

TAB 12



City of Palmetto Agenda Item

Meeting Date

3/7/11

Presenter: Lorraine Lyn

Department: Public Works

Title:

CONSIDERATION OF ORDINANCE NO. 2011-06 (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):		Sufficient Funds Available:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Budget Amendment Required:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Source:	
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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	Palmetto 2030 Comprehensive Plan
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Potential Motion/Direction Requested: I move to adopt Ordinance 2011-06, which is a proposed rezoning of 21.58 acres from PD-MU, RSF 4.5, PD-MU and PD-MU to PD-MU as recommended by staff

Staff Contact:	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 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	February 28, 2011
PUBLICATION DATE	February 21, 2011 and February 28, 2011
SECOND READING	March 7, 2011

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.

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

By: _____

SHIRLEY GROOVER BRYANT, MAYOR

ATTEST:

By: _____

James R. Freeman, City Clerk

DESCRIPTIONS:

(OFFICIAL RECORD BOOK 2274, PAGE 4869)
TRACTS 1 AND 2, DAKIN SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN
PLAT BOOK 24, PAGE 83 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALSO: (OFFICIAL RECORD BOOK 1378, PAGE 860)
COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 34 SOUTH,
RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE N88°48'10"W, ALONG 1/4 SECTION LINE, 359.07
FEET; THENCE S00°42'20"W, ALONG THE WEST LINE OF THE RESERVED AREA AS SHOWN ON PLAT OF
SUNKIST ACRES SUBDIVISION, A DISTANCE OF 698.02 FEET; THENCE N87°05'20"W, 297.6 FEET FOR A
POINT OF BEGINNING; THENCE CONTINUE N87°05'20"W, 192.34 FEET; THENCE S02°42'40"W, 314.72 FEET;
THENCE N89°56'00"E, 340.84 FEET; THENCE N01°08'40"E, 42.15 FEET; THENCE N87°05'20"W, 140.0 FEET;
THENCE N01°08'40"E, 255.0 FEET TO THE POINT OF BEGINNING. TOGETHER WITH INGRESS AND EGRESS
OVER THE FOLLOWING DESCRIBED LAND: BEGIN AT THE NORTHEAST CORNER OF LOT 29, SUNKIST
ACRES SUBDIVISION; THENCE S89°56'00"W, ALONG THE NORTH LINE OF SAID LOT 29 AND EXTENSION
THEREOF, A DISTANCE OF 334.30 FEET; THENCE N01°08'40"E, 50.0 FEET; THENCE N89°56'00"E, 333.32
FEET TO THE WEST RIGHT-OF-WAY LINE OF 15th AVENUE DRIVE EAST; THENCE SOUTH ALONG SAID
RIGHT-OF-WAY LINE, 50.0 FEET TO THE POINT OF BEGINNING.

ALSO: (OFFICIAL RECORD BOOK 1793, PAGE 875)
COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 34 SOUTH,
RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE N88°48'10"W, ALONG THE 1/4 SECTION LINE, A
DISTANCE OF 359.07 FEET; THENCE S00°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
N87°05'20"W, 297.60 FEET; THENCE S1°08'40"W, 255.00 FEET; THENCE S87°05'20"E, 140.00 FEET;
THENCE N1°08'40"E, 205.01 FEET; THENCE S87°05'20"E, 190.62 FEET; THENCE N3°10'00"E, 17.90 FEET;
THENCE N44°18'10"W, 47.20 FEET TO THE POINT OF BEGINNING.

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;

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 S89°56'00"W, ALONG THE NORTH LINE OF
SAID LOT 29 AND EXTENSION THEREOF, A DISTANCE OF 334.30 FEET; THENCE N01°08'40"E, 50.0 FEET;
THENCE N89°56'00"E, 333.32 FEET TO THE WEST RIGHT-OF-WAY LINE OF 15th AVENUE DRIVE EAST;
THENCE SOUTH ALONG SAID RIGHT-OF-WAY LINE, 50.0 FEET TO THE POINT OF BEGINNING.

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
NORTHEAST CORNER OF LOT 29, SUNKIST ACRES SUBDIVISION AS RECORDED IN PLAT BOOK 9, PAGE 96
OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S89°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 S89°56'00"W, 30.00 FEET; THENCE N1°08'40"E, 43.71 FEET; THENCE
S87°05'20"E, 30.01 FEET; THENCE S1°08'40"W, 42.15 FEET TO THE SAID POINT OF BEGINNING.

