

TAB 14



City of Palmetto Agenda Item

Meeting Date

1/3/11

Presenter: Lorraine Lyn

Department: Public Works

Title:

**Amended General Development Plan Ord. 2008-01
1102 Riverside Drive, Palmetto, Florida
GDP-08-01 Rev. II (2010)**

In 2008, an additional 2,700 square feet was approved for this 3756 sq. ft. bed and breakfast (B&B) - an increase of 72% in square footage (see approved site plan). The focus of this B&B has changed due to the downturn in the economy and 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 representing a 34% increase, less than half the area approved in 2008.

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

Additional Budgetary Information: N/A

Funding Source(s): **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 **Future Land Use Plan**

Potential Motion/Direction Requested: The City Commission shall APPROVE, APPROVE WITH CONDITION(S) or DENY the proposed conditional use permit.

Staff Contact: Lorraine Lyn City Planner 723-4580 Ext. 135

Attachments: Staff report, Minutes of the P&Z meeting of 11/18/2010 and previously approved site plan.

**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

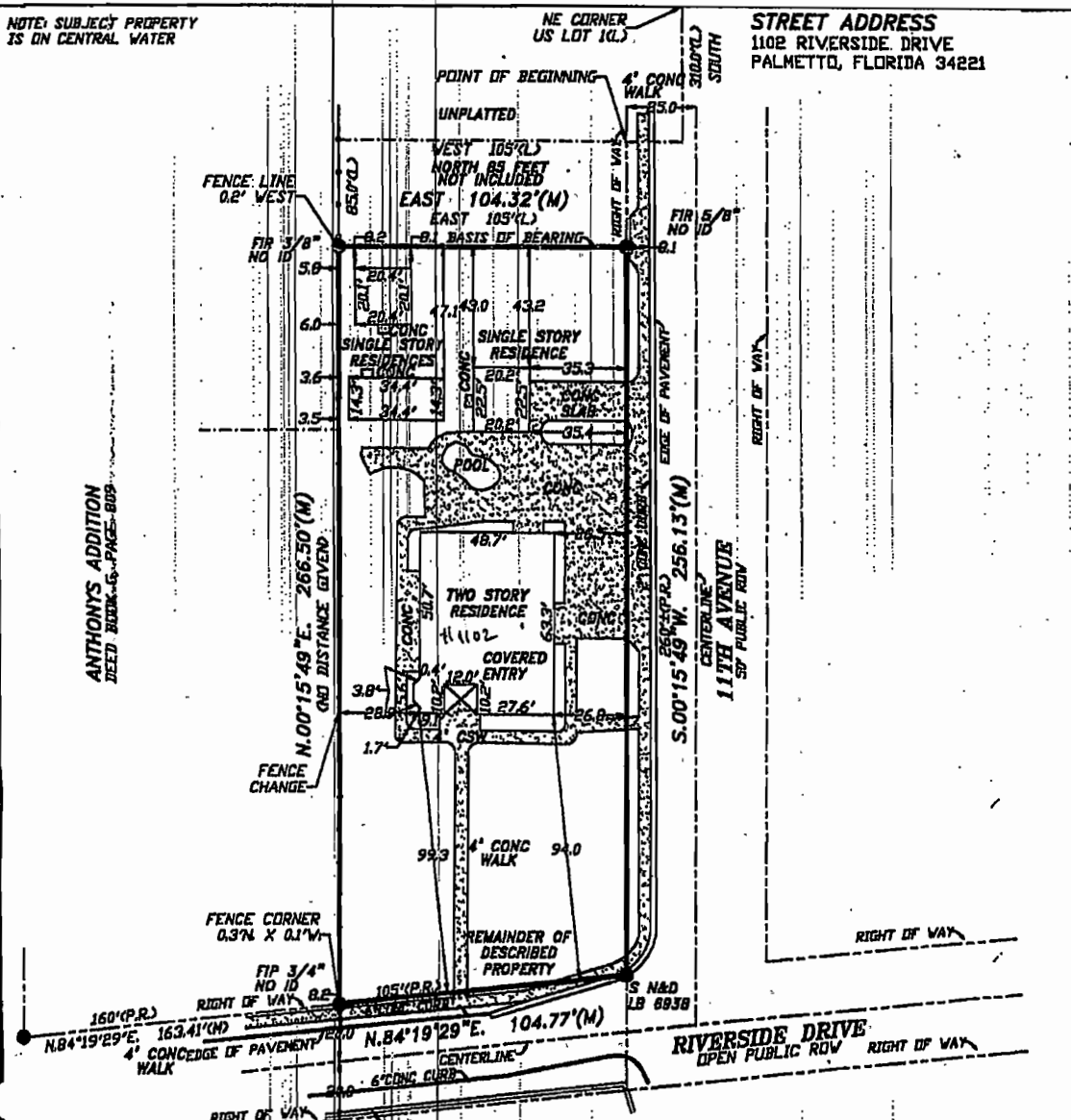
722 36TH STREET WEST
BRADENTON, FLORIDA 34205
941-744-9293 FAX 941-748-6751
TOLL FREE 1-877-531-7193

