

TAB 7

**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 2010-18 Sanctuary Cove (Bradenton), ASLI VI, LLLP , 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 December 13, 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.

6. Any reference requiring the Project to be developed in compliance with the City’s Attainable Housing Ordinance 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 redate 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: _____
SHIRLEY GROOVER BRYANT, MAYOR

ATTEST: James R. Freeman
City Clerk

By: _____
City Clerk/Deputy Clerk

EXHIBIT A

LEGAL DESCRIPTION (MASTER LAYOUT WITH BOMA)

A PARCEL OF LAND LYING AND BEING IN SECTIONS 18 AND 19, TOWNSHIP 34 SOUTH, RANGE 18 EAST AND SECTIONS 13 AND 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE N.00°07'57"E. ALONG THE WEST LINE OF SAID SECTION 18, A DISTANCE OF 660.51 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE N.00°07'57"E., ALONG SAID WEST LINE, A DISTANCE OF 1,947.52 FEET TO THE INTERSECTION OF SAID WEST LINE AND THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 301 (STATE ROAD 43); THENCE N.89°05'42"E., ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 1,318.44 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE S.00°04'23"W., A DISTANCE OF 39.17 FEET TO A POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE EAST, OF WHICH THE RADIUS POINT LIES S.89°53'02"E., A RADIAL DISTANCE OF 530.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 28°46'55", A DISTANCE OF 266.24 FEET, SAID CURVE BEING SUBTENDED BY A CHORD THAT BEARS S.14°16'30"E., A DISTANCE OF 263.45 FEET TO A POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE SOUTHWEST, OF WHICH THE RADIUS POINT LIES S.61°20'59"W., A RADIAL DISTANCE OF 3,486.07 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°29'03", A DISTANCE OF 333.67 FEET, SAID CURVE BEING SUBTENDED BY A CHORD THAT BEARS S.25°54'30"E., A DISTANCE OF 333.54 FEET; THENCE S.23°08'56"E., A DISTANCE OF 93.27 FEET TO A POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE WEST, OF WHICH THE RADIUS POINT LIES S.66°47'49"W., A RADIAL DISTANCE OF 375.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°02'30", A DISTANCE OF 111.54 FEET, SAID CURVE BEING SUBTENDED BY A CHORD THAT BEARS S.14°40'56"E., A DISTANCE OF 111.13 FEET; THENCE S.00°07'33"W., A DISTANCE OF 699.28 FEET; THENCE S.89°59'12"E., A DISTANCE OF 774.03 FEET; THENCE S.00°00'02"W., A DISTANCE OF 250.59 FEET; THENCE S.89°58'24"E., A DISTANCE OF 397.18 FEET; THENCE S.00°00'48"W., A DISTANCE OF 823.94 FEET; THENCE S.89°48'21"E., A DISTANCE OF 750.98 FEET; THENCE S.00°00'20"E., A DISTANCE OF 174.11 FEET; THENCE S.64°40'54"W., A DISTANCE OF 51.50 FEET; THENCE S.20°41'44"W., A DISTANCE OF 15.39 FEET; THENCE S.45°26'47"W., A DISTANCE OF 74.42 FEET; THENCE S.42°54'25"W., A DISTANCE OF 23.43 FEET; THENCE N.57°34'10"W., A DISTANCE OF 30.28 FEET; THENCE S.39°25'31"W., A DISTANCE OF 26.42 FEET; THENCE S.38°35'12"W., A DISTANCE OF 46.53 FEET; THENCE S.09°22'44"W., A DISTANCE OF 59.83 FEET; THENCE S.73°11'37"W., A DISTANCE OF 15.36 FEET; THENCE S.23°44'01"W., A DISTANCE OF 27.70 FEET; THENCE S.04°56'33"E., A DISTANCE OF 21.82 FEET; THENCE S.09°55'38"W., A DISTANCE OF 67.46 FEET; THENCE S.10°36'23"E., A DISTANCE OF 50.64 FEET; THENCE S.13°05'16"W., A DISTANCE OF 42.35 FEET; THENCE S.06°13'46"E., A DISTANCE OF 45.71 FEET; THENCE S.14°07'02"W., A DISTANCE OF 9.35 FEET; THENCE S.75°06'20"W., A DISTANCE OF 106.37 FEET; THENCE N.87°31'59"W., A DISTANCE OF 56.81 FEET; THENCE S.08°12'26"E., A DISTANCE OF 12.61 FEET; THENCE S.69°11'23"W., A DISTANCE OF 33.50 FEET; THENCE N.89°09'48"W., A DISTANCE OF 14.38 FEET; THENCE N.07°03'18"W., A DISTANCE OF 20.27 FEET; THENCE N.00°54'02"W., A DISTANCE OF 22.90 FEET; THENCE N.11°42'49"W., A DISTANCE OF 40.93 FEET; THENCE S.59°22'45"W., A DISTANCE OF 9.17 FEET; THENCE N.22°16'10"W., A DISTANCE OF 32.06 FEET; THENCE S.65°13'43"E., A DISTANCE OF 20.86 FEET; THENCE N.01°51'14"E., A DISTANCE OF 35.86 FEET; THENCE N.00°25'50"E., A DISTANCE OF 15.97 FEET; THENCE S.72°52'59"W., A DISTANCE OF 20.90 FEET; THENCE N.65°24'33"W., A DISTANCE OF 31.29 FEET; THENCE N.82°57'58"W., A DISTANCE OF 33.56 FEET; THENCE N.59°55'53"W., A DISTANCE OF 31.39 FEET; THENCE N.44°07'49"W., A DISTANCE OF 20.49 FEET; THENCE S.84°50'14"W., A DISTANCE OF 78.46 FEET; THENCE S.65°19'50"W., A DISTANCE OF 39.34 FEET; THENCE S.26°48'57"W., A DISTANCE OF 37.82 FEET; THENCE N.87°04'28"W., A DISTANCE OF 23.12 FEET; THENCE S.10°44'12"E., A DISTANCE OF 27.64 FEET; THENCE S.44°14'41"W., A DISTANCE OF 42.10 FEET; THENCE S.00°00'48"W., A DISTANCE OF 122.28 FEET TO THE INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE NORTHERLY SHORE OF THE MANATEE RIVER AS ESTABLISHED BY GEORGE F. YOUNG 05/15/03; THENCE

