

TAB 4

**CITY OF PALMETTO
ORDINANCE NO 09-989**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED HEREIN FROM GENERAL OFFICE (GO) TO COMMERCIAL GENERAL (CG); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-09-01 Jack Beal and Rebecca Beal (Palmetto Animal Clinic, 712 3rd Avenue West, Palmetto, Florida) PID #2796400006, approximately 0.32+/- 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, said Comprehensive Plan amendment requires a change of zoning to conform to the zoning categories established in the City of Palmetto Code of Ordinances; and,

WHEREAS, the City's Planning and Zoning Board held a hearing on March 16, 2009 after providing proper public notice; and,

WHEREAS, the City Commission has considered the recommendation of the Planning and Zoning Board; and,

WHEREAS, the City Commission held a public hearing on April 20, 2009 regarding said proposed change of zoning, after providing proper public notice; and,

WHEREAS, the City Commission has determined that it is necessary, desirable and in the best interest of the citizens of the City, in order to protect the public health, safety, and welfare, to adopt this Ordinance.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the City Commission of the City of Palmetto, Florida, as follows:

Section 1. Findings of Fact. The above "whereas" clauses are adopted herein as findings of fact.

Section 2. Zoning Amendment. The zoning for the real property is hereby changed from General Office (GO) to Business or Light Commercial (CG).

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. It is the intent of this Ordinance to comply with all applicable law and constitutional requirements. If any provision, paragraph or section of this Ordinance or the standards and codes adopted hereby, shall be determined by a court of competent jurisdiction to be inapplicable, illegal, unenforceable or unconstitutional, then to that extent such provisions or portions shall be deemed null and void, but the remaining provisions of this Ordinance shall be in full force and effect as applicable.

Section 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 20th day of April, 2009.

First Reading:	April 6, 2009
Publication:	April 10, 2009
Second Reading and Public Hearing:	April 20, 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

LOTS 7, 8 BLK L PLAT OF EAST PALMETTO

Parcel Identification Number: 2796400006

**Palmetto Animal Clinic
CHANGE OF ZONING (Z0901)**

GENERAL LOCATION/PARCEL SIZE

Location: 712 3rd Avenue West

DPID# 2796400006

Size: 0.32 Acres

EXISTING LAND USE/ZONING CATEGORY

Site: Future Land Use: RES 10 (Residential 10 DU/ac – City)

Zoning: GO (General Office – City)

REQUESTED LAND USE/ZONING CATEGORY

Future Land Use: No Change

Zoning: CG (Commercial General - City)

SURROUNDING PROPERTY ZONING DISTRICT(S)/USES

<u>Future Land Use</u>	<u>Zoning</u>
North: RES 10 (Residential 10 DU/ac – City)	GO (General Office – City)
South: GCOM (General Commercial - City)	CG (Commercial General - City)
East: RES 10 (Residential 10 du/ac – City)	CG (Commercial General - City)
West: GCOM (General Commercial - City)	CG (Commercial General - City)

SUMMARY AND STAFF RECOMMENDATION

Pursuant to Appendix B, the Zoning Code, Sec. 11.3 (d), Jack Beal, DVM, of Palmetto Animal Clinic, is requesting a change in the zoning from GO (General Office – City) to CG (Commercial General - City) for permitted animal care use.

Each rezoning must meet the requirements pursuant to Appendix B, the Zoning Code, Sec.11.4(b)

(1) The need and justification for the change:

The applicant would like to replace the existing veterinary office on an existing CG zoned lot to two adjacent lots, which are currently zoned GO. GO (General Office) does not permit animal care or treatment. Changing the zoning from GO (General Office) to CG (Commercial General - City) allows the expansion of the business on adjacent property..

(2) The effect of the change, if any, on the particular property and on surrounding properties:

This is an existing land use in which the applicant would like to expand its services. All surrounding properties are currently zoned commercial. Development is consistent with the current use on the adjacent property's future land use and zoning categories. It will be consistent with the surrounding zoning and development.

(3) The amount of underdeveloped land in the general area and in the city having the same classification as that requested.

0.32 Acres. There is land zoned CG in the area and in other locations throughout the City. The advantage of this parcel is that it is owned by the applicant and is adjacent to the existing office use.

(4) The relationship of the proposed amendment to the purposes of the Comprehensive Plan with appropriate consideration as to whether the proposed change will further the purposes of this Code and the Comprehensive Plan.

1.0 FUTURE LAND USE

Topography, Soil Conditions and the Availability of Facilities and Services

Policy 1.1.3: Availability of public facilities and services shall be concurrent with the impacts of new development and shall meet established level of service standards. In redevelopment areas, local government shall assist in correcting deficiencies. [9J-5.006(3)(c)3.] --

Adequate public facilities exist in the vicinity of the project.

Policy 1.1.4: New development shall be permitted only where adequate drainage and storm water management, open space, and traffic flow and parking are provided. In redevelopment areas, local government shall assist in correcting deficiencies. [9J-5.006(3)(c)4.]

The applicant is proposing drainage, recreation, and open space. The adequacy of the drainage system still has to be determined by SWFWMD.

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.

The applicant shall conduct a traffic study and make improvements as necessary.

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 applicant is in the process of talking with Public Works and will install dry lines, if available.

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:

A Landscape and Irrigation Plan will accompany the Building Permit.

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 applicant proposes to meet this requirement. SWFWMD permits and applications will be obtained and reviewed by the City.

7.0 POTABLE WATER

Maximize Existing Facilities

Objective 7.2: The City shall require that existing and new development maximize the use existing potable water facilities.

There is potable water available to serve this site.

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 applicant is proposing to use low-volume plumbing fixtures.

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

The builder will incorporate Xeriscape as appropriate in the Landscape Plan..

Policy 7.2.3: Where lines are available, the City shall require new development and redevelopment to connect to the reclaimed water system.

The applicant is proposing to connect to the reclaimed water system.

Staff Recommendation. Staff recommends APPROVAL of the proposed rezoning request from GO (General Office – City) to CG (Commercial General - City).

PLANNING AND ZONING BOARD ACTION

On March 16, 2009 the Planning and Zoning Board recommended unanimous APPROVAL of the requested change.

CITY COUNCIL ACTION

The City Council shall APPROVE, APPROVE WITH CONDITIONS or DENY the proposed change of zoning.

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

MEETING MINUTES
MARCH 16, 2009 – 6:15 P.M.

BOARD MEMBERS PRESENT

Barbara Jennings
Christopher Moquin
Ed Bennett
Robert Smith

BOARD MEMBER ABSENT

Charlie Ugarte
Jon Moore
Michael Burton

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

Dr. Jack Beal
John Ziemnicki
Scott Rudacille

The regular meeting of the Palmetto Planning and Zoning Board was called to order by Vice Chair Smith, in the Palmetto City Hall Commission Chambers, 516 8th Ave. W., Palmetto, Florida at 6:20 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. Approval of Minutes for the January 12, 2009 meeting.

MOTION: Mr. Bennett moved and Ms. Jennings seconded the motion to approve the January 12, 2009 meeting minutes. **MOTION CARRIED UNANIMOUSLY.**

2. Palmetto Animal Clinic Rezone Z-09-01

Vice Chair Smith opened the public hearing.

Mr. McCollum stated the applicant would like to replace the existing veterinary office on an existing CG (Commercial General-City) zoned lots to two adjacent lots, which are currently zoned GO (General Office). GO does not permit animal care or treatment. Changing the zoning from GO to CG allows the expansion of the business on adjacent property. It will be consistent with the surrounding zoning and development.

Mr. McCollum informed the Board Members that, because the request is for a straight zoning category change and not for a planned development category, the applicant does not have to present his proposal for the use of the property. For the record, the Board cannot require that the applicant adhere to the current proposal for the use of the property.

John Ziemnicki, World Design, reviewed the zoning map. Dr. Beal's intent is to build a new facility on the back four lots. Parking, nice landscape, a green retention area and the sign will be on the front, which will leave a clean open corner lot.

Mr. Gilbert stated he had no problem with the rezoning of the property but has some concerns with the buffering of the area. Mr. Ziemnicki stated it will be approximately 20 ft. of landscape and fence buffering.

Mr. Rudacille reminded the Board that the site plan is strictly for informational purposes and really should not be considered by the Board because there is no requirement to consider this information in a rezone application.

Mrs. Jennings asked who owned the alley. Mr. Ziemnicki stated he is under the assumption the City owns the alley, and is willing to pave the alley for safety precautions.

Vice Chair Smith closed the public hearing.

Mrs. Jennings and Mr. Bennett applauded the applicants for wanting to build up their business in the City of Palmetto.

MOTION: Mrs. Jennings moved to recommend approval of the Palmetto Animal Clinic Rezone Z-09-01 to City Commission. Mr. Bennett seconded. **MOTION CARRIED UNANIMOUSLY.**

3. Old Business:

➤ Mr. McCollum updated the Members on the Walgreen's Flashing Lights status that was brought forth at a previous meeting. Per Bill Strollo, Code Enforcement Director, there is currently a national initiative with Walgreen's loss prevention department using commercial security systems involving strobe lights. The lights are strategically placed near security cameras to draw attention to the cameras. In addition, Mr. Strollo stated there is nothing in the Code of Ordinances to prevent this type of activity.

➤ Mr. McCollum informed the Members that the Manatee School for the Arts project will go before the City Commission for a public hearing on March 23, 2009.

➤ Mr. McCollum gave a brief review of the Comprehensive Plan Update:

- In 1988, the Florida Legislature passed the "Local Government Comprehensive Planning and Land Development Regulation Act", which is found in Chapter 163, *Florida Statutes* and Section 9-J-5 of the Florida Administrative Code.
- The Act requires all cities and counties in the State to prepare Comprehensive Plans that will guide future growth in that jurisdiction. The act also requires the jurisdiction bring their Land Development Regulations into conformance with the Comp Plan, and that every seven years the jurisdiction review the Plan and make appropriate

changes. This process is known as the Evaluation and Appraisal Report (EAR). In 2001, the City adopted the Comp Plan that has been in effect since that time.

