

TAB 11



City of Palmetto Agenda Item

Meeting Date

2/28/11

Presenter: Lorraine Lyn

Department: Public Works

Title:

Z 2011-01
Manatee School of the Arts
Rezoning of 21.587 acres

The purpose of this rezoning is to unify the various properties acquired by MSA over the years into a single zoning district, PD-MU, Planned Development Multi-Use. The following properties are being rezoned to PD-MU with a general development plan (site plan);

- 1) 2 single family parcels (2.5 acres) located at 735 15th Avenue Drive E zoned PD-MU & RSF4.5 (county);
- 2) 2 tracts fronting on Haben Boulevard (formerly Riviera Walk East consisting of a 6.89 acre tract and 3.8 acre tract) zoned PD-MU for residential development;
- 3) The original MSA 8.314 acres tract that was rezoned to PD-MU (GDP 08-07) by Ordinance 09-986.

The existing zoning districts and uses surrounding the MSA are:

- North: PD-MU (SF house), CHI (Riviera Palms nursing home), CG & PD-MU (vacant commercial)
- South: PD-MU (Riviera Dunes)
- East: COUNTY: RSF-4.5 (SF houses along 15th Ave Drive)
- West: PD-H (Courtney Assisted Living and vacant land)

The proposed rezoning is consistent with the Planned Community land use plan category as follows:

Purpose: To designate areas where unique environmental conditions require conservation of coastal areas and other environmentally sensitive areas. It is also used to designate those areas where mixed or multi-use projects are proposed. Designated areas are determined to be appropriate for such uses due to existing development patterns, the availability of adequate public facilities, and market demands. The Planned Community land use category requires a planned development zoning.

Staff recommended Approval of the rezoning from PD-MU, RSF 4.5, PD-MU and PD-MU to PD-MU as noted in the attached report.

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

Budgeted Amount:	\$0.00	Budget Page No(s):		Available Amount:	\$0.00	Expenditure Amount:	\$0.00
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Additional Budgetary Information:

Funding Source(s):	<input type="text"/>	Sufficient Funds Available:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Budget Amendment Required:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Source:	<input type="text"/>
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City Attorney Reviewed:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Advisory Board Recommendation:	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> N/A	Consistent With:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="text" value="Palmetto 2030 Comprehensive Plan"/>
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Potential Motion/Direction Requested:

Staff Contact:	Lorraine Lyn	Planning Department	723-4580 Ext. 135
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Attachments:

ORDINANCE 2011-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING AND AMENDING THE ZONING TO THE PLANNED DEVELOPMENT MIXED USE (PDMU) ZONING DISTRICT FOR APPROXIMATELY 21.58 ACRES OF PROPERTY GENERALLY LOCATED AT 600, 700 AND 822 HABEN BOULEVARD AND 735 15TH AVENUE DRIVE EAST, PALMETTO; 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), approximately 21.58 acres) (Z#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, pursuant to the referenced provision of the Florida Constitution, a city may exercise any power for municipal purposes except as otherwise provided by law; 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, within the above-referenced grant of powers, the City of Palmetto (the "City") has the authority to adopt zoning regulations to regulate the use of property within the City limits; and

WHEREAS, in 2009, the City Commission of the City of Palmetto approved a PDMU Zoning and General Development plan pursuant to Ordinance 09-986, (the "Project"); and

WHEREAS, Renaissance Arts and Education, Inc./dba Manatee School for the Arts (“MSA”), is the owner of approximately 21.58 acres of property located generally at 600, 700 and 800 Haben Boulevard and 735 15th Avenue Drive East, and more particularly described on the attached Exhibit “A” (the “Property”), which includes the Project and additional adjacent lands; and

WHEREAS, a portion of the property had been rezoned to PDMU previously, but is being combined with other properties to create a unified development; and

WHEREAS, MSA has filed an application with the City to rezone the Property to Planned Development Mixed-Use (PDMU) in conjunction with the proposed expansion of the Project; and

WHEREAS, the City’s Local Planning Agency, the Planning and Zoning Board, held a public hearing on February 17, 2011, regarding Ordinance 2011-06 and the Zoning Map amendment proposed in the ordinance; and

WHEREAS, on February 17, 2011, the Planning and Zoning Board recommended approval of Ordinance 2011-06; and

WHEREAS, on February 28, 2011, the City Commission held a first reading of Ordinance 2011-06, and on March 7, 2011, the City Commission held a public hearing to consider adoption of Ordinance 2011-06; and

WHEREAS, upon adoption of Ordinances 2011-04 and 2011-05, the City Commission has determined that the proposed amendment to the Zoning Map is consistent with the City of Palmetto Comprehensive Plan and provides for the health, safety and welfare of the residents of the City of Palmetto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PALMETTO,

FLORIDA, as follows:

Section 1. Findings of Fact. The above "WHEREAS" clauses are adopted herein as findings of fact.

Section 2. Amendment to the City of Palmetto Zoning Code. The City of Palmetto Zoning Map, as referenced and incorporated into the Zoning Code in Section 2.3 of the City of Palmetto Zoning Code, is hereby amended to rezone the Property to Planned Development Mixed-Use (PDMU).

Section 3. Repeal of Inconsistent Ordinances. This Ordinance hereby repeals all ordinances, or parts thereof, in conflict herewith to the extent of such conflict, including but not limited to Ordinance 09-986.

Section 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

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.

FIRST READING	
PUBLICATION DATE	
SECOND READING	

PASSED AND DULY ADOPTED, BY THE CITY COMMISSION OF THE CITY OF
PALMETTO, FLORIDA, with a quorum present and voting, in regular session assembled, this
7th day of March, 2011.

By: _____
Shirley Groover Bryant, Mayor

ATTEST:

By: _____
James R. Freeman, City Clerk