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ALONG SAID NORTHERLY SHORE IN A WESTERLY DIRECTION THE FOLLOWING NINETY FIVE COURSES; THENCE S.75°54'29"W., A DISTANCE OF 64.70 FEET; THENCE S.59°28'26"W., A DISTANCE OF 32.35 FEET; THENCE S.75°46'39"W., A DISTANCE OF 59.11 FEET; THENCE S.42°31'58"W., A DISTANCE OF 72.97 FEET; THENCE S.75°47'56"W., A DISTANCE OF 45.72 FEET; THENCE S.77°50'37"W., A DISTANCE OF 48.76 FEET; THENCE N.55°08'56"W., A DISTANCE OF 45.67 FEET; THENCE S.58°01'06"W., A DISTANCE OF 76.81 FEET; THENCE S.86°05'35"W., A DISTANCE OF 49.04 FEET; THENCE S.66°35'11"W., A DISTANCE OF 43.26 FEET; THENCE N.85°05'52"W., A DISTANCE OF 50.60 FEET; THENCE S.70°05'53"W., A DISTANCE OF 81.61 FEET; THENCE S.53°41'01"W., A DISTANCE OF 53.79 FEET; THENCE S.54°25'33"W., A DISTANCE OF 56.20 FEET; THENCE S.54°58'42"W., A DISTANCE OF 65.48 FEET; THENCE S.62°25'55"W., A DISTANCE OF 42.55 FEET; THENCE S.58°37'17"W., A DISTANCE OF 57.71 FEET; THENCE S.68°35'50"W., A DISTANCE OF 70.71 FEET; THENCE S.53°19'19"W., A DISTANCE OF 60.82 FEET; THENCE S.67°48'50"W., A DISTANCE OF 61.68 FEET; THENCE S.64°42'39"W., A DISTANCE OF 61.56 FEET; THENCE S.36°10'42"W., A DISTANCE OF 34.33 FEET; THENCE S.54°21'47"W., A DISTANCE OF 232.40 FEET; THENCE S.54°09'35"W., A DISTANCE OF 179.97 FEET; THENCE S.66°18'21"W., A DISTANCE OF 17.59 FEET; THENCE S.85°02'55"W., A DISTANCE OF 14.20 FEET; THENCE N.85°05'52"W., A DISTANCE OF 19.58 FEET; THENCE N.66°41'21"W., A DISTANCE OF 147.08 FEET; THENCE N.66°26'07"W., A DISTANCE OF 182.11 FEET; THENCE N.28°25'21"W., A DISTANCE OF 46.26 FEET; THENCE N.72°40'49"W., A DISTANCE OF 66.73 FEET; THENCE N.73°29'51"W., A DISTANCE OF 56.18 FEET; THENCE N.46°40'21"W., A DISTANCE OF 75.26 FEET; THENCE N.58°27'25"W., A DISTANCE OF 67.39 FEET; THENCE N.80°24'56"W., A DISTANCE OF 71.73 FEET; THENCE N.58°14'35"W., A DISTANCE OF 70.96 FEET; THENCE N.50°34'03"W., A DISTANCE OF 55.34 FEET; THENCE N.10°58'04"W., A DISTANCE OF 38.12 FEET; THENCE N.72°07'55"W., A DISTANCE OF 57.93 FEET; THENCE S.73°06'53"W., A DISTANCE OF 31.89 FEET; THENCE N.82°30'25"W., A DISTANCE OF 70.78 FEET; THENCE N.59°58'50"W., A DISTANCE OF 42.15 FEET; THENCE N.36°52'12"W., A DISTANCE OF 63.87 FEET; THENCE N.47°45'55"W., A DISTANCE OF 62.35 FEET; THENCE N.12°24'46"E., A DISTANCE OF 94.47 FEET; THENCE N.01°09'40"W., A DISTANCE OF 162.78 