

TAB 15

CITY OF PALMETTO
ORDINANCE NO. 2010-21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 08-976 TO APPROVE AN AMENDED GENERAL DEVELOPMENT PLAN FOR THE PROPERTIES DESCRIBED IN THE ATTACHED EXHIBIT "A", LOCATED IN THE PD ZONING DISTRICT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 2010-21, Perle Fine LLC, approx. 0.64 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 General Development Plan (GDP 08-01) pursuant to Ordinance No. 08-976, which provided, in part, for the expansion of the existing bed and breakfast from 5 guest rooms to 9 guest rooms and a 3-bedroom caretakers suite, subject to certain conditions ("Project"); and

WHEREAS, the improvements granted in 2008 were not constructed due to a downturn in the economy; and

WHEREAS, the City of Palmetto has received a request for approval of an Amended General Development Plan for the Project to include the lands described in **Exhibit A** (approximately 0.64 acres) to decrease the number of approved guest rooms from 9 to 6, to eliminate the 3 bedroom caretakers suite, to add 164 square feet to an existing suite to create a Bridal Suite, to enclose the carport, to add 500 square feet of service area for a reception area and to add 612 square feet of terrace on the west side of the building; 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 November 18, 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 January 3, 2011 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, as conditioned herein, 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 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. The 12 parking spaces being provided may utilize a portion of the 11th Avenue West right-of-way but will not extend into the roadway.
2. A parking and sidewalk easement, which will be in a form approved by the City Attorney, shall be provided for the area located on the private property adjacent to 11th Avenue West where the parking and sidewalk are located.
3. The sidewalk shall be placed west of the parking spaces with a total of 12 parking spaces.

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

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 3rd day of January, 2011

First Reading: December 6, 2010
Publication: December 17, 2010
Second Reading and
Public Hearing: January 3, 2011

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

FLORIDA COAST SURVEYING, INC.



PROFESSIONAL SURVEYOR'S, & MAPPER'S

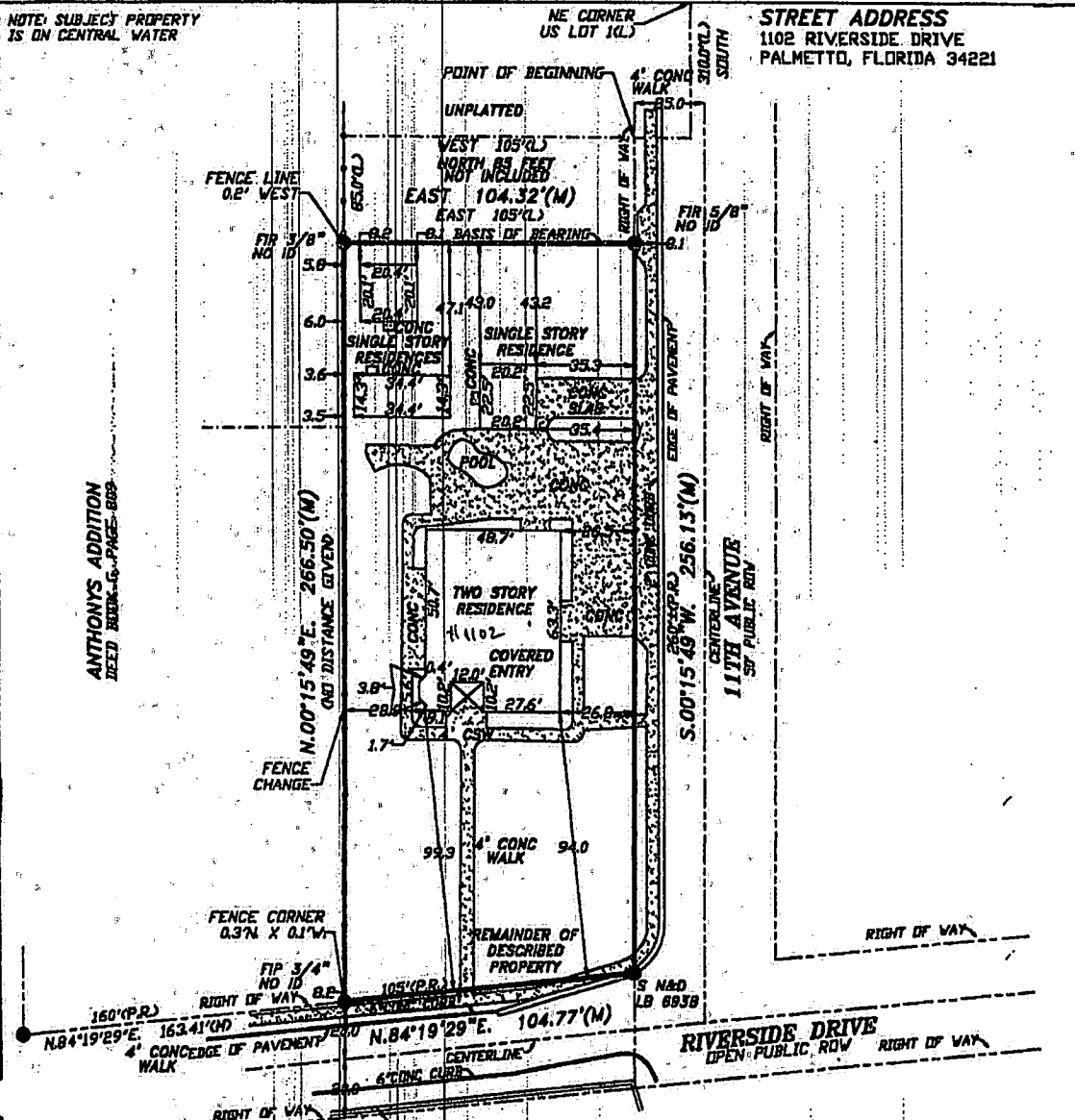
CERTIFICATE NO. LB-0006938

722 36TH STREET WEST
BRADENTON, FLORIDA 34205
941-744-9295 FAX 941-748-6751
TOLL FREE 1-877-531-7193

FLOOD ZONE : A10
COMMUNITY PANEL 120159 0003 0
DATED : 11-10-1988
(FLOOD ZONE : "B", "C", "D", & "X" ARE NOT
IN DESIGNATED FLOOD HAZARD ZONE AREA.)
SUBJECT TO VERIFICATION

SCALE 1" = 50'

NOTE: SUBJECT PROPERTY
IS ON CENTRAL WATER



BOUNDARY SURVEY LEGAL DESCRIPTION :

BEGINNING AT A STAKE 80 FEET WEST AND 310 FEET SOUTH OF A STAKE AT THE NORTHEAST CORNER OF THE LOT NUMBER 1, U.S. OF SECTION 23, TOWNSHIP 34 SOUTH, RANGE 17 EAST; THENCE RUN WEST 105 FEET; THENCE SOUTH TO THE WATERS OF THE MANATEE RIVER; THENCE EAST 105 FEET; THENCE NORTH TO THE POINT OF BEGINNING LESS RIGHT-OF-WAY FOR STREET ON THE SOUTH LESS BEGIN 80 FEET WEST AND 310 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 1, U.S. SURVEY OF SAID SECTION 23; THENCE WEST 105 FEET; THENCE SOUTH 85 FEET; THENCE EAST 105 FEET; THENCE NORTH 85 FEET TO THE POINT OF BEGINNING, ALL LYING AND BEING IN SECTION 23, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

CERTIFICATION :

I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 81G17-9, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BY : SCOTT CRIBER, PSL #6071

SURVEY DATE : 08/10/2004

CERTIFIED TO :

GARY M. BROWN
WELLS FARGO HOME MORTGAGE, INC.
BARNES WALKER TITLE
ATTORNEYS' TITLE INSURANCE FUND, INC.

NOTE:
IN COMPLIANCE WITH FLORIDA STATUTES
81G17-6.0031 (6) (E) (IF LOCATION OF
EASEMENTS OR RIGHT-OF-WAY OF RECORD,
OTHER THAN THOSE ON RECORD PLAT, IS
REQUIRED, THIS INFORMATION MUST BE
FURNISHED TO THE SURVEYOR AND MAPPER.

NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.
UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID

PLEASE REFER TO REVERSE SIDE FOR GENERAL NOTES & ABBREVIATIONS.

REVISIONS

PROJECT NO:
04_M25912

EXHIBIT A
ORD 2010-21

GSP 08-01

PROPOSED SITE PLAN

SCALE: 1" = 20'-0"

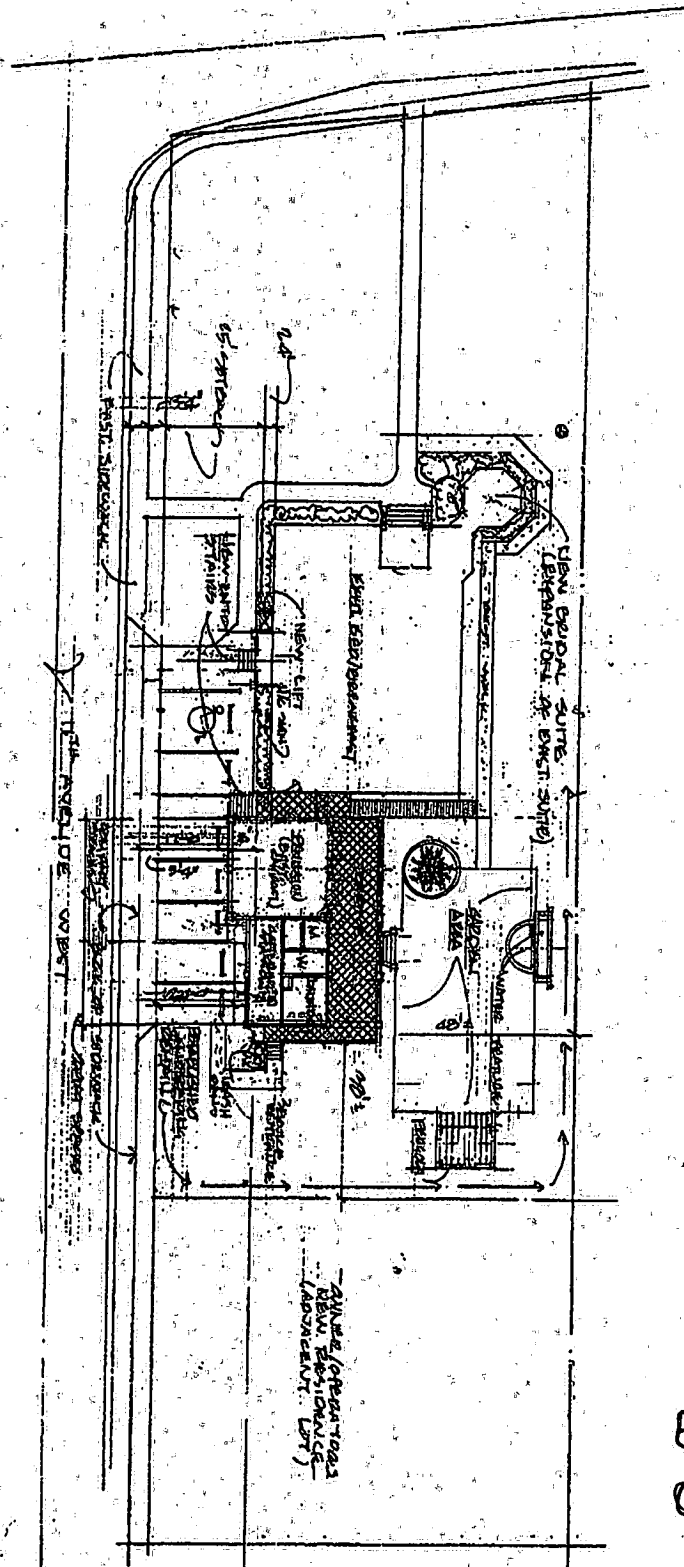


EXHIBIT B
ORD 2010-21

**General Development Plan Modifications
PALMETTO RIVERSIDE BED & BREAKFAST**

1102 RIVERSIDE DRIVE, PALMETTO, FLORIDA 34221

PROPOSE SITE PLAN

**Mary Marsh Lester
Architect**

Mary Marsh
Lester
1102 Riverside Drive
Palmetto, Florida 34221

PH 813-986-6100
FAX 813-986-6100
mmarch@aol.com

A1	PROPOSED SITE PLAN
DATE	11/11/10
SCALE	1" = 20'-0"
PROJECT	1102 RIVERSIDE DRIVE, PALMETTO, FLORIDA 34221
CLIENT	1102 RIVERSIDE DRIVE, PALMETTO, FLORIDA 34221
DESIGNED BY	MARY MARSH LESTER ARCHITECT
DRAWN BY	MARY MARSH LESTER ARCHITECT
CHECKED BY	MARY MARSH LESTER ARCHITECT
APPROVED BY	MARY MARSH LESTER ARCHITECT

