

**TAB 11**



# City of Palmetto Agenda Item

**Meeting Date**

3/7/11

**Presenter:** Lorraine Lyn

**Department:** Public Works

**Title:**

**TITLE: CONSIDERATION OF ORDINANCE 2011-05 (PA 2011-01)**  
**Manatee School of the Arts**  
**Small scale plan amendment of 1.043 acres at 735 15th Avenue Drive E, Unit A located at the NE corner of the school property**  
**PID# 2608600157**

State law requires annexed lands to be brought under the Future Land Use Plan of the municipality.

One of the two single family lots acquired by MSA located in the unincorporated county has been annexed into the City of Palmetto. MSA has filed a petition for a small scale plan amendment from the County Plan category of Residential-6 to the City Plan category of Planned Community.

The existing uses and Plan categories surrounding the single family lot proposed for a small scale plan amendment are:  
 North: Vacant commercial/General Commercial & Planned community  
 West: SF house acquired by MSA/Planned Community  
 East: SF house/Planned Community  
 South: Manatee School of the Arts/Planned Community

The purpose of the proposed small scale plan amendment is to bring this parcel into the same Plan category as the existing MSA category of Planned Community to process the expansion of MSA.

The proposed plan amendment is consistent with the surrounding category and Area Character:

Area Character: Planned Community areas should be designed to provide for integration of uses, compatible scale, residential diversity, internal relationship of uses and linkages as well as provide shopping and job opportunities. The City should encourage new developments fronting on collector or arterial roadways to provide internal access, an efficient system of internal circulation and street stub-outs to connect adjacent developments and projects together.

Staff recommends Approval of the small scale plan amendment from Res-6 to PC as noted in the attached report.

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

<b>Budgeted Amount:</b>	\$0.00	<b>Budget Page No(s):</b>		<b>Available Amount:</b>	\$0.00	<b>Expenditure Amount:</b>	\$0.00
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**Additional Budgetary Information:**

<b>Funding Source(s):</b>	<input type="text"/>	<b>Sufficient Funds Available:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Budget Amendment Required:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Source:</b>	<input type="text"/>
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<b>City Attorney Reviewed:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Advisory Board Recommendation:</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> N/A	<b>Consistent With:</b>	<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:**

<b>Staff Contact:</b>	Lorraine Lyn	Planning Department	723-4580 Ext. 135
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**Attachments:**

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

**ORDINANCE NO. 2011-05**

**AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, THE CITY OF PALMETTO COMPREHENSIVE PLAN; ADOPTING AN AMENDMENT TO THE FUTURE LAND USE MAP FOR AN AREA OF APPROXIMATELY 1.043 ACRES GENERALLY LOCATED AT 735 15<sup>TH</sup> AVENUE DRIVE EAST; REDESIGNATING CERTAIN LANDS FROM COUNTY RES-6 (RESIDENTIAL 6 UNITS PER ACRE TO CITY PC (PLANNED COMMUNITY) 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), PA #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**, pursuant to Section 163.3187, Florida Statutes, the City is authorized to adopt comprehensive plan amendments related to small scale development activities and meeting the requirements provided therein; and

**WHEREAS**, approximately 1.043 acres generally located at 735 15<sup>th</sup> Avenue Drive East (the “Property”), and owned by Renaissance Arts and Education, Inc./dba Manatee School for the Arts (“MSA”), has been annexed into the City pursuant to Ordinance 2011-04; and

**WHEREAS**, MSA has filed an application with the City to amend the Future Land Use Map of the Comprehensive Plan to change the designation of the Property from Manatee County Residential - 6 (RES-6) 6 Dwelling Units/Acre to City of Palmetto Planned Community (PC); and

**WHEREAS**, the City's Local Planning Agency, the Planning and Zoning Board, held a public hearing on February 17, 2011, regarding Ordinance 2011-05 and the Future Land Use Map amendment proposed in the ordinance; and