ALSO: (TAKEN FROM BOUNDARY SURVEY BY GLOBAL SURVEYING OF BRADENTON, LLC)
PARCEL 1:

A TRACT OF LAND LYING WEST OF SUNKIST ACRES, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT AN IRON PIPE MARKING THE NORTHWEST CORNER OF LOT 29, SUNKIST ACRES, RECORDED IN PLAT BOOK 9, PAGE 96, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S.03°10'00"WEST ALONG WESTERLY LINE OF SAID SUNKIST ACRES, 701.17 FEET TO A CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF LOT 23 OF SAID SUNKIST ACRES; THENCE SOUTH 89°56'50"WEST ALONG NORTH LINE OF LANDS OF KEAL BLITCH, 246.80 FEET; THENCE SOUTH 05°33'44"WEST ALONG WEST LINE OF SAID LANDS OF KEAL BLITCH, 100.32 FEET; THENCE CONTINUE ALONG SAID WEST LINE OF LAND OF KEAL BLITCH, SOUTH 04°00'04"WEST, 97.80 FEET; THENCE NORTH 89°21'57"WEST, 94.17 FEET TO AN IRON PIPE; THENCE SOUTH 01°18'08"EAST, 36.00 FEET TO A CONCRETE MONUMENT; THENCE NORTH 89°35'00"WEST, 154.18 FEET TO A CONCRETE MONUMENT; THENCE NORTH 00°07'25"WEST, 231.00 FEET TO AN OLD 3" IRON PIPE; THENCE NORTH 02°11'59"EAST, 702.60 FEET TO AN IRON PIPE MARKING THE SOUTHWEST CORNER OF LANDS OF SAWDY; THENCE SOUTH 89°50'00"EAST ALONG AN EXTENSION OF NORTH LINE OF AFORESAID LOT 29, OF SUNKIST ACRES, 523.14 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

PARCEL 3:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST; THENCE SOUTH 00°12'39"WEST, A DISTANCE OF 6.53 FEET; THENCE SOUTH 85°09'55"EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF U.S. 301, A DISTANCE OF 12.04 FEET TO AN IRON ROD FOUND MARKING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF U.S. 301 AND THE EAST RIGHT-OF-WAY LINE OF HABEN BOULEVARD (84 FOOT WIDE); THENCE SOUTH 00°12'39" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID HABEN BOULEVARD, A DISTANCE OF 1277.92 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 89°47'21"EAST, A DISTANCE OF 446.10 FEET; THENCE SOUTH 02°11'59"WEST, A DISTANCE OF 12.00 FEET; THENCE NORTH 89°47'21"WEST, A DISTANCE OF 446.10 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF HABEN BOULEVARD; THENCE NORTH 00°12'39"EAST, ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

LESS THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCE AT THE SOUTHERLY OF THE EASTERNMOST CORNERS OF TRACT "E" OF THE NORTHSORE AT RIVIERA DUNES PHASE 1-A, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGE 22, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND RUN N.00°04'33"E., ALONG THE EASTERNMOST BOUNDARY OF SAID TRACT "E", FOR A DISTANCE OF 562.78 FEET TO THE NORTHEAST CORNER OF SAID TRACT "E"; THENCE N.89°55'28"W., ALONG THE NORTH BOUNDARY OF SAID TRACT "E" FOR A DISTANCE OF 15.00 FEET TO THE EAST RIGHT OF WAY OF HABEN BOULEVARD; THENCE N.00°04'33"E., ALONG THE SAID EAST RIGHT OF WAY, FOR A DISTANCE OF 208.45 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY, S.89°44'49"E. FOR A DISTANCE OF 432.50 FEET TO THE INTERSECTION WITH THAT CERTAIN BOUNDARY AGREEMENT LINE RECORDED IN O.R. BOOK 1750, PAGE 6361 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID BOUNDARY AGREEMENT LINE THE FOLLOWING THREE (3) COURSES; S.02°11'59"W. A DISTANCE OF 2.91 FEET; S.00°07'25"E. FOR A DISTANCE OF 231.00 FEET; THENCE S.89°35'00"E. FOR A DISTANCE OF 154.18 FEET; THENCE LEAVING SAID BOUNDARY AGREEMENT LINE, N.00°14'17"W., FOR A DISTANCE OF 35.73 FEET TO AN IRON ROD AND PLASTIC CAP STAMPED LB5594; THENCE S.89°14'22"E., FOR A DISTANCE OF 93.99 FEET TO A IRON ROD AND PLASTIC CAP STAMPED LB6432; THENCE N.03°57'30"E., FOR A DISTANCE OF 97.80 FEET; THENCE N.05°31'10"E, FOR A DISTANCE OF 100.32 FEET; THENCE N.89°26'41"W., FOR A DISTANCE OF 264.29 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PARCEL 1 AND PARCEL 3 WHICH LIES SOUTH AND WEST OF THE COMMON BOUNDARY LINE ESTABLISHED BY THAT CERTAIN BOUNDARY LINE AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 1750, PAGE 6361, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, SAID BOUNDARY BEING DESCRIBED AS FOLLOWS:
 COMMENCE AT AN IRON ROD MARKING THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF U.S. 301 AND THE EAST RIGHT OF WAY LINE OF HABEN BOULEVARD (84 FOOT WIDE); THENCE S.00°12'39"W., ALONG THE EAST RIGHT OF WAY LINE OF SAID HABEN BOULEVARD, A DISTANCE OF 1277.92 FEET; THENCE S.89°47'21"E., A DISTANCE OF 446.10 FEET; THENCE S.02°11'59"W., A DISTANCE OF 407.91 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.02°11'59"W., A DISTANCE OF 6.51 FEET; THENCE S.00°07'25"E., A DISTANCE OF 231.00 FEET; THENCE S.89°35'00"E., A DISTANCE OF 154.18 FEET TO THE POINT OF TERMINATION. ALL BEