughout buildings
- The applicant stated the area is within the CDD
- Mr. Schmitt advised the proposed project will need to be presented to the CDD
- The Planning Dept. will evaluate parking ratio
- Applicants were provided with a check list of what is required
- It was suggested to the applicant to provide a drawing of what the finish product will look like
- NFRD will provide applicant with turning radius requirement
- Per the applicant the project may be done in phases depending upon the market, however the community amenities will be built first;
- Drainage and setbacks will be maintained;
- The parking area will be pervious pavers;
- Dumpsters/garbage pickup will be addressed when getting into design phase

4. Plan Sign Off Review

- a. None

5. Team Inspection

- a. None

6. New Business

- a. None

7. Old Business follow-up Discussions

- a. None

8. Adjourned: 11:55 a.m.

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

MEETING MINUTES
JANUARY 12, 2009 – 6:15 P.M.

BOARD MEMBERS PRESENT

Barbara Jennings
Charlie Ugarte
Ed Bennett
Jon Moore

Robert Smith
Michael Burton

BOARD MEMBER ABSENT

Christopher Moquin

ALTERNATE BOARD MEMBERS PRESENT

Eric Gilbert
Jim Pastor

SCHOOL BOARD APPOINTEE ABSENT

Mike Pendley

STAFF AND OTHERS PRESENT

Tom McCollum, Interim City Planner
Ken Hawkins
Linda Butler
Scott Rudacille

Andrew Allison
David Bailey
John Cucci

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.

Staff, applicants and members of the public wishing to address the Board were sworn in.

ORDER OF BUSINESS

1. Election of 2009 Officers

a. Election of Chair

Mr. Ugarte moved to nominate Mr. Burton, Mr. Bennett seconded, Mr. Burton accepted. **MOTION CARRIED UNANIMOUSLY.**

b. Election of Vice-Chair

Ms. Jennings moved to nominate Mr. Smith, Mr. Burton seconded, Mr. Smith accepted. **MOTION CARRIED UNANIMOUSLY.**

2. Approval of Minutes for the November 10, 2008 meeting.

MOTION: Mr. Moore moved and Mr. Ugarte seconded the motion to approve the November 10, 2008 meeting minutes. **MOTION CARRIED UNANIMOUSLY.**

3. Manatee School for the Arts GDP-08-07

Chair Burton opened the public hearings.

Chair Burton stated for the record Mr. Moore is recused from this agenda item.

Mr. McCollum introduced himself, congratulated the new officers and gave an overview of the staff report, highlighting the four phases of the proposed project.

- **Phase 1:** Additional Administrative Building – 9,400 square feet (2009)
- **Phase 2:** Physical Education Building – 20,000 square feet 2-story building (2009)
- **Phase 2A:** Physical Education Covered Pavilion – 6,500 square feet (2009)
- **Phase 3:** Remove existing classroom building (9,600 square feet) and add a 3-story classroom building – 20,400 square feet (2012)

- **Phase 4:** Remove existing building and add new theater – 12,000 square feet and construct 36 parking spaces on a pervious surface (2014)

Mr. Moore introduced Dr. Bill Jones and explained the phases of the proposed project. Mr. Moore stated phase 1 is needed to handle the staff expansion.

Ms. Jennings asked if the student population going to change. Dr. Jones stated phase 1 and 2 may or may not increase the student population at all. Phase 1 and 2 is needed to more adequately accommodate what is on hand now. If all the phases are done there is no huge increase anticipated in student population or staff.

Chair Burton asked how stormwater treatment is going to be addressed, whether there is a proposed reduction in open space and how the school proposes to meet the City's open space requirements. Dr. Jones stated that a meeting was held with Southwest Florida Water Management District (SWFWMD) regarding stormwater. Staff from SWFWMD suggested the entire retention area is not needed and are ok with the plans. MSA is waiting to receive written confirmation from SWFWMD. Mr. Moore stated that initially his belief was that the open space requirement was met, but he is unclear of what the calculations incorporated. Staff requested that the applicant's meeting both SWFWMD and open space requirements be a condition for the approval of phase 4.

Mr. McCollum stated the Board may want to consider the issue of height. The plan shows a 50 ft maximum height. If we are going to consider a building of that height there should be stipulations stating that the applicant meet code requirements for the setback. Mr. Moore stated he believes they meet the requirements.

Chair Burton asked if we can stipulate at this time that the open space requirements must be attained with standard of the City of Palmetto Code of Ordinances. Mr. McCollum stated as long as it is stated, prior to the development or construction plan approval of phase 4, the applicant must meet the requirement for open space.

Ms. Jennings commented on one of the stipulations, stating it requires a traffic impact statement, but asked whether that stipulation should be listed if there is not going to be an increase in staff or student population. Mr. McCollum stated that he spoke with the applicant about the traffic impact statement and, per Mr. Dick Clarke, as a standard requirement of

the City, there should be a statement and this should remain in the stipulations.

Chair Burton closed the public hearing.

MOTION: Mr. Bennett moved to recommend approval of Manatee School for the Arts GDP-08-0 with stipulations to City Commission.

Mr. Rudacille commented on the stipulations and stated a 5th stipulation regarding the projects height and setback requirements should be added if the Board wishes to do so. He also recommended the removal of the paragraph stating "In addition, staff recommends approval of the two LDC modification requests. There are no health, safety or welfare detriments to these requests. Approval of these LDC modifications will maintain compatibility and consistency with the development of the surrounding area."

The applicant and staff concurred with changes to the stipulations.

The motion was amended to read: Motion to recommend approval of the Manatee School for the Arts GDP-08-0 subject to the 4 stipulations in the staff report and to add a 5th stipulation that the project will comply with the City code of height and setback requirements at construction plan approval stage.

Mr. Bennett accepted the amended motion. Mr. Smith seconded.
MOTION CARRIED UNANIMOUSLY.

4. C&D Migrant Housing Variance VAR-08-02 (Board of Adjustment)

Chair Burton opened the Public Hearing.

Mr. Rudacille stated for the record his law firm has a conflict with this item and will have to recuse himself. If the Board wishes to have legal counsel they will have to table the hearing until counsel can be provided.

Chair Burton consulted with the Board. The Board wishes to proceed.

Mr. McCollum stated the Board is the deciding body in this matter; it will not go before City Commission. Mr. McCollum referenced and reviewed the duties when acting as the Board of Adjustment.

Mr. McCollum stated the applicant is requesting a variance of 10 feet on the rear yard to construct a 9-unit building 10 feet from the rear yard and lot line. Staff is recommending denial for the following reasons:

- A viable land use exists on the site; therefore, there is no undue hardship involved.
- There are no special conditions peculiar to the land. The owner purchased the land in its current physical configuration.
- The required 20-foot rear yard setback is a reasonable and standard setback in this zoning district.
- The applicant has failed to show that there is some unique economic hardship that necessitates this variance.

Mr. Allison, Allison Engineering, introduced the owner, Mr. John Cucci and Mr. David Bailey, contractor. Mr. Allison reviewed the site plans.

Chair Burton questioned the location of the variance request and asked whether this plan was presented in the conditional use application as a 10 ft or 20 ft set back. Mr. Allison stated it was shown as a 10 ft set back. It was discovered that a variance request should have been applied for at the time of the conditional use application.

Mr. Allison rebutted the four reasons listed by staff for denial. Additionally, he opined that one of the benefits to the City will be approximately \$20,000 improvement to the sewer infrastructure, by moving the building back and allowing the utilities to be moved to the front. The applicant would cover most of the cost, with the City providing the pipes.

Mr. Ugarte asked if the proposed building a 1 or 2 story building. Mr. Allison stated it is a 1 story building.

- Mr. Bruce Varnadore, citizen, opposed, and stated the process needs to start over from the beginning. It was stated the property is a migrant camp, and to his knowledge it was a motel. The information staff gave was flawed.
- Mr. Raymond Varnadore, citizen, opposed, and stated in order to have a migrant labor camp you must have a conditional use permit. The city was unable to provide a copy of a permit. A copy of the

letter was provided. A lot of issues to be resolved before moving forward.

Chair Burton stated he was not aware that the project was not approved by the City Commission and asked for clarification from staff. Mr. McCollum stated the conditional use permit was tabled at the City Commission meeting until the variance was considered.