FLOOD ZONE : A10
COMMUNITY PANEL 120159 0003 C
DATED : 11-18-1988
(FLOOD ZONE : "B", "C", "D", & "X" ARE NOT
IN DESIGNATED FLOOD HAZARD ZONE AREA.)
SUBJECT TO VERIFICATION

SCALE 1" = 50'

NOTE: SUBJECT PROPERTY IS IN CENTRAL WATER

STREET ADDRESS
1102 RIVERSIDE DRIVE
PALMETTO, FLORIDA 34221



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 20 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 61G17-9, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BY : 
SCOTT CRIDER, PSIA #5671

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 61G17-8.0031 (5) (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"

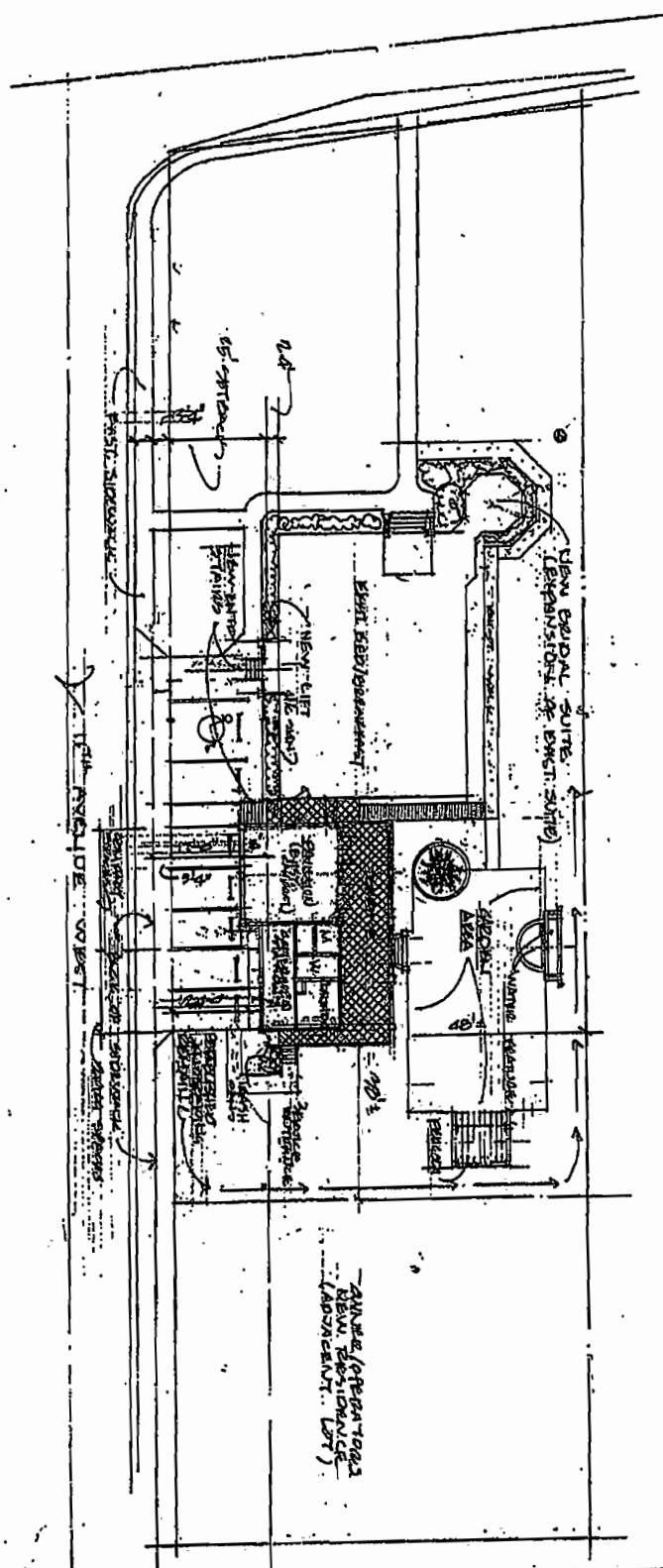
PLEASE REFER TO REVERSE SIDE FOR GENERAL NOTES & ABBREVIATIONS.