FEET; THENCE N.31°01'12"W., A DISTANCE OF 136.34 FEET; THENCE N.69°59'27"W., A DISTANCE OF 196.93 FEET; THENCE S.86°25'13"W., A DISTANCE OF 120.63 FEET; THENCE N.03°30'54"W., A DISTANCE OF 87.57 FEET; THENCE N.04°33'31"E., A DISTANCE OF 28.59 FEET; THENCE N.07°07'06"E., A DISTANCE OF 32.68 FEET; THENCE S.89°51'26"W., A DISTANCE OF 99.54 FEET; THENCE S.41°41'41"W., A DISTANCE OF 62.03 FEET; THENCE S.79°33'41"E., A DISTANCE OF 91.77 FEET; THENCE S.01°34'02"E., A DISTANCE OF 21.71 FEET; THENCE S.86°38'17"W., A DISTANCE OF 161.96 FEET; THENCE S.07°53'56"E., A DISTANCE OF 107.59 FEET; THENCE N.85°35'15"E., A DISTANCE OF 95.07 FEET; THENCE S.86°14'58"E., A DISTANCE OF 104.83 FEET; THENCE S.21°38'48"E., A DISTANCE OF 100.95 FEET; THENCE S.04°13'16"E., A DISTANCE OF 112.20 FEET; THENCE S.01°42'28"E., A DISTANCE OF 94.17 FEET; THENCE N.87°44'10"E., A DISTANCE OF 36.42 FEET; THENCE S.87°51'16"E., A DISTANCE OF 42.19 FEET; THENCE S.62°45'37"E., A DISTANCE OF 180.99 FEET; THENCE S.80°12'39"W., A DISTANCE OF 26.98 FEET; THENCE N.84°56'31"W., A DISTANCE OF 70.95 FEET; THENCE N.56°43'03"W., A DISTANCE OF 53.30 FEET; THENCE N.89°36'46"W., A DISTANCE OF 66.59 FEET; THENCE S.88°47'50"W., A DISTANCE OF 45.66 FEET; THENCE S.88°34'39"W., A DISTANCE OF 46.09 FEET; THENCE N.72°25'39"W., A DISTANCE OF 77.67 FEET; THENCE N.73°38'52"W., A DISTANCE OF 71.36 FEET; THENCE N.87°39'29"W., A DISTANCE OF 87.84 FEET; THENCE N.87°12'21"W., A DISTANCE OF 57.45 FEET; THENCE N.83°49'13"W., A DISTANCE OF 62.50 FEET; THENCE N.53°22'26"W., A DISTANCE OF 45.10 FEET; THENCE N.72°59'51"W., A DISTANCE OF 60.95 FEET; THENCE N.86°59'35"W., A DISTANCE OF 71.36 FEET; THENCE N.82°22'09"W., A DISTANCE OF 34.83 FEET; THENCE N.65°24'26"W., A DISTANCE OF 67.56 FEET; THENCE N.49°02'28"W., A DISTANCE OF 79.68 FEET; THENCE N.35°15'03"W., A DISTANCE OF 55.45 FEET; THENCE N.54°26'36"W., A DISTANCE OF 116.19 FEET; THENCE N.58°37'44"W., A DISTANCE OF 73.45 FEET; THENCE S.71°19'45"W., A DISTANCE OF 122.93 FEET; THENCE S.35°13'51"W., A DISTANCE OF 61.16 FEET; THENCE S.33°13'10"W., A DISTANCE OF 53.56 FEET; THENCE S.10°42'23"W., A DISTANCE OF 77.03 FEET; THENCE S.45°18'37"W., A DISTANCE OF 59.28 FEET; THENCE S.48°36'21"W., A DISTANCE OF 49.60 FEET; THENCE S.77°25'23"W., A DISTANCE OF 43.14 FEET; THENCE S.72°05'57"W., A DISTANCE OF 47.65 FEET; THENCE S.70°06'51"W., A DISTANCE OF