Mr. Bennett questioned if a variance was granted at the time the original building was constructed. Mr. McCollum stated no records have been found. We are assuming that at the time they were constructed they may have met the requirements, since then requirements and codes has changed.

- Mr. David Bailey stated they are cleaning up the area, new windows, shingles, paint and a privacy fence has been installed. Discussions with the Mayor to possible have this project as a guide for other migrant camp. Mr. Bailey stated he has met with the neighbors to get their input.
- Ms. Gladys Sailes-Houston, citizen, opposed the project. Ms. Houston stated she would like to see something done to stop the residents from trespassing on her property.
- Ms. Penny Layhew, citizen, no objection to variance or bias toward these people or culture. Ms. Layhew stated she has a problem with the actions of the people that live there and the project proposed.

Chair Burton closed the public hearing.

MOTION: Mr. Ugarte moved to deny the C&D Migrant Housing Variance VAR-08-02. Mr. Smith seconded. **MOTION CARRIED UNANIMOUSLY.**

5. Old Business:

- Mr. Ugarte questioned the status of the strobe lights at Walgreens store. Mr. Hawkins stated it is the emergency lights malfunctioning. Mr. McCollum stated he will investigate and will report back.

6. New Business

a. 2009 Planning and Zoning Calendar

Chair Burton informed the members to please notify staff if they are going to be absent from a scheduled meeting.

Mr. Bennett stated he would like the Board to write a letter of appreciation, for Chair Burton signature on behalf of the Board, recognizing Mr. Bob Schmitt for his service to the City and the Planning and Zoning Board.

MOTION: Mr. Bennett moved and Mr. Ugarte seconded. **MOTION CARRIED UNANIMOUSLY.**

Mr. Ugarte stated he would like to see the Land Development Code (LDC) revised. The height requirements it is not clear, has been a topic for some time. Mr. McCollum stated the LDC, School Concurrency, the DDG and the Sign Ordinance are all issues that will be discussed with the Mayor for her directions.

Mr. Moore asked if there was a way to make modification to the LDC as they come before the Board. Mr. McCollum stated that is possible.

Ms. Jennings encouraged the Members to volunteer to represent the City in the County Fair.

Chair Burton introduced the newest alternates to the P&Z Board and thanked them for serving. Mr. Eric Gilbert and Mr. Jim Pastor and allowed them to speak. Both members stated they are glad to be serving.

7. Adjournment: 8:05 pm

MOTION: the Board unanimously moved to adjourn the meeting. Next Planning and Zoning Board meeting will be held on February 9, 2009.

Michael Burton, Chairman

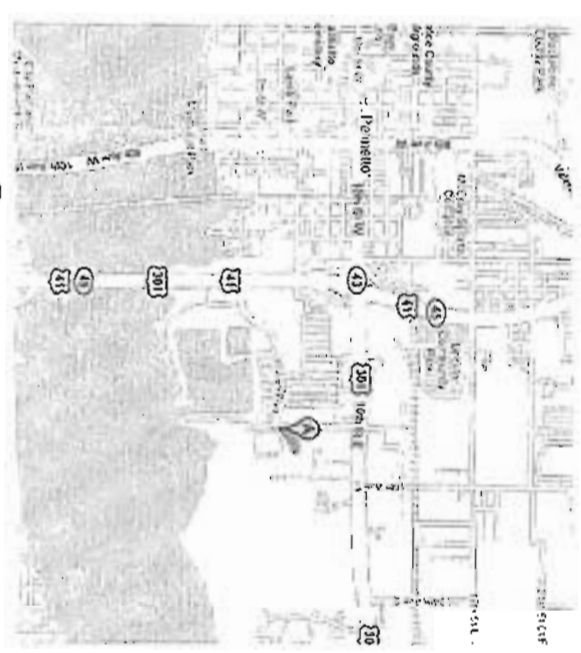
RECEIVED
 NOV 10 2008
 Project: Palmetto
 Planning Department

GDP 08-07

Exhibit B
 PRD 09-986



AERIAL PHOTO



A2 COUNTY MAP

INDEX OF DRAWINGS

- GDP 1 - GENERAL INFORMATION
- GDP 2 - EXISTING SITE PLAN
- GDP 3 - EXISTING UTILITIES
- GDP 4 - PHASE 1 & 2 FLOOR PLAN
- GDP 5 - PHASE 1 ELEVATION
- GDP 6 - SURVEY

