

TAB 13



# City of Palmetto Agenda Item

**Meeting Date**

11/1/10

**Presenter:** Linda Svenson

**Department:**

**Title:**

Sanctuary Cove  
 Amended General Development Plan Ord. 2010-18  
 1707 US 301 North, Palmetto, Florida  
 GDP-05-03 Rev. II (2010)

**REQUESTED CHANGE:**  
 The new owners of Sanctuary Cove have requested an amendment to the existing development order and GDP to eliminate the requirement of constructing a boardwalk along the perimeter of the property fronting on the Manatee River. The approved Planned Development (PD) General Development Plan (GDP) contains language indicating "Future city of Palmetto Boardwalk Pending Permitting Approval".

**Budgeted Amount:** \$0.00    **Budget Page No(s):**    **Available Amount:** \$0.00    **Expenditure Amount:** \$0.00

**Additional Budgetary Information:** N/A

**Funding Source(s):** N/A    **Sufficient Funds Available:**  Yes  No    **Budget Amendment Required:**  Yes  No    **Source:**

**City Attorney Reviewed:**  Yes  No  N/A    **Advisory Board Recommendation:**  For  Against  N/A    **Consistent With:**  Yes  No  N/A

**Potential Motion/Direction Requested:** This is a workshop item which was requested by Linda Svenson, representing the owner of Sanctuary Cove in light of the Planning and Zoning Board's recommendation to keep the proposed boardwalk that was approved for Sanctuary Cove.

**Staff Contact:** Lorraine Lyn    City Planner    Public Works Department

**Attachments:** Staff Report which addresses 2 changes to Sanctuary Cove's development order and GDP; removal of the boardwalk and attainable housing provisions.

**Staff Report**  
**Sanctuary Cove**  
**Amended General Development Plan Ord. 2010-18**  
**1707 US 301 North, Palmetto, Florida**  
**GDP-05-03 Rev. II (2010)**

**OWNER/GENERAL LOCATION/PARCEL SIZE:**

Owner: Andrew Dubill, Vice President of Sanctuary Cove (Bradenton) ASLI VI, LLLP

Location: The site is located north of the Manatee River, south of US 301, west of 25<sup>th</sup> Drive East and east of 15th Avenue Drive East. See attached GDP dated 10/13/10

Project Size: 225.22 Acres

Sanctuary Cove (Original Parcel): 215.63 Acres

BOMA Parcel Addition: 8.44 Acres

Rogers Parcel Addition: 1.15 Acres

Total Area: 227.52 acres includes two tracts of wetlands totaling 2.30 acres that are located outside of the southeast corner of the project. The 2.3 acres are in unincorporated Manatee County but will need to be annexed and be the subject of a plan amendment and rezoning/GDP amendment before it can be included as part of the total project area of Sanctuary Cove.

Non-Residential FAR: 200,000sq (4.59 acres)/10.81 acres = 0.42 FAR

Residential Density: 1026/214.41 = 4.8 du/ac

**EXISTING LAND USE/ZONING CATEGORY:**

Future Land Use: Urban Planning (UP)

Zoning: Planned Development (PD)

**REQUESTED CHANGE:**

This is a request from the new owners of Sanctuary Cove to amend the existing development order to eliminate the conditions of approval requiring the Project to be developed in compliance with the City's Attainable Housing Ordinance and eliminate the requirement of constructing a boardwalk along the perimeter of the property fronting on the Manatee River that would be tied in with the proposed Manatee Riverwalk. In addition, this request would amend the Planned Development (PD) General Development Plan (GDP) to eliminate reference of "Future city of Palmetto Boardwalk Pending Permitting Approval".

**BACKGROUND:**

- A General Development Plan for Sanctuary Cove consisting of a mix of 916 multi-family and single family units was first approved by the City Commission on September 10, 2005 by Ordinance 05-863.

- A minor modification was approved on June 19, 2006 which increased the total number of multi-family and single family units to 941, less than the 1,189 units approved by DCA.
- On July 24, 2006, the City Commission approved the Attainable Housing Ordinance 06-892 to promote the City's goal of achieving a specific number of housing units within the City that are affordable to households earning between 80% and 120% of the median income. (The median household income in Palmetto in 2000 was \$34,093 compared to \$41,994 for the nation - 2000 Census; The estimated median household income in Palmetto for 2008 was \$40,645 – compared to \$47,778 in Florida – Citydata.com);
- In October of 2006, a revised GDP was submitted that included 2 additional parcels in the overall plan (the 8.44 acre BOMA parcel and the 1.15 acre Rogers parcel) resulting in an increase in the total number of multifamily and single family units to 1,026.

## SUMMARY

The original Sanctuary Cove rezoning application was approved in 2005, prior to the adoption of the Attainable Housing Ordinance on July 24, 2006. The development order and GDP for Sanctuary Cove was amended in 2008 when the requirement for compliance with the Attainable Housing ordinance was included. At that time, the applicant was advised to abide by the provisions of Chapter 17, Article III, Division 1, Sections 17-47 through 17-97 of the City of Palmetto Code of Ordinances, pertaining to the provision of attainable housing. The applicant intended to comply with the ordinance by some method (Section 17-54; payment in lieu) other than constructing attainable housing units on-site.

Economic conditions have changed significantly over the past two years including a slowdown in new construction. The applicant's petition warrants consideration in light of the following developments which have occurred since the GDP adoption in 2008.

### Attainable Housing

The City conducted a study in January, 2010 which indicated that there are a substantial number of older homes in the City, and there is a stable housing market in the attainable housing range of assessed values.

*Based upon available data, it appears that 79% of the current single-family housing stock in the City could qualify as attainable housing based on current assessed value. Even with the 220 units projected to be constructed within the next five years, the percentage of housing within the attainable category is not expected to rise beyond 15% prior to 2015. For that reason, the finding of this Update is that the City is in a "voluntary" period.*

Existing Home Values Based on Manatee County Property Appraisers' Just Value from the Florida Housing Data Clearinghouse data for 2008 for Palmetto shows the following:

- Single Family Home, average just value: \$183,617.
- Statewide, the average just value of a single family home in Florida: \$203,634.

- Mobile Home, average just value: \$54,061.
- Condominium, average just value: \$231,267.

### Riverwalk

Staff contacted Dale E Weidemiller, Project Administrator of Artisan Avenue and River Walk Projects in Bradenton who indicated that planning for the river walk is now limited to areas within the Central CRA of Bradenton and does not include the City of Palmetto.

The project of Sanctuary Cove is designed with a guardhouse along Sanctuary Cove Way and a proposed lift over weir/water at the end of the north-south public road along the west side of the project (shown as Road D on the site plan). The overall private design of this project does not lend itself for the public to have direct access to the waterfront.

### **STAFF RECOMMENDATION:**

Based on the aforementioned considerations, staff recommends **APPROVAL subject to updating information on the GDP** of the requested changes to the Amended General Development Plan.

### **PLANNING AND ZONING BOARD RECOMMENDATION:**

The Planning and Zoning Board recommended **APPROVAL of the elimination of the Attainable Housing requirement but DENIAL** of the removal of the proposed boardwalk from the approved Amended General Development Plan based on the Comprehensive Plan policies which speak to increasing public access to the water and citing the boardwalk at Terra Ceia as an example.

### **CITY COMMISSION**

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

**CITY OF PALMETTO  
ORDINANCE NO. 2010-18**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 08-972 TO APPROVE AN AMENDED GENERAL DEVELOPMENT PLAN FOR THE PROPERTIES DESCRIBED IN THE ATTACHED EXHIBIT “A”, LOCATED IN THE PDMU (PLANNED DEVELOPMENT – MIXED-USE) ZONING DISTRICT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 05-03 Rev II (2010) Sanctuary Residential Partners, LLC/ Sanctuary Development Partners East, L.L.C./Sanctuary Development Partners, L.L.C./Manatee Island Partners, LLC, approx. 225.22 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**, in 2008, the City Commission of the City of Palmetto approved a PDMU Zoning and General Development plan pursuant to Ordinance 08-972, subject to certain conditions (“Project”); and

**WHEREAS**, one of the conditions of such approval was to require compliance of the Project with the Attainable Housing Ordinance; and

**WHEREAS**, the City of Palmetto has received a request for approval of a proposed Amended General Development Plan for the Project to include the lands described in **Exhibit A** (approximately 225.22 acres) to eliminate the conditions of approval (i) to require the Project to be developed in compliance with the City's Attainable Housing Ordinance and (ii) to require construction of a boardwalk along the perimeter of the property fronting on the Manatee River that would be tied in with the proposed Manatee Riverwalk; and

**WHEREAS**, conditions have changed within the development and within the City such that the City Commission has determined that it is not necessary to assure compliance of the Project with the Attainable Housing Ordinance; and

**WHEREAS**, the Planning and Zoning Board of the City of Palmetto reviewed the proposed Amended General Development Plan, held a properly noticed public hearing on October 21, 2010, 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 November 15, 2010, 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 Amended 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. Findings 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 Amended General Development Plan, a copy of which is attached hereto and incorporated herein as **Exhibit B**.
- C. The proposed Amended General Development Plan, read together with the stipulations set forth below, is consistent with the City of Palmetto’s Comprehensive Plan.
- D. The proposed Amended 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 Amended General Development Plan is hereby approved with the following stipulations:

- 1. Construction drawings for the BOMA Parcel Addition and the Rogers Parcel Addition must be submitted and approved by the City.
- 2. An interface for Manatee County transit shall be established on the northernmost section of the property adjacent to US 301 and currently reserved for commercial/mixed use.
- 3. At time of construction plan approval, the Dock Plan must be approved consistent with the City of Palmetto Ordinance No. 07-946 (completed).



4. All infrastructure improvements must be complete and accepted by the City prior to issuance of any certificates of occupancy.

5. Any reference to the “Future City of Palmetto Boardwalk Pending Permitting Approval” on the site plan shall be considered deleted with the approval of this Ordinance.

**Section 3. Repeal of Ordinance.** This Ordinance hereby repeals and replaces Ordinance 08-972 in its entirety.

**Section 4. Recognition of Vested Rights.** The approval of this Ordinance shall not act to re-date any prior approvals of the General Development Plan or Amended General Development Plan, and for all purposes, the approval date of the project is recognized as being September 10, 2005 (the date on which the City Commission adopted Ordinance Number 05-863 approving the first General Development Plan for the project).

**Section 5. 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 6. 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 13th day of December, 2010.

First Reading:	December 6, 2010
Publication:	December 3, 2010
Second Reading and Public Hearing:	December 13, 2010

CITY OF PALMETTO, FLORIDA, BY  
AND THROUGH THE CITY  
COMMISSION OF THE CITY OF  
PALMETTO

By:

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SHIRLEY GROOVER BRYANT, MAYOR

ATTEST: James R. Freeman  
City Clerk

By: \_\_\_\_\_  
City Clerk/Deputy Clerk



