

TAB 9



City of Palmetto Agenda Item

Meeting Date

2/28/11

Presenter:

Lorraine Lyn

Department:

Public Works

Title:

AN 2011-01

Manatee School of the Arts

Annexation of 1.043 acres at 735 15th Avenue Drive, Unit A located at the NE corner of the school property

PID# 2608600157

Manatee School of the Arts has acquired two single family lots on the northeast corner of its current property line and proposes to expand its school facilities onto the additional 2.5 acres to meet the school's increasing needs.

One of these two single family lots is currently in the unincorporated county and MSA has filed a petition to annex it into the City of Palmetto. The flag shaped lot is surrounded by land in the City of Palmetto except for the easternmost tip (narrow end of flag) which abuts the single family neighborhood to the east along 15 Avenue Drive East that is within unincorporated Manatee County.

The existing uses and zonings surrounding the single family lot proposed for annexation are:

North: Vacant commercial/CG & PD-MU

West: SF house acquired by MSA/PD-MU

East: SF house/PD-MU

South: Manatee School of the Arts/PD-MU

The purpose of the proposed annexation is to expand MSA. A 42,000 square foot, 3-story classroom building is proposed for the property being annexed.

The proposed annexation is a logical extension of the City limits and is consistent with the following Plan policy:

Policy 1.12.1: The City shall balance the benefits of future annexations, i.e. to promote the orderly growth of the City with its ability to fulfill other established plans for the City.

Staff recommended Approval of the annexation as noted in the attached report.

The Planning and Zoning Board recommends Approval to the City Commission.

Budgeted Amount:

\$0.00

Budget Page No(s):

Available Amount:

\$0.00

Expenditure Amount:

\$0.00

Additional Budgetary Information:

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

Palmetto 2030
Comprehensive
Plan

Potential Motion/ Direction Requested:

The City Commission shall APPROVE, APPROVE WITH CONDITION(S) or DENY the proposed annexation of 1.043 acres at 735 15th Avenue Drive, Unit A located at the NE corner of the MSA property PID# 2608600157

Staff Contact:

Lorraine Lyn

Planning
Department

723-4580 Ext. 135

Attachments:

Staff Report covering the annexation, small scale plan amendment, rezoning and GDP for Manatee School of the Arts.

**Staff Report
Manatee School for the Arts
700 Haben Blvd
Annexation, Small Scale Plan Amendment and Rezoning/ GDP
AN/PA/Z/GDP 2011-01**

REQUEST:

- To annex a single family parcel located at 735 15th Avenue Drive E, Unit A into the City of Palmetto;
- To change the Plan category of this annexed parcel from a County designation (Res-6) to a City designation (PC);
- To rezone 2 single family parcels (zoned PD-MU & RSF4.5) and 2 tracts fronting on Haben Blvd. (zoned PD-MU) to PD-MU to incorporate them into a 2 phased GDP for the school;
- To add a 42,000 sq. ft. 3-story classroom building (NE corner), a go-cart track and associated building in 2011 (Phase 1);
- To add a 47,400 sq. ft. 3-story classroom building (SE corner) and relocate the existing 13,500 sq. ft. modular building to the SW corner (near the Hammocks) (Phase 2)

OWNER: Renaissance Arts and Education, Inc. / DBA Manatee School for the Arts (MSA)

LOCATION/PARCEL SIZE OF SUBJECT PROPERTIES

School: 700 Haben Blvd (original parcel)/8.314 acres
County Parcel: 735 15th Avenue Drive E, Unit A (PID # 2608600157)/1.043 acres
City Parcel: 735 15th Avenue Drive E, Unit C (PID # 2608610107)/1.54 acres
Front Tracts: Formerly Riviera Walk East (6.89 acre and 3.8 acre tracts)/10.69 acres
Total Site: 21.587 acres

PLAN/ZONING OF SUBJECT PROPERTIES

School: PC (Planned Community)/PD-MU (Planned Development-Multi Use)
County Parcel: Residential-6/RSF 4.5 (Residential Single Family 4.5)
City Parcel: PC (Planned Community)/PD-MU (Planned Development-Multi Use)