GENERAL DEVELOPMENT NOTES

DESCRIPTION: EXISTING SCHOOL
 EXISTING ZONING: PD-MU PLANNED DEVELOPMENT MIXED USE
 SITE ACREAGE: 8.314 AC

EXISTING BUILDING FOOTPRINT: 1,988 AC / 88,600 S.F.
 PROPOSED BUILDING FOOTPRINT: 2,382 AC / 102,900 SF 2BX
 PARKING AND DRIVEWAYS: 3,308 AC / 144,000 SF 4BX
 OPEN SPACE AND LANDSCAPING: 2,546 AC / 115,227 SF 32X

PROPOSED ADDITION PHASE I: ADMINISTRATION 218 / 9,400 S.F.
 PROPOSED ADDITION PHASE II: PHYSICAL EDUCATION 378 / 16,500 S.F.
 PROPOSED ADDITION PHASE III: CLASSROOM 458 / 20,400 SF IET
 SUBTOTAL ADDITION PHASES I, II, III: 1,054 / 46,300 SF IET
 SUBTOTAL EXISTING BUILDING: 2,519 / 109,316 SF
 TOTAL BUILDING PROPOSED: 3,573 / 155,616 SF

LANDSCAPING TO MEET THE REQUIREMENTS OF THE PALMETTO LANDSCAPE ORDINANCE:

PARKING REQUIREMENTS (SHEP)	PHASE I (K)	PHASE II	PHASE IV
FACILITY AND STAFF - 1 EA	101	115	120
STUDENTS 11TH & 12TH - 1 PER 10	16	23	53
STANDARD COURSED PARKING	132	158	193
PARKING PROVIDED	189	186	222

NOTE: 440 SEAT THEATRE IS A NON-CONCURRENT AFTER HOURS VENUE. PARKING REQUIRED BY CITY CODE IS 1/3 SEATS: 150 PARKING SPACES REQUIRED PHASES I, II, III, 220 SPACES PHASE IV.