REVISIONS

PROJECT NO:
04_M25912

EXHIBIT A
ORD 2010-21

GSA 08-01



PROPOSED SITE PLAN
 SCALE: 1" = 20'-0"

EXHIBIT B
 ORD 2010-21

Sheet No.	A1
Project No.	1000-01
Date	8 NOV 2010
Drawn by	MML
Checked by	MML
Scale	1" = 20'-0"
Project Name	PALMETTO RIVERSIDE BED & BREAKFAST
Address	1102 RIVERSIDE DRIVE
City	PALMETTO, FLORIDA
State	FLORIDA
Zip	34221

General Development Plan Modifications
PALMETTO RIVERSIDE BED & BREAKFAST
 1102 RIVERSIDE DRIVE, PALMETTO, FLORIDA 34221
PROPOSE SITE PLAN

Mary Marsh Lassetter
 Architect

Mary Marsh
 Lassetter
 Licensed Professional Architect
 No. 17410, State of Florida
 1102 Riverside Drive
 Palmetto, Florida 34221

PH 813-969-4380
 FAX 813-969-4380
 mml@mmll.com

Previous Site Plan



3 FORMER COTTAGES
CIRCA 2007



2 SIDE
CIRCA 2007



1 FRONT
CIRCA 2007

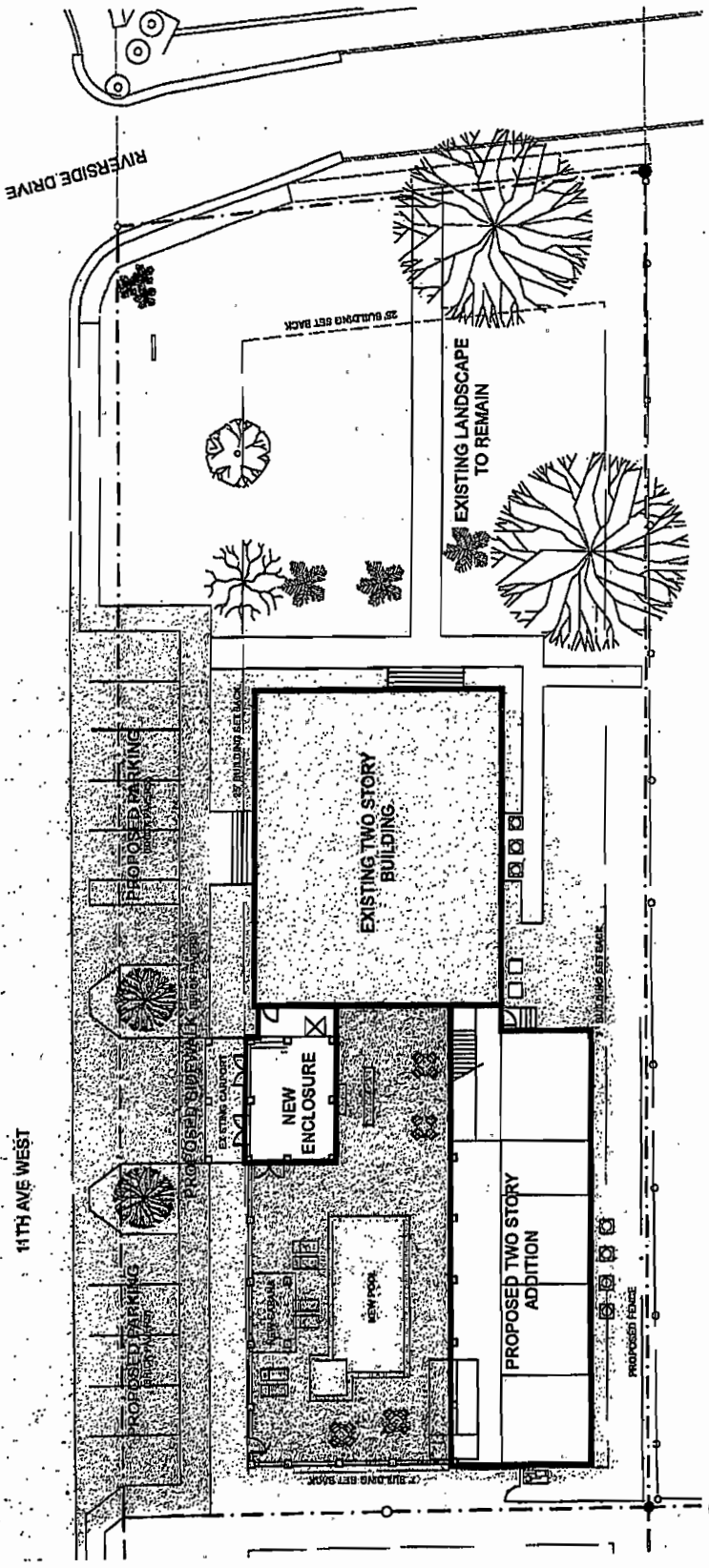
UGARTE & ASSOCIATES, INC.
ARCHITECTS PLANNERS
1102 RIVERSIDE DR. PALMETTO FL 34101
TEL: 813-987-1100
WWW.UGARTE.COM