EXHIBIT A

60.72 FEET; THENCE LEAVING SAID NORTHERLY SHORE, N.00°12'30"W., A DISTANCE OF 35.93 FEET; THENCE N.01°53'00"E., A DISTANCE OF 389.85 FEET; THENCE N.00°56'28"E., A DISTANCE OF 393.21 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST; THENCE ALONG SAID SOUTH LINE S.89°22'20"E., A DISTANCE OF 670.55 FEET TO A POINT ON THE EAST LINE OF HAMMOCKS AT RIVIERA DUNES AS RECORDED IN PLAT BOOK 44, PAGE 20, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N.00°01'00"E., ALONG SAID EAST LINE, A DISTANCE OF 770.72 FEET; THENCE S.89°23'56"E., A DISTANCE OF 27.28 FEET; THENCE N.04°09'41"E., A DISTANCE OF 97.59 FEET; THENCE N.05°43'21"E., A DISTANCE OF 102.58 FEET; THENCE S.89°26'12"E., A DISTANCE OF 248.15 FEET; THENCE S.03°56'05"W., A DISTANCE OF 99.93 FEET; THENCE S.02°41'46"W., A DISTANCE OF 100.04 FEET; THENCE S.89°23'45"E., A DISTANCE OF 48.42 FEET; THENCE S.00°07'29"W., A DISTANCE OF 112.01 FEET; THENCE S.89°35'52"E., A DISTANCE OF 342.13 FEET TO THE POINT OF BEGINNING.

CONTAINING 9,810,736 SQUARE FEET OR 225.22 ACRES, MORE OR LESS.
SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, IF ANY.

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 25th 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.

**DRAFT MINUTES
CITY OF PALMETTO
PLANNING AND ZONING BOARD
NOVEMBER 18, 2010 – 6:15 P.M.**

516 8th Avenue West
Palmetto, FL 34221

www.palmettofl.org
941-723-4570

PLANNING AND ZONING BOARD MEMBERS

BARBARA JENNINGS, Chair
JON MOORE, Vice Chair- Absent
ERIC GILBERT
CHARLIE UGARTE

CHRISTOPHER MOQUIN-Absent

School Board Appointee (Non-voting)

MIKE PENDLEY-Absent

Staff

Mark Barnebey, City Attorney
Lorraine Lyn, City Planner
Linda Butler, Recording Secretary

Anyone wishing to speak before the Planning and Zoning Board must sign in prior to the meeting, stating name, address and topic to address. All comments will be limited to two minutes.