PLAN/ZONING/USES OF SURROUNDING AREA

North: PC/ PD-MU/SF house; PC/CHI/Riviera Palms nursing home; PC/CG & PD-MU/vacant commercial
South: PC/PD-MU/Riviera Dunes
East: COUNTY: RES-6/RSF-4.5/SF houses along 15th Ave Drive
West: PC/ PD-H/Courtney Assisted Living

BACKGROUND

Manatee School of the Arts (MSA) was established in 1998 at its current location in a vacated bowling alley building zoned CG. The 9,640 square foot modular building was permitted in 2000 and the 13,500 square foot modular building was permitted in 2001. In 2008, MSA submitted an application and received approval for a GDP (08-07) for the original 8 acre tract by

Ordinance 09-986. This proposed rezoning/GDP to PD-MU will incorporate into MSA, 2 parcels (6.89 acre and 3.8 acre tracts) fronting on Haben Blvd. which were rezoned to PD-MU in 2004 as part of Riviera Walk East.

SUMMARY

This report covers 3 separate requests and public hearing items; the annexation (1) and small scale plan amendment (2) of 1.043 acres from County Res-6 to City Planned Community, and the rezoning/GDP (3) of this annexed parcel (from County RSF 4.5) and an adjoining City parcel (1.54 acres zoned PD-MU), 2 parcels (6.89 acre and 3.8 acre tracts) fronting on Haben Boulevard as well as the overall school property (zoned PD-MU per Ordinance 09-986) to PD-MU (the proposed GDP) with the following phased additions:

Phase 1 in 2011

- * 42,000 sq. ft. 3-story classroom
- * 5,000 sq. ft. stem cart classroom (associated with go-cart track)
- * Go-cart track

Phase 2 in 2014

- * 47,400 sq. ft. 3-story classroom (remove smaller modular 9,640 sq. ft classroom)
Resulting in a net increase of 37,760 sq. ft.

Subtotal: 84,760 sq. ft.

Existing: 128,610 sq. ft.

Total: 213,360 sq. ft.

Existing FAR: 0.155

Proposed FAR: 0.226

COMPREHENSIVE PLAN ANALYSIS

Public School Facilities

Policy 11.3.3: Road capacity and traffic concerns shall be evaluated during the school planning, development, and permitting processes.

Future Land Use Element

The subject properties are designated Planned Community which is limited to an FAR of 3.0

Base intensity of 3.0 FAR with a maximum of 10.0 FAR; however, existing intensities and FLUE plan category intensities of adjacent and surrounding development including a base FAR of 3.0 for the PC category shall be considered when determining the intensity permitted for a specific non-residential project in the same manner as for residential projects described above (compatible with surrounding development).

The surrounding FAR's include 0.2 for North River Plaza located at 1331 N US 301 and 0.42 FAR for Riviera Palms Rehabilitation Center located at 926 Haben Boulevard. The proposed FAR for MSA at 0.237 is in keeping with the surrounding development intensities.

Uses

Schools are permitted in all zoning districts within the City's zoning ordinance. Although go-cart tracks are permitted as a conditional use under Recreation and Amusement Services, as proposed, it is considered an accessory use to the school per the Code's definition:

Use, accessory: A use on the same lot or in the same structure with, and of a nature and

extent customarily incidental and subordinate to, the principal use of the lot or structure. The accessory use shall not occupy more than forty (40) percent of the net floor area in the principal structure(s).

At the DRC meeting on December 28, 2010, the applicant presented a proposal for a three story classroom, a go-cart track and a storage building for go-carts adjacent to the track. The applicant explained that there is a rapidly growing program called STEM (Science, Technology, Engineering and Math). He stated that students can be exposed to science and math via their interest in go-carts by learning how to build and drive them. The submitted master plan does not include a go-cart track. It proposes a new stem cart classroom and a new stem cart staging area. The master plan shows "auto drop off/pick up" of students on the adjacent track. If MSA intends to build a go-cart track, it must be included on the site plan. Due to the potential conflict of these two uses, addition information regarding the blending or scheduling of uses should also be submitted. The applicant was also encouraged to prepare a master plan for MSA in order to avoid piecemeal approvals having to meet deadlines of the new school year.