IMAGES

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

PROJECT NUMBER: 1102R
DATE: 08/14/12
SCALE: 1/8" = 1'-0"

A104
SHEET NO. 1 OF 2



A SITE
1-27

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:

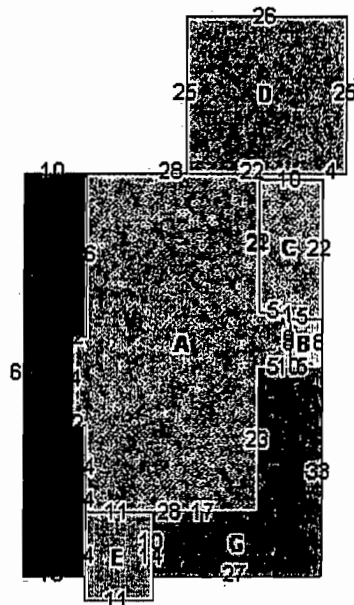
1. A parking and sidewalk easement shall be provided for the area located on the private property adjacent to 11th Avenue West where the parking and sidewalk is located.
2. The architecture of the proposed addition and other structures shall be consistent with the existing structure. Final design shall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

- discussion prior to the commencement of building construction.
- Development is subject to construction plan approval.

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

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

**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.

MOTION CARRIED UNANIMOUSLY.



2. Public Hearing: Amended General Development Plan (GDP-08-01-REV 2010) Tab 2

Ms. Lyn reviewed the staff report. 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 approved in 2008. The proposed change includes:

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

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 seven (7) parking spaces, seven (7) parking spaces including one handicapped space are provided.



Chair Jennings opened the public hearing

Ms. Mary Marsh Lasseter, Architect for Palmetto Riverside Bed & Breakfast presented the site plan on the overhead projector and answered questions.

Mr. Ugarte questioned the enclosure for the carport facing 11th Ave, inquiring if it will be flushed with the columns or will it be set back at the 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 asked for clarification of the level of details the Board is required to get into as opposed to the City Planner. Ms. Lyn stated a DRC meeting was held, all the details were discussed and no one was overly concerned with the encroachment. Ms. Lyn stated her understanding of a


PD is when you can't meet the set back of a standard district you are allowed some flexibility in the standards.

Chair Jennings closed the public hearing.

 Action request: Mr. Ugarte moved to recommend approval of the Amended General Development Plan 08-01 REV 2010 with the following stipulations:

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.


Mr. Gilbert seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

 **3. Public Hearing: Annexation AN-2010-02 R-O-W for 8th Av W, so. of 23rd St W and no. of US 41 Tab 3**


ORDINANCE NO. 2010-20

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY, GENERALLY LOCATED IN THE FORMER RIGHT-OF-WAY FOR 8TH AVENUE WEST, SOUTH OF 23RD STREET WEST AND NORTH OF U.S. 41, INTO THE CITY OF PALMETTO (AN-2010-02); PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Lyn summarized the staff report stating this annexation will move the City closer to meeting its obligations under the dedication agreement which is entwined with the proposed land swap agreement to expand Blackstone Park and develop the new Little League ball fields and the realignment of 23rd Street W to improve its intersection with Business 41.

 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.

Mr. Toni Supharat, 2808 10th St W., owner of Morning Breeze spoke on behalf of the restaurant, requesting the Board to consider changing the

code to allow the sale of alcohol in his restaurant as it is causing him to lose business.

Mr. Larry Hubbard, 5819 Lexington, friend, spoke in favor of changing the code to allow the sale of alcohol.

Mr. Brad Buckley stated he spoke to the City Commission regarding this issue, and requests the P&Z Board to consider changing the code to allow the sale of alcohol in the prohibited area. In the past when the location was a convenience store, you were able to buy alcohol and go next door and consume it.

Discussion ensued.

This item will come forward at a future date.



6. **Adjournment 7:40**