ENVIRONMENTAL AND COMMUNITY IMPACT STATEMENTS

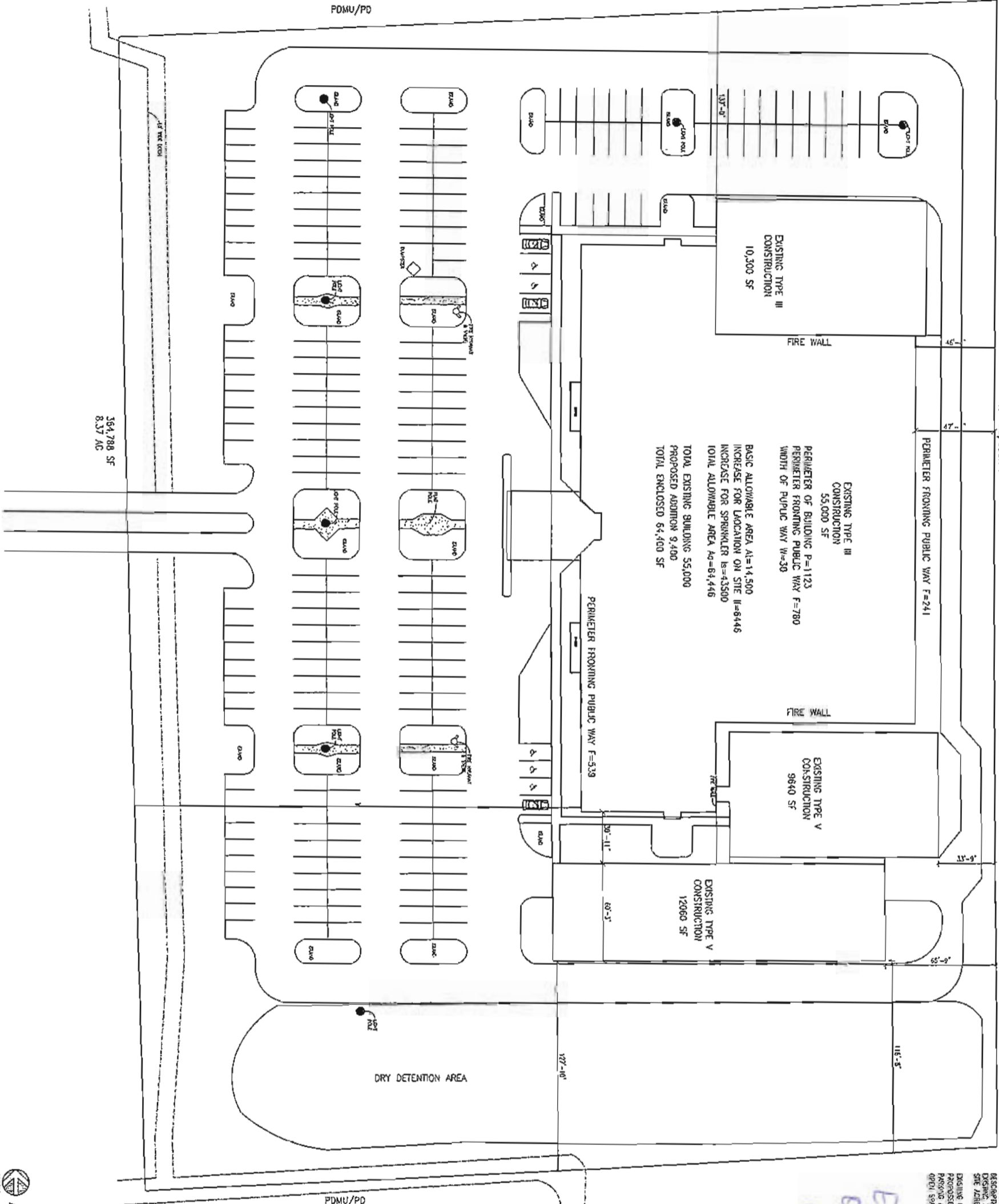
1. POTABLE WATER - THE INTO EXISTING SERVICE
2. SANITARY SEWER - THE INTO EXISTING SERVICE
3. DRAINAGE - THE NEW CONSTRUCTION WILL COMPLY WITH SWFWMD.
4. TRANSPORTATION - NO NEW STAFF FOR PHASE 1 AND 2 ARE ANTICIPATED.
5. AIR QUALITY - THERE IS NO ANTICIPATED IMPACT TO THE AIR QUALITY.
6. WATER QUALITY - THERE IS NO ANTICIPATED IMPACT TO THE WATER QUALITY.
7. WETLANDS - THERE ARE NO DESIGNATED WETLANDS ON THE SITE.
8. WILDLIFE - THERE ARE NO DESIGNATED WILDLIFE REFUGES ON THE SITE.
9. HAZARDOUS WASTE - THERE ARE NO HAZARDOUS WASTE REFUGES ON THE SITE.
10. COMMUNITY APPEARANCE - THE NEW CONSTRUCTION WILL BE CONSISTENT IN COMPOSITION AND SCALE WITH CONTEMPORARY SCHOOL BUILDINGS.

Director of Public Works	Signature	Date
DRC Member	OK	Signature
Deputy Director of Operations		Date
City Planner		
Fire Marshall		
City Engineer		
DRC Coordinator		
Stipulations	Yes No	

GENERAL DEVELOPMENT PLAN		MANATEE SCHOOL FOR THE ARTS		Moore ² Design		ARCHITECTURE - INTERIOR DESIGN		NO. DATE REVISION DESCRIPTION	
INFORMATION SHEET		PALMETTO, FL		Architect: Jon L. Moore, AIA AR0012475		706 Riverside Drive Palmetto, FL 34221		1 11.10.08 GENERAL DEVELOPMENT PLAN	
SHEET NO. GDP-1	PROJECT NO. 8008	DATE OCT. 31, 2008		Architect: Jon L. Moore, AIA AR0012475		Phone 941.729.1229 Fax 941.729.5979			
				706 Riverside Drive Palmetto, FL 34221		Copyright Moore 2 Design, LLC. All Rights Reserved			