Previous Site Plan



1 FRONT
CHECK 2007



2 SIDE
CHECK 2007



3 FORMER COTTAGES
CHECK 2007



UGARTE & ASSOCIATES, INC.
ARCHITECTS PLANNERS
1101 W. 11TH AVENUE WEST
PALMETTO BEACH, FLORIDA 33411
PHONE: 305-885-0000
FAX: 305-885-0001
WWW.UGARTE.COM

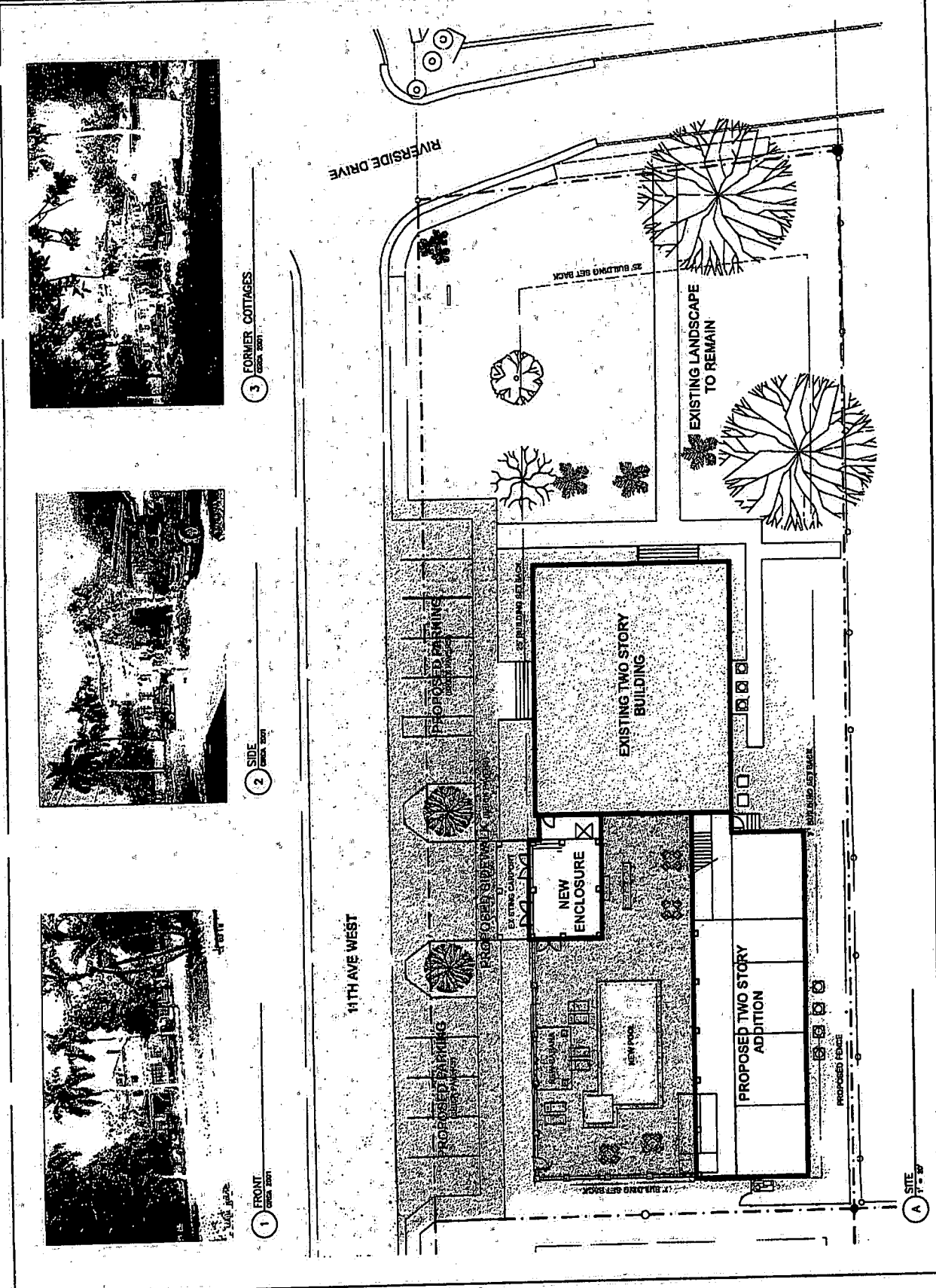
IMAGES

**PALMETTO RIVERSIDE
BED AND BREAKFAST**
1102 RIVERSIDE DR. PALMETTO, FL

PROJECT NO. 1102
DATE: 11/11/07
SCALE: 1/8" = 1'-0"