Modular Buildings

During the DRC meeting on this project on February 8, 2011, staff members, including the representative from North River Fire Department had concerns that temporary modular buildings are still onsite after 10 years. The proposed master plan schedules the removal of one unit and relocates the other unit to the front of the school in 2014, 13 years after they were permitted as "temporary" units. The DRC recommends that the temporary units be removed as soon as possible.

Infrastructure

The DRC had several comments regarding this project including some from the City's consultants for which satisfactory responses will be required before staff can recommend approval:

- * The traffic study should evaluate proposed conditions at all school access driveways;
- * Explanation of direct drainage north of new 3-story building directly to ditch instead of discharge into treatment area;
- * No summary of additional sewer, water and solid waste generation was provided;
- * Approval of landscape and irrigation plans;
- * Provide information and proof that stacking of cars for drop off/pick up of students is adequate.

CODE COMPLIANCE

The proposed site plan shows a distance of 16' 5" from the 3 story classroom to the adjacent single family house at the NW corner of the site. The perimeter landscape setback is 35 feet.

Sec. 8.5. - Development guidelines.

(a) *Minimum setbacks require:*

- * *Perimeter landscaped setbacks: thirty-five feet between the walls of all structures and the perimeter of the district.*

The proposed site plan shows the height of the 3 story classroom as 64' 2". This building requires an additional 14.5 feet setback.

- 4 Structures over thirty-five (35) feet in height: Additional one (1) foot of setback at ground level for each additional two (2) feet of height.

The amount of open space and landscaping proposed on the master plan is unclear. The code defines common open space and recreation areas as the total amount of improved usable area, including outdoor space, permanently set aside and designated on the site plan as common open space or recreation area. While recreational spaces are not required except for residential projects, open space and landscaped areas are required in all projects.

Sec. 10.4. - Pedestrian and landscaped common areas.

For uses other than residential, the same amount of area shall be required in pedestrian and landscaped areas as would be required as open space for a residential use. In relation to nonresidential uses, such space may include covered malls for general pedestrian use as well as exterior walkways, play areas for children, outdoor seating areas and the like. When covered malls are so included, they shall be excluded in computing floor area.

The site plan should include a more accurate reflection of open space for a school that does not include easements, parking areas, storage and utility areas, perimeter setback areas, road right-of-way and minimum yards, and minimum spacings between buildings. The grass play field shown on the master plan is approximately 2 acres which would account for about 9% of the school site. 25% of usable open space would be approximately 5.4 acres.

- * *Minimum common open space and recreation areas: Twenty-five (25) percent of the gross site acreage shall be delineated as tracts for common open space and recreation areas.*

Site Plan

The site plan should state all applicable information including a clear outline/table of uses and number of students projected for each phase.

Noise

If MSA intends to build a go-cart track, the City's Zoning Code Sec. 6.17 contains the following noise standards for manufacturing and processing operations which may be used as guidelines in creating conditions to protect adjacent residential uses from potential negative impacts.

(b) Equivalent sound levels shall not exceed the following standards:

If the receiving use is residential:

Between 7:00 a.m. and 10:00 p.m.—60 dBA

In the case of uses in the CG District, measurements to determine compliance shall be made at the boundaries of the lot containing the use.

Landscaped Buffers

Staff agrees with the proposed 10 foot width of landscaped buffers per Sec. 7-219. - Landscape standards as this school site is surrounded predominantly by residential uses.

Parking

Parking for MSA is based on “state requirements for education facilities” (SREF); one space each for faculty and staff, one per 10 students in grades 11 and 12, and visitor parking. With a current student population of 1,330 and 128,610 sq. ft. of building area, 293 parking spaces are provided resulting in a parking ratio of one space per every 4.5 students and one parking space per 440 square feet.

The site data on the proposed master plan shows 293 existing spaces and adds 50 parking spaces with the addition of 47,000 square feet in 2011 and eliminates 21 parking spaces with the addition of 37,760 square feet in 2014. Using the existing ratio, there would be 106 spaces required for the addition of 47,000 square feet in 2011 and 85 spaces for the addition of 37,760 square feet in 2014. Per the City’s Code, 443 spaces would be required for the current 1330 students. *Sec. 28.78, Required Number of Spaces 1)Theaters, auditoriums, churches, schools, stadiums or any other place of public or private assembly shall have at least one (1) parking space for each three (3) seats provided for public or private assembly.*

Fence

A new 6’ high chain link fence on the north property line of the new school property and a 6’ high wood fence on the east property line behind the new building are proposed as part of the GDP. The LDC may require a Special Fence Permit warranting a LDC modification as part of the GDP.