Swearing in of all persons speaking to the Board:

“Do you swear or affirm that the evidence or factual representations that you are about to give or present to the Planning and Zoning Board on this 18th day of November 2010 are truthful?”

ORDER OF BUSINESS:

1. Approval of October 21, 2010 Meeting Minutes

Tab 1

Chair Jennings made the following corrections to the minutes. “Mr. Barnebey recommended amending the last bullet point to read: “The City Planner otherwise determines that such reduction is appropriate based on the availability of other parking to the public for the particular joint use situation”. This correction also applies to the motion.

Action request: Mr. Ugarte moved to approve the minutes with the correction. Mr. Gilbert seconded.

setback requirement? Ms. Lasseter stated since the setbacks are in a PD, the setback is flexible. The carport enclosure will be flushed with the columns. Because the carport is only 17th ft from the property line, the parking spaces in front of the existing carport will be designated compact. The two (2) new spaces will be in deeper.

Mr. Ugarte also expressed concerns regarding off street parking, parking spaces, pavers and sidewalk location. The sidewalk should be located in front of the cars due to safety issues and there should be some standards that require it. The original GDP was approved for pavers and more parking spaces. Mr. Ugarte recommended keeping the same number of parking spaces as presented in the original GDP as well as the pavers. Mr. Ugarte stated that although the intensity is being reduced with the amount of rooms, the use is being changed, which will cause a big influx in the number of people. Where will the people park?

Ms. Lasseter stated the owners have an agreement with the church for parking. Also the City does not recommend pavers as it is not cost feasible if they are responsible for the maintenance. The pavers are also less than a perfect surface; there is always the issue that someone will not be able to walk on them due to the change in the surface. The pavers were discussed in the DRC pre application meeting.

Mr. Ugarte stated the LDC states if you have a legal non conforming use, which the carport is, any modification done should reduce the non conformity as much as possible; if you are going to close the carport in, it should be done only to the set back line, which was part of the GDP. The porch adds to the architectural flavor

Ms. Lasseter asked Mr. Ugarte what he recommends.

Chair Jennings stated the proposal is to decrease density and asked staff if the new use is an allowable use with the Bed and Breakfast license. Ms. Lyn stated she reviewed the new use as an accessory use; the principal use remains the same.

Mr. Wim Lippen, Owner, asked how many more parking spaces Mr. Ugarte wanted to see added.

Mr. Ugarte suggested keeping the same number of parking spaces as the original GDP, which were 13. Also maintain the parking and sidewalk. Mr. Ugarte stated he objects to moving the sidewalk and reducing the amount the landscaping on the street.

Chair Jennings opened the public hearing. No one from the public spoke on this item. Chair Jennings closed the public hearing.

Discussion ensued.

Action request: Mr. Ugarte moved to recommend approval of the request for Annexation AN-2010-02 R-O-W for 8th Av W, so. of 23rd St W and no. of US 41 Ordinance 2010-20. Mr. Gilbert seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

4. Old Business

Ms. Lyn reviewed the status report of Palmetto 2030 Comp Plan.

Mr. Barnebey stated the City should receive the notice of intent around January 2011, if the comp plan is in compliance, the ordinance will go into effect if we are not in compliance we will go into administrative hearings.

5. New Business

a. Discussion: Board Meeting time change

Mr. Ugarte stated the earlier the meeting time the better. Mr. Gilbert agreed.

Mr. Barnebey stated unless there is a code requirement the meeting can start anytime.

Ms. Lyn stated she thinks the requirement is 5 pm or after.

It was the consensus of the Board to start future meeting starting December at 5:30 pm

- b. Amending Alcoholic Beverage Code, Chapter 4, Section 4-2 (b) Selling, where prohibited, which reads "No alcoholic beverages shall be sold in any establishment within two hundred (200) feet of Tenth Street, west of Fourteen Avenue, within the city, except there shall be no prohibition against the sale of beer and wine for consumption off the premises between Twenty-eight Avenue and Thirty-first Avenue.

Chair Jennings asked the history of the code that prohibits the sales of alcohol in the above list location. Ms. Lynn stated she is not sure.