RSF 4.5/PD

PDMU/PD

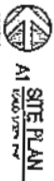


364,788 SF
8.37 AC

GENERAL DEVELOPMENT NOTES

DESCRIPTION: EXISTING SCHOOL
 DESIGN ZONING: RSF 4.5/COUNTY
 SHE AREA: 8.37 AC
 DESIGN BUILDING FOOT PRINT: 1,984 AC / 86,600 SF
 PROPOSED BUILDING FOOTPRINT: 2,182 AC / 103,800 SF 28%
 PROPOSED ASP DRIVE: 1,305 AC / 144,000 SF 40%
 OPEN SPACE AND LANDSCAPING: 2449 AC / 113,227 SF 33%

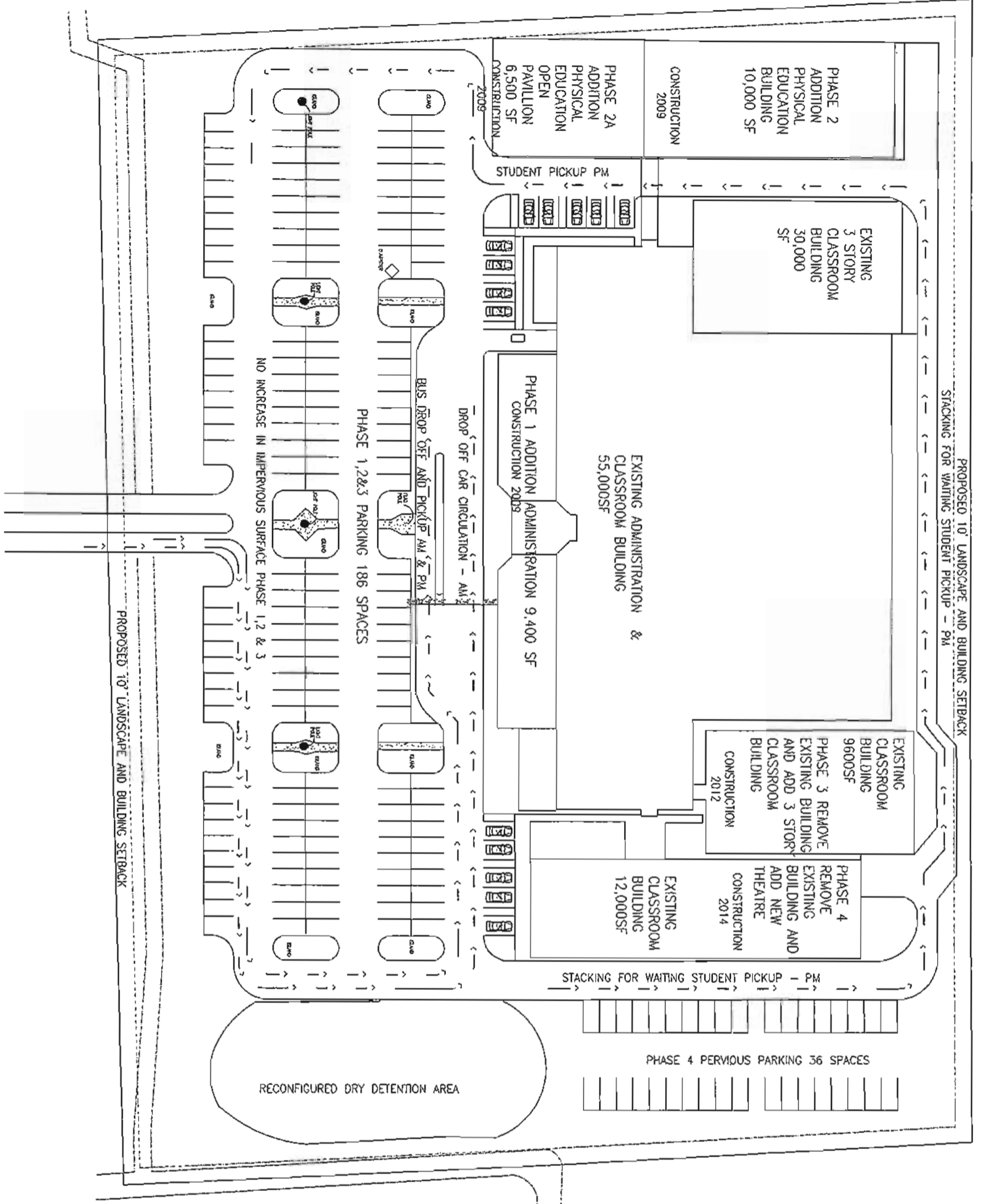
EXHIBIT B
 DRD 09-9816
 GDP 08-07



SITE PLAN
 A1
 1/20/08
 NORTH

GENERAL DEVELOPMENT PLAN

EXISTING SITE PLAN		MANATEE SCHOOL FOR THE ARTS		 ARCHITECTURE · INTERIOR DESIGN Architect: Jan L. Moore, AIA AR0012475 Phone: 941.729.1329 Fax: 941.729.5979 706 Riverside Drive Palmetto, FL 34221 Copyright Moore² Design, LLC. All Rights Reserved		NO. DATE REVISION DESCRIPTION	
SHEET NO. GDP-2	PROJECT NO. 3008	DATE OCT. 31, 2008	PALMETTO, FL			1	11.10.08



GENERAL DEVELOPMENT NOTES

DESCRIPTION: EXISTING ZONE: DURING CONSTRUCTION ZONE: EXISTING ZONE: EXISTING BUILDING FOOT PRINT: EXISTING BUILDING FOOTPRINT: PROPOSED ADDITION PHASE I: PROPOSED ADDITION PHASE II: PROPOSED ADDITION PHASE III: SUBTOTAL EXISTING PROPOSED: TOTAL BUILDING PROPOSED:

1,388 AC / 86,690 SF