STAFF RECOMMENDATION:

The school expansion contemplated in the proposed approvals is intended to meet the growing student population and additional staff required for the school’s growth. The single family tract being considered in the proposed annexation and small scale plan amendment along with the adjacent SF tract in the City provides an additional 2.5 acres to meet the school's increasing needs. The master plan must take into consideration the impact of the school use and scale of proposed buildings on the adjacent single family development.

Staff recommends APPROVAL of the annexation and small scale plan amendment. However, approval of the rezoning and GDP are subject to the following stipulations:

- 1 Satisfactory responses to the DRC’s concerns and comments regarding traffic, transportation concurrency, stacking, infrastructure and landscaping issues related to this project;
- 2 Compliance of open space requirements with standards of the City of Palmetto Code of Ordinances;
- 3 Compliance of perimeter setback requirements with standards of the City of Palmetto Code of Ordinances;
- 4 Clarification of go-cart use and associated uses and impacts.

PLANNING AND ZONING BOARD RECOMMENDATION

The Planning and Zoning Board unanimously APPROVED the proposed items:

1. Annexation of parcel located at 735 15th Avenue Drive E, Unit A;
2. Small scale plan amendment of parcel located at 735 15th Avenue Drive E, Unit A, from Res-6 to Planned Community;

3. Rezoning from PD-MU, RSF 4.5, PD-MU and PD-MU to PD-MU;
and APPROVED THE GDP WITH THE FOLLOWING CONDITIONS:

CITY COMMISSION ACTION

The City Commission shall APPROVE, APPROVE WITH CONDITIONS or DENY the proposed items:

- 1 Annexation of parcel located at 735 15th Avenue Drive E, Unit A
- 2 Small scale plan amendment of parcel located at 735 15th Avenue Drive E, Unit A, from Res-6 to Planned Community
- 3 Rezoning from PD-MU, RSF 4.5, PD-MU and PD-MU to PD-MU
- 4 GDP for 21.587 acres for Manatee School of the Arts

City of Palmetto
Development Review Committee
Meeting Minutes
February 15, 2011

PRESENT

1. Allen Tusing, Public Works Director
2. Frank Woodard, Deputy Director of Engineering
3. Duane Kinn, Deputy Director of Operations
4. Matt Bloome, Stomwater Manager
5. Lorraine Lyn, City Planner
6. Roger Titus, Building Official
7. Scott Martin, Superintendent of Utilities
8. Jon Moore, Moore 2 Design
9. Andy Allison, Allison Engineering
10. Bob Gause, Allison Engineering
11. Dr. Bill Jones, MSA
12. Terence Devine, Assistant Principal, MSA

Meeting started at 10:00 am

ORDER OF BUSINESS:

1. MSA Z/GDP 2011-1

Ms. Lyn indicated that this DRC meeting was called to try and resolve outstanding issues before this petition goes before the P & Z Board on Thursday. It is scheduled for first read on 2/28/11 and second read on 3/7/11.

Mr. Allison went over the consultant's comments as follows:

1. Traffic study: submittal incomplete. Mr. Allison will get with consultants on this. Mr. Tusing said the City's Ordinance requires a traffic study and MSA needs to comply
2. Building setbacks are shown on master plan (GDP-3)
3. Drainage: Mr. Allison will get with consultants on this
4. Summary of additional sewer, water and solid waste: Mr. Allison is preparing
5. Vacation of R-O-W: Mr. Tusing said the City would initiate this application

Ms. Lyn stated for the record that the stacking of cars at this school should be addressed.

Mr. Gause indicated that he spoke to Geoff Seger and the landscape plans will be revised to show the types of plants and the irrigation plans will be submitted with constructions plans.

Mr. Kinn indicated that this would be an opportune time to get the school under a master meter. There was discussion about where the master meter should be located. Mr. Allison asked if the master meter could be pushed back within the easement up the driveway. Mr. Kinn said yes and that he will get Mr. Allison information on the type of master meter. Mr. Tusing said it might be cheaper in the long run for MSA to have its own master meter. MSA will be responsible for installing the new master meter and any new lines or connections associated with the master meter.

Regarding water flow, Mr. Tusing said that Fire Department looks at whether there is enough water to cover one building while the City looks at all buildings. Mr. Kinn said that the City is satisfied if the fire department is satisfied with water flow. Mr. Moore asked for clarification on a connection downstream with the new meter.

Mr. Kinn indicated that whatever information the city has on the capacity of the existing lift station will be shared with Mr. Allison. Mr. Bloome said that it is the original 1988 pump. Mr. Bloome indicated that Ray is doing research today whether a 6' diameter pump was designed for original use. The sewer for the sports field was disconnected and MSA will need to connect.

Water service is not disconnected; they cut copper below ground and bent it over and took fire hydrants out. City was told it was being abandoned but it might be cheaper to put in a new service line. Mr. Allison said Zirkelbach Construction could do a quick pressure test to determine the status.

Mr. Kinn indicated that the city would like to fix and straighten up the S curved ditch at the south end of the property running between the front tract and the main tract. Mr. Kinn asked if the swell was picking up water off the adjacent property. Roof drain will go directly to the ditch per comment from LFK. Mr. Allison confirmed OK.

The proposed bridge will be a vehicular bridge in 2014. Main entrance is right in right out.

Regarding stacking, Dr. Jones stated that the gate opens at 4:15 pm and cars show up around 3:20 pm. Students get out at 4:35 pm. Stacking disappears as the gate opens. Mr. Tusing indicated that there was a meeting with Chief Wells about stacking at the school where the option of posting the area with No Stopping/No Parking signs was discussed.

Dr. Jones indicated that the correspondence attached to staff report refers to 8 temporary portables that were placed in the middle of the site in 2004 which were removed. That correspondence did not refer to the existing modular units onsite. Dr. Jones said that the modular units are legal and meet building code and one cannot tell when visiting the school that

they are modular units because they blend into the surrounding buildings and are attractive. Dr. Jones encouraged staff to visit the school and see for themselves. Mr. Titus said the modular units are not a building code issue. Mr. Cales was not in attendance.

Ms. Lyn asked about the number of students and Mr. Devine responded that there were currently 1330 students and there will be over 1400 students at the beginning of the next school year. Of these, 650 students are in high school and 680 students in middle school.

Dr. Jones indicated that the proposed go-cart related uses will be in conjunction with Andrews race track. The proposed go-cart track will be used during school hours and sometimes after school. Mr. Bloome asked whether the school informed the adjacent uses such as the retirement home/assisted living across Haben Blvd. and Dr. Jones indicated that they met with the single family property owner to the north who did not have any concerns with the school's expansion plans. They suggested a chain link fence between their property and the school's property.

Mr. Woodard recommended that MSA meet with the adjacent property owners to allay their concerns about the school's expansion plans.

Regarding the open space and setback issues etc., Mr. Tusing indicated that MSA can request variances/modifications in a PD from the City Commission on anything that did not meet Code.

Mr. Moore indicated that he would like to submit construction plans to the Building Department early so they can break ground on 3/8/11.

The meeting adjourned at 11:20 am.

P&Z Minutes 2-17-2011

Manatee School for the Arts AN-PA-GDP/Z-2011-01

Tab 5

Mr. Moore and Mr. Pastor excused themselves from the agenda item due to a conflict of interest.

Ms. Lyn reviewed the staff report stating the request that is before the Board encompasses several actions which includes the following:

- To annex a single family parcel located at 735 15th Avenue Drive E, Unit A into the City of Palmetto;
- To change the Plan category of this annexed parcel from a County designation (Res-6) to a City designation (PC);
- To rezone 2 single family parcels (zoned PD-MU & RSF4.5) and 2 tracts fronting on Haben Blvd. (zoned PD-MU) to PD-MU to incorporate them into a 2 phased GDP for the school;
- To add a 3-story classroom building, a go-cart track and associated building for the school.