**WHEREAS**, on February 17, 2011, the Planning and Zoning Board recommended approval of Ordinance 2011-05; and

**WHEREAS**, on February 28, 2011, the City Commission held a first reading of Ordinance 2011-05, and on March 7, 2011, the City Commission held a public hearing to consider adoption of Ordinance 2011-05; and

**WHEREAS**, with the annexation of the Property into the City of Palmetto, the City Commission has determined that the proposed Comprehensive Plan Amendment is consistent with Part II of Chapter 163, Florida Statutes, and provides for the health, safety and welfare of the residents of the City of Palmetto.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AS FOLLOWS:**

**Section 1. Adoption of Future Land Use Map Amendment.** A portion of the Future Land Use Map of the Comprehensive Plan is hereby amended as shown on Exhibit "A" attached hereto and incorporated herein by reference. No other changes to the Comprehensive Plan are being made with this Amendment.

**Section 2. Repeal of Ordinance.** This Ordinance hereby repeals and replaces any and all provisions of ordinances in conflict herewith to the extent of such conflict.

**Section 3. 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 4. Effective Date.** This Ordinance shall take effect as provided for 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 February 28, 2011

PUBLICATION DATE February 21, 2011 and  
February 28, 2011

PUBLIC HEARING (ADOPTION) March 7, 2011

**PASSED AND DULY ADOPTED**, by the City Commission, in open session,  
with a quorum present and voting, this 7<sup>th</sup> day of March, 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

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**PARCEL 1:**

COMMENCE AT THE NE CORNER OF THE SE ¼ OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE N 88°48'10"W, ALONG THE ¼ SECTION LINE, A DISTANCE OF 359.07 FEET; THENCE S 00°42'20"W, ALONG THE WEST LINE OF THE RESERVED AREA AS SHOWN ON PLAT OF SUNKIST ACRES SUBDIVISION PLAT BOOK 9, PAGE 96 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, A DISTANCE OF 698.02 FEET FOR A POINT OF BEGINNING; THENCE N 87°05'20"W, 297.60 FEET; THENCE S 1°08'40"W, 255.00 FEET; THENCE S 87°05'20" E, 140.00 FEET; THENCE N 1°08'40" E, 205.01 FEET; THENCE S 87°05'20" E, 190.62 FEET; THENCE N 3°10'00" E, 17.90 FEET; THENCE N 44°18'10" W, 47.20 FEET TO THE POINT OF BEGINNING.

**PARCEL 2:**

TOGETHER WITH THE FOLLOWING INGRESS AND EGRESS EASEMENTS LYING IN SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**2-A:**

AN INGRESS AND EGRESS EASEMENT LYING IN SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF LOT 29, SUNKIST ACRES SUBDIVISION; THENCE S 89°56'00" W, ALONG THE NORTH LINE OF SAID LOT 29 AND EXTENSION THEREOF, A DISTANCE OF 334.30 FEET; THENCE N 01°08'40" E, 50.0 FEET; THENCE N 89°56'00" E, 333.32 FEET TO THE WEST RIGHT-OF-WAY LINE OF 15<sup>TH</sup> AVENUE DRIVE EAST; THENCE SOUTH ALONG SAID RIGHT-OF-WAY LINE, 50.0 FEET TO THE POINT OF BEGINNING.

**2-B:**

AN INGRESS AND EGRESS EASEMENT LYING IN SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NE CORNER OF LOT 29, SUNKIST ACRES SUBDIVISION AS RECORDED IN PLAT BOOK 9, PAGE 96 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S 89°56'00"W, ALONG THE NORTH LINE OF SAID LOT 29 AND THE EXTENSION THEREOF, A DISTANCE OF 334.30 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S 89°56'00"W, 30.00 FEET; THENCE N 1°08'40"E, 43.71 FEET; THENCE S 87°05'20"E, 30.01 FEET; THENCE S 1°08'40"W 42.15 FEET TO THE SAID POINT OF BEGINNING.

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