CHECK & SEAL
DATE: 11/11/07

A104
SHEET



A SITE
1" = 20'

Staff Report
Palmetto Riverside Bed and Breakfast
Amended General Development Plan Ord. 2008-01
1102 Riverside Drive, Palmetto, Florida
GDP-08-01 Rev. II (2010)

OWNER/GENERAL LOCATION/PARCEL SIZE:

Owner: Wim Lippens

Architect: Mary Marsh Lasseter

Location: The site is located at the northwest corner of Riverside Drive and 11th Avenue West

PID #: 3125400006

Project Size: 0.6388 Acres (per Manatee County Property Appraiser's Office)

Existing FAR: 4,577 sq. ft./0.6388 acres = 0.14 FAR (Source: Manatee County Property Appraiser's Office and verified by property owner)

Proposed FAR: 5,853 sq. ft./0.6388 acres = 0.21 FAR

Residential Density: N/A

EXISTING LAND USE/ZONING CATEGORY:

Future Land Use: Residential-4 (Res-4)

Zoning: Planned Development (PD)

Bed and Breakfast (B&B) is permitted in E-R, RS-1, RS-2, RS-3, RS-4, RM-5 and RM-6 as a Conditional Use. However, this property was rezoned to PD in 2000 and revised in 2008 for a B&B with an approved site plan (GDP) and conditions of approval. Any changes to the adopted GDP require the same rezoning process as the original approval.

SURROUNDING PROPERTY ZONING DISTRICTS:

Future Land Use

North: RES-4 (Residential - 4 units per acre)

South: PU (Public Use) and the Manatee River

East: DCCOM (Downtown Commercial Core)

West: RES-4 (Residential - 4 units per acre)

Zoning

North: RS-3 (Residential Single Family - 7,250 sq. ft. minimum lot size)

South: Manatee River

East: CG (Business and Light Commercial)

West: RS-2 (Residential Single Family -10,000 sq. ft. minimum lot size)

REQUESTED CHANGE:

This is a request from the owner and architect of Palmetto Riverside Bed and Breakfast (B&B) to

amend the PD General Development Plan that was approved in 2008 to reflect changing market conditions experienced in the B&B business over the past two years. The change of direction for this business is to concentrate more on special events like weddings over the provision of an increased number of available units or bedrooms. The primary use will remain a bed and breakfast facility.

The proposed changes include:

1. Decreasing the number of bedrooms from 9 units to 6 existing units (the caretakers area was redesigned into 2 rooms although no square footage was added);
2. Eliminating the 3 bedroom caretakers suite as the owners plan to build their own house adjacent to the B&B;
3. Adding approximately 164 square feet to an existing suite to provide a Bridal Suite;
4. Changing the carport to install flooring at same height as existing adjacent building and close in with windows and doors to match existing structure;
5. Adding approximately 500 square feet of service area for caterer station, men and women toilets and laundry to serve facility for reception area;
6. Adding a terrace on the west side approximately 12 feet wide by 51 feet, the length of the building;
7. Adding two additional off-street parking spaces;
8. Landscaping and a garden area with a water feature and a pergola.

BACKGROUND:

On October 9, 2000, Ordinance 697 rezoned this property from RS-2 to PD-MU to allow the expansion of the bed and breakfast (Palmetto House Inn) from 5 guest rooms (4 guest rooms and one caretaker's room) to 8 guest rooms.

On September 8, 2008 the current GDP was approved for 9 guest rooms (5 rooms existing in 2008). The additions included 4 bedrooms, a 3 bedroom caretakers suite in a new 2-story addition (for a total of 12 units) a partial enclosure of the existing carport, new swimming pool and enclosed patio with additional landscaping around the new construction, new off-street parking spaces and a sidewalk.