The proposal is a two phase project:

Phase 1 in 2011

- * 42,000 sq. ft. 3-story classroom
- * 5,000 sq. ft. stem cart classroom (associated with go-cart track)
- * Go-cart track

Phase 2 in 2014

- * 47,400 sq. ft. 3-story classroom (remove smaller modular 9,640 sq. ft classroom).

The site plan needs to clearly specify what the proposed uses are. There are concerns regarding the number of student per phase, stacking of the cars, water supply and a traffic study.

Staff is recommending approval of the annexation and small scale plan amendment. However, approval of the rezoning and GDP are subject to the following stipulations:

- 1 Satisfactory responses to the DRC's concerns and comments regarding traffic, transportation concurrency, infrastructure and landscaping issues related to this project;
- 2 Compliance of open space requirements with standards of the City of Palmetto Code of Ordinances;
- 3 Compliance of perimeter setback requirements with standards of the City of Palmetto Code of Ordinances;
- 4 Parking clarifications showing that parking requirements are met;

5 Clarification of go-cart use and associated uses and impacts.

Ms. Lyn stated for the record that she is retracting the two attachments that were included in the agenda packet regarding the modular units since those units have been removed. She also retracted staff's objections to keeping a modular building onsite after 2014 indicating that the DRC did not object in the second meeting as they did in the first meeting.

Ms. Jennings stated the go-carts were not shown on the site plan and asked for an explanation of the track and location. Ms. Lyn stated the site plan did not state the go-cart use so staff is unsure of the specific use, but staff understands that it would be limited to student use only. The track will be in the drop off and pick-up area. Those issues need to be spelled out on the site plan.

Mr. Ugarte questioned the set-back requirement for the 3 story classroom building from residential. Ms. Lyn stated the zoning is a PD, which provides flexibility, but the code requires a 35 foot perimeter setback; in addition there is a height set-back, anything over 35 feet has to be set back 1ft for every 2ft in height.

 Chair Gilbert opened the public hearing.

Mr. Jon Moore, Moore 2 Design, representative for Manatee School for the Arts (MSA) introduced Dr. Jones.

Dr. Bill Jones, MSA Principal gave an overview of the school and its history and the programs offered.

Dr. Jones stated they are adding what is called a fun laboratory component, which will allow students to learn how to build and drive go-carts. The go-carts are not high powered; it is strictly for the students' educational use. The cars will be used during school hours. Decibel reading will be taken.

Dr. Jones stated the school is in negotiations with University of South Florida Sarasota-Manatee Campus and Hillsborough Community College and have been assured that these schools will offer business classes in the evening once the building is completed.

Dr. Jones thanked Ms. Lyn for retracting the attachments and removing staff's objections regarding the modular units.

Mr. Ugarte asked if electric go-carts have been considered. Dr. Jones stated they have looked into electric go-carts, however nothing is readily available but there is an interest in developing electric go-carts.

Mr. Moore thanked Ms. Lyn and staff along with the DRC for all the hard work and efforts to move this project ahead as quickly as possible and in addressing the staff report, had the following comments:

- Request the word transportation concurrency be removed from stipulation number #1. They will comply with all requirements except concurrency;
- Stipulation #2 has been removed;
- Removal of stipulation #3, open space requirement. Charter schools must have private and secure grounds, the GDP presented shows adequate open space. The intent of the PD regulations are for residential developments;
- Request approval without stipulation #4, set-back requirement. The GDP 08-07 was approved for a new 2 story building with a 10 ft set-back from property line. Applicant is requesting approval as submitted
- Removal of stipulation #5 parking requirement will be met through the state requirements

Mr. Ugarte asked why the applicant believes the transportation concurrency has been met without a traffic study. Mr. Moore stated they engaged an engineer out of Tampa to do a traffic study, the firm looked at all the major intersection around the school, and a schedule was developed of where most of the children will be coming from and how those intersections will be impacted and found no adverse impact to those intersections and because traffic has increased less than 4 percent then the traffic concurrency do not require any specific driveway analyst.

Mrs. Jennings asked if the traffic study factored in the added number of new students and what the proposed growth would reflect, not what the current population is now. Mr. Moore stated that is correct.

Mr. Ugarte stated he can agree with the annexation, plan amendment but has some questions regarding the set-back of the 3 story building and the track. Mr. Ugarte questioned how the set-back to the east is justified and if the neighbor is comfortable with the set-back.