- In 2007, the City of Palmetto retained WRT, a consulting firm from Coral Gables, to assist the City with the EAR-based Comp Plan amendments. In January 2009, the City received the final draft Comp Plan amendments.
- Currently, we are reviewing and making editorial and grammatical changes to the Plan draft. We anticipate that all of the updates will be provided to the attorney's office in the next few days. I recommend that you allow me to present the revisions to you for review and recommendation to the City Commission at your next regular meeting.

Mr. McCollum asked if the Members had a hard copy of the Comp Plan and if not, are they interested in receiving one. It was the consensus of the Board that they would be interested in receiving the Comp Plan Update with the strike through and would like to receive it in a timely manner.

- Mr. Bennett inquired about the stock pile of dirt at the entry way into the City on US Business 41. Mr. McCollum stated he will do a follow-up and report back.

4 New Business

There was no new business brought forth.

5. Adjournment 7:20 pm

MOTION: the Board unanimously moved to adjourn the meeting. Next Planning and Zoning Board meeting will be held on April 13, 2009.

Michael Burton, Chairman

City of Palmetto
Development Review Committee
Meeting Minutes
February 25, 2009

PRESENT

Allen Tusing, Interim Director of Public Works
Tom McCollum, ZNS, Interim Planner
Duane Kinn, Deputy Director of Operation
Frank Woodard, Deputy Director Engineering
Dick Clarke, ZNS Engineering
Matt Bloome, Stormwater Manager
Roger Titus, Building Official
Geoff Seger, Deputy Director of Park
Rusty Tona, NFRD
Van Brown, Engineering
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 02/25/09

a. None

3. Pre-Application Meeting:

a. Dr. Jack Beal (Palmetto Animal Clinic) and Mr. John Ziemnicki (World Design) (9:00a.m.)

- Reviewed plans. Straight rezone. Zoning will change from General Office (GO) to Business Light Commercial (CG)
- Will have a new state of the art masonry building of 6,656 square feet. Paved alley, fenced in patio on back side of building and 2 fenced dog run area

- Mr. McCollum asked the type of retention. Mr. Ziemnicki stated the retention will be a dry pond.
- Mr. Tusing suggested extending the 6 ft high fence the length of the property due to residential. Dr. Beal stated he has no objection to extending the fence. Mr. Hawkins informed Mr. Beal that the surrounding parcels are commercial and a special Fence Permit is not required, parcels are in the Downtown Design Guideline(DDG) area
- Mr. Ziemnicki stated there will be heavy landscape plus the fence
- OK to proceed to the next stage which is P&Z

b. Holy Cross Manor Phase II, Sis. Cathy Buster, Henry Woodroffe, Derek Gil and Gregory Elwell (10 a.m.)

- Preliminary Plans was reviewed
- The proposal is for a 3 story 68 units, 1 bedroom, 1 bathroom independent living facility, HUD financed
- Facility will be sprinkled and alarmed
- Per NRRFD, an additional fire hydrant will be needed
- The timeline for the proposed project is end of April
- There will be 50% of driving by resident, there is no shuttle or bus service for the facility at this time
- There will be two stairwells and two elevators, one elevator will be sized for the use of a gurney
- Mr. Tusing voiced concerns regarding parking and stated the plans must show adequate parking
- There will be no issue or problem with water or sewer
- Lift station is capable of handling the capacity of the new units
- Density determination needs to done
- Mr. Woodroffe inquired about the buffer requirement. Mr. Seger stated 40 shrubs and 2 trees for every 100 linear feet. Those requirements can be found in Ordinance 456, Chapter 7 article 10 of City Ordinance
- Impact fees and affordable housing credits will be reviewed

4. Plan Sign Off Review

- a. None

5. Team Inspection

- a. None

6. New Business

- a. None

7. Old Business follow-up Discussions

Mr. Hawkins briefed the Members on Tampa Bay Area Regional Transportation Authority (TBARTA) meeting he attended on February 24, 2009. Items discussed were:

- Master Plan Status Report
 - Long Term & Mid Term Visions (Hybrid Networks)
 - Transit Oriented Development (TOD) Land Use Scenarios
 - Next Steps: Corridor Priorities & FTA New Starts Criteria
- Expectations for Relationship for TBARTA & Land Use Planning Agencies
 - Prioritization
 - Corridor Studies
 - Federal Transit Administration's (FTA) New Starts
 - Parking is key component for consideration of station placement and funding
 - Pedestrian and handicap access is also a key component for consideration of station placement and funding
 - Funding and consideration is not determined by region but by analysis of nodes on a corridor

8. Adjourned: 11:15 a.m.