Since the 2008 approval, the caretakers area was redesigned into 2 rooms although no square footage was added, for a total of 6 existing units; the 3 bedroom caretakers suite will not be built as the owners plan to live in their own house adjacent to the B&B (definition includes: The operator of the bed and breakfast shall live in the dwelling unit or in an adjacent dwelling unit); the swimming pool will not be built and the enclosed patio with additional landscaping and new off-street parking spaces will be changed to match the proposed design.

The City Commission approved the PD rezoning and GDP in 2008 subject to the following stipulation:

1. A parking and sidewalk easement shall be provided for the area located on the private property adjacent to 11th Avenue West where the parking and sidewalk is located.
2. The architecture of the proposed addition and other structures shall be consistent with the existing structure. Final design shall be presented to the Planning and Zoning Board for

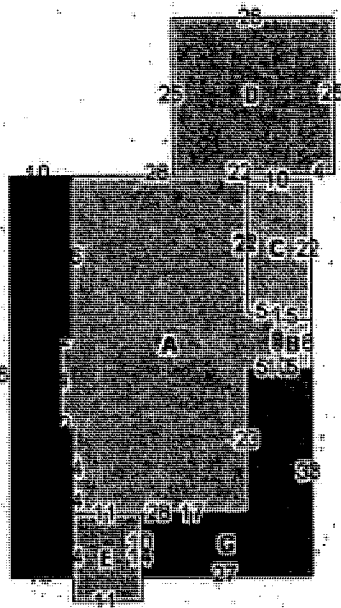
discussion prior to the commencement of building construction.

3. Development is subject to construction plan approval.

The following two LDC modification requests were also approved as part of PD in 2008:

1. The proposed parking spaces will utilize a portion of the 11th Avenue West right-of-way and back into the street.
2. Section 6.18, Bed & Breakfast, limits the number of guest rooms to six. The approval granted an exception to this requirement to increase the number to a maximum of 12 bedrooms.

PROPERTY APPRAISER'S INFORMATION



SF detached unit

A MAIN BA BASE, 1585 sqft	B R8 C POR BA BASE, 40 sqft
C BA BASE, 215 sqft	D P3 CRPT, 650 sqft
E O4 O POR, 154 sqft	F BA' BASE, 612 sqft
G R8 C POR, 500 sqft	Total ground floor: 3756 sq. ft.

SUMMARY

According to the approved site plan, an additional 2,700 square feet was approved in 2008. The current proposal adds 664 square feet (bridal suite and reception area) plus 612 square feet of terrace on the west side of the building for a total of 1,276 square feet, less than half the area

Staff Recommendation
Palmetto Riverside B&B
11-8-2010
Revised 11-19-2010

approved in 2008. The current proposal also eliminates 6 bedrooms; 3 guest bedrooms and 3 caretakers units negating the LDC modification approval of 12 units as part of PD approval in 2008. A proposed FAR of 0.26 was approved in 2008 compared to the current request for a 0.21 FAR.

Per Section 6.18, parking requirements are one parking space for the manager/owner and one parking space for each guest room. The proposal requires 7 parking spaces and 7 parking spaces including one handicapped space are provided.

The following LDC modification request which was approved as part of PD in 2008 is applicable to this GDP amendment:

1. The proposed parking spaces will utilize a portion of the 11th Avenue West right-of-way and back into the street.

STAFF RECOMMENDATION:

Based on the aforementioned considerations, staff recommends **APPROVAL** of the requested changes to the Amended General Development Plan subject to retaining the following two LDC modification requests which were approved as part of the 2008 GDP:

1. The proposed parking spaces will utilize a portion of the 11th Avenue West right-of-way;
2. A parking and sidewalk easement shall be provided for the area located on the private property adjacent to 11th Avenue West where the parking and sidewalk are located.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board recommends **APPROVAL WITH CONDITIONS** of the proposed rezone and conceptual/general development plan subject to the following:

1. The proposed parking spaces will utilize a portion of the 11th Avenue West right-of-way;
2. A parking and sidewalk easement, approved by the City Attorney shall be provided for the area located on the private property adjacent to 11th Avenue West where the parking and sidewalk are located;
3. The sidewalk shall be placed in front of the parking spaces with a total of 12 parking spaces.

CITY COMMISSION

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