Mr. Andrew Allison, Allison Engineering, read Article 14.6.c.1 of the submitted traffic study to clarify any concerns and stated that due to the limited trips generated the traffic study was not warranted.

Mr. Kennan Kintz stated Dr. Jones has been phenomenal with communication about the school. However, since he is now aware that there is an issue with the allowed setbacks; Mr. Kintz stated that he would like to amend his initial input. If there is a bigger set-back allowed he would like to have one because they do have a pool. In the future if he wants to sell his property no one will want to buy it with a 3 story building sitting right there next to it. If a bigger set-back is allowed he would like to have it because of privacy and future re-sale.

Ms. Patricia Wilson, President of Hammock HOA, brought to the attention of the Board the surrounding neighbors; they are: the Courtney, a senior housing facility on the west side; a nursing home to the north side and the Hammock of Riviera Dunes located on the south border, all residential. Ms. Wilson stated the property owners did not expect to have a go-cart track built at their door step when they bought their property.

When the plans of the school were initially reviewed they saw a new STEM cart classroom; they are of the opinion that a fun lab is not needed, especially if the noise of the go-carts is at the decibel level of a lawn mower or leaf blower; that is not acceptable. In some locations leaf blowers has been banned because of the constant noise factor. Nothing has been discussed about the number of students in the program using the carts, number of carts and the hours of operation. Clarification is needed on the improvement of the lighting, what kind of impact it will have on the surrounding area, the brightness of the lights and how long they will be lit. If you are adding more students you will need more parking. If the modular unit is relocated and put in front of the residential area, a buffer area will be needed. Also the number of student anticipated to sign up for the evening classes in the new 3 story building and what type of impact on the area it will have.


Gary Parrot, Hammocks, asked who wants to say something bad about higher education, no one. When you say let's do it for the kids and it is urgent, it makes you want to vote right without clearly thinking of all the ramifications of what you are voting for. The big issue is traffic, parking and safety. Mr. Parrot stated he is not against the proposed project or higher education but he has concerns regarding the urgency of the project. He also suggested that there are several vacant buildings around the City that could be used for go-cart education.

An e-mail was read into the record by the recording secretary from Ms. Carlene Johnson. "As new property owners in Palmetto, my husband and I want to fully support the county's education programs. Since our home overlooks the parking lot of the school, our home will be directly impacted by the proposed plans. In fact, our unit (1520) is probably the only one that is owner-occupied directly across from the school.

It appears that our entire neighborhood will have to deal with the inconvenience, noise and possible traffic congestion during this building process. We'll just have to live with it, I suppose.

Since I will not be attending the hearing, I hope that you and others will address our concerns. I will support any proposed buffer that I am sure you and others will address if the opportunity arises. Since there is no space on the Hammocks side of the fence, I hope they will consider a natural buffer of tall trees to help with the noise and especially the lights".

Chair Gilbert closed the public hearing.

 Mr. Moore thanked everyone for their concerns and comments stating many of them have been considered. He responded as follows:

- The off-site building idea is a great idea; the issue is the safety of the kids in today's environment.
- The lighting is one of great concern, the study provided is a calculated photo metric study, the fixtures have cut off requirements and no increase foot candle on adjacent property
- In regarding to the STEM cart building, phase 1 will have 3 carts and a classroom. If the program is successful they will add 7 more carts with a total of 10 carts, with a limit of 1 cart on the track at a time
- STEM class will be limited to juniors and senior with a drivers license
- There will be 20 students in the STEM class

Discussion ensued regarding flexibility of the set-backs and the type of fencing to be provided. Dr. Jones stated they are flexible with the set-backs and will work with Mr. Kintz with the type of fence he would like to see installed.


Mr. Ugarte indicated that he understood why the proposed 3-story classroom was placed where it was and asked Mr. Moore if he was willing to move the building 20 feet more from the property line. Dr. Jones indicated that he would be willing to look at other options such as placing the parking next to the neighbor's property.

Dr Jones indicated that lights shown on the lighting plan are not enough for driving go-carts at night. They will only be used in the daytime. Mr. Barnebey noted for the record that the Anderson go-carts do have mufflers and they are not that loud. We will need conditions on time of operation and safety of how the carts are going to work.