 1,382 AC / 102,400 SF 28%
 2,646 AC / 145,070 SF 62%
 2,646 AC / 115,277 SF 32%

PROPOSED ADDITION PHASE I: 216 / 9,400 SF
 PROPOSED ADDITION PHASE II: 464 / 20,400 SF 18%
 PROPOSED ADDITION PHASE III: 215 / 17,000 SF 14%
 SUBTOTAL EXISTING PROPOSED: 1,377 / 58,200 SF
 TOTAL BUILDING PROPOSED: 3,857 / 168,016 SF

LANDSCAPING TO MEET THE REQUIREMENTS OF THE PLANNED LANDSCAPE CORRELANCE:

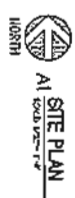
PHASE	PHASE I	PHASE II	PHASE III	PHASE IV
PLANTING AND SOFT - 1 FA	101	113	120	130
SHADES 11M & 12M - 1 PER 10	15	23	25	20
VINES	15	20	20	183
SSEF REQUIRED PARKING	132	155	155	183
PARKING PROVIDED	186	186	186	222

NOTE: 1/3 STORY, 150 PARKING SPACES REQUIRED PHASES I, II, III, 220 SPACES PHASE IV

EXHIBIT B
 DRD 04-986
 GDP 08-07

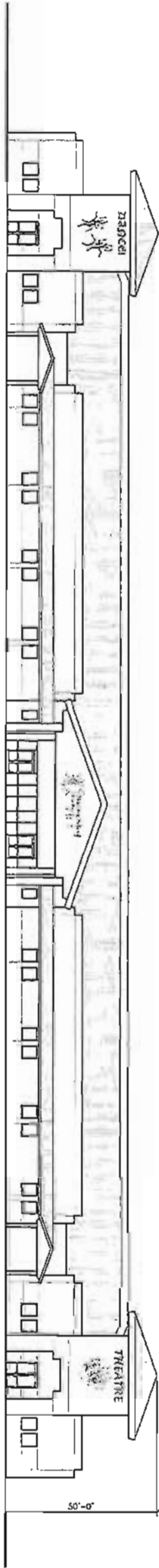
GENERAL DEVELOPMENT PLAN

SITE MASTER PLAN		MANATEE SCHOOL FOR THE ARTS		Moore ² Design ARCHITECTURE - INTERIOR DESIGN Architect: Jan L. Moore, AIA AR26001330 Phone 941.729.1229 Fax 941.729.5979 706 Riverside Drive Palmetto, FL 34224 Copyright Moore 2 Design, LLC. All Rights Reserved		NO. DATE REVISION DESCRIPTION	
SHEET NO. GDP-3		PROJECT NO. 8008 DATE OCT. 31, 2008		PALMETTO, FL		1 11.11.02 GENERAL DEVELOPMENT PLAN	

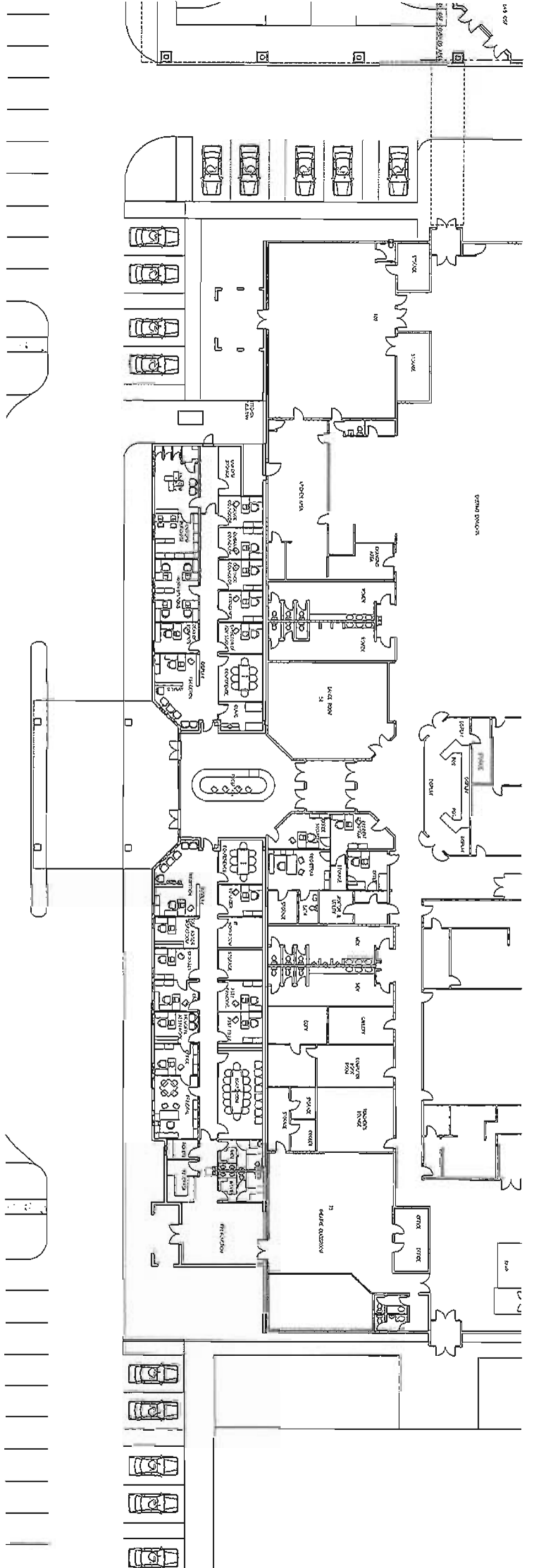


AS SITE PLAN

EXHIBIT B
 ORD 09-986
 GDP 08-07



A1 WEST EXTERIOR ELEVATION



A2 PLAN

GENERAL DEVELOPMENT PLAN

PHASE 1 ELEVATION			MANATEE SCHOOL FOR THE ARTS		 ARCHITECTURE - INTERIOR DESIGN Architect: Jon L. Moore, AIA AS0012475 Phone: 941.729.1229 Fax: 941.729.5815 106 Roversdale Drive Palmetto, FL 34221 Copyright Moore² Design, LLC. All Rights Reserved.	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>11/18/08</td> <td>GENERAL DEVELOPMENT PLAN</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		NO.	DATE	REVISION DESCRIPTION	1	11/18/08	GENERAL DEVELOPMENT PLAN												
NO.	DATE	REVISION DESCRIPTION																							
1	11/18/08	GENERAL DEVELOPMENT PLAN																							
SHEET NO. GDP-5	PROJECT NO. 8008	DATE OCT. 31, 2008	PALMETTO, FL																						

AERIAL



MANATEE SCHOOL OF THE ARTS

ZNS ENGINEERING
201 MANATEE EAST MANATEE BLVD
MANATEE FL 34429
PHONE: 813.738.0000 FAX: 813.738.2014

SCALE: 1"=200'
SOURCE: MANATEE COUNTY

THIS MAP IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE DATA CONTAINED HEREIN IS SUBJECT TO CHANGE AND IS NOT WARRANTED.