There was discussion in regard to the 60 decibels mentioned in the staff report that would be measured from the property line. Mr. Gause mentioned that they are looking into the noise levels associated with the school. Allison stated that the noise level on Haben Boulevard should be considered. There was general agreement that 60 decibels was too low a figure and sometime during the meeting, someone in the audience indicated that Ms. Lyn's voice was measured at 57 decibels.

Mr. Barnebey suggested putting clarification on the stipulations and advised to take motions separately.

Chair Gilbert called for the motions.

 Mr. Ugarte moved to recommend approval of AN-2011-01, Annexation of 1.043 acre parcel at 735 15th Ave Dr. E. Mrs. Jennings seconded. MOTION CARRIED UNANIMOUSLY.

 Mr. Ugarte moved to recommend approval of PA-2011-01, Small Scale Plan Amendment of 735 15th Ave Dr. E. from county RES-6 to Planned Community. Mrs. Jennings seconded. MOTION CARRIED UNANIMOUSLY.

 Mr. Ugarte moved to recommend approval of Rezone Z-2011-01 of the entire property to PD-MU. Mrs. Jennings seconded. MOTION CARRIED UNANIMOUSLY.

 Mrs. Jennings moved to recommend approval of GDP-2011-01 with the following stipulations.

- 1) Landscape buffer on the south side of the property (adjacent to the Hammocks) shall meet the PD buffer requirements of the zoning code
- 2) The open space as shown on the site plan shall be determined to be adequate
- 3) The buildings shall meet set-back as shown on the site plan except that all new buildings shall meet the requirements of the zoning code for PD zoning with the exception of the northernmost 3 story building which shall be located at least 36 ft from the perimeter of the property.
- 4) Parking shall be provided as set forth in the state SREP standards for schools
- 5) The go-cart track may be utilized during daylight hours, no more than one cart on the track at a time, staff and applicant shall work to establish reasonable noise guidelines.

Mr. Ugarte seconded. MOTION CARRIED UNANIMOUSLY.

**CITY OF PALMETTO, FLORIDA
ORDINANCE NO. 2011-04**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 1.043 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 735 15TH AVENUE DRIVE EAST, PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Applicant: Renaissance Arts and Education, Inc, /dba Manatee School for the Arts (MSA), AN #2011-01)

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, Florida Statute 171.044 provides for the voluntary annexation of reasonably compact, contiguous real property to a municipality; and

WHEREAS, the property described in **Exhibit A**, attached hereto and incorporated herein (the “Property”), is reasonably compact and contiguous to the City of Palmetto; and

WHEREAS, the Property is owned by Renaissance Arts and Education, Inc./dba Manatee School for the Arts (“MSA”); and

WHEREAS, MSA has filed a petition with the City requesting that the Property be annexed into the City of Palmetto; and

WHEREAS, notice of said annexation, a copy of which is attached hereto and incorporated

herein as **Exhibit B**, has been sent to the Board of County Commissioners for Manatee County and published as required and provided under Section 171.044, Florida Statutes; and

WHEREAS, annexation of the land described in **Exhibit A** does not result in the creation of any enclaves; 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” clause are adopted herein as findings of fact.

Section 2. **Annexation of Land.** The land legally described in **Exhibit A** is hereby annexed into and incorporated within the City of Palmetto, Manatee County, Florida, as fully and effectually as if the same were included within the boundary of the City of Palmetto, Florida, as set forth in its Charter.

Section 3. **Amendment of City Boundaries.** The legal description of the City of Palmetto, Florida, kept on file in the City Clerk’s office, is hereby amended to reflect this annexation. The City Clerk is hereby directed to undertake measures necessary to affect such amendment consistent herewith.

Section 4. **Repeal of Ordinance.** This Ordinance hereby repeals all ordinances and parts

of ordinances in conflict herewith to the extent of such conflict.

Section 5. **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 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 7th day of March, 2011.

First Reading:

Publication:

Second Reading and
Public Hearing:

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

By: _____
SHIRLEY GROOVER BRYANT, MAYOR

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ATTEST: James R. Freeman
City Clerk

By: _____
City Clerk/Deputy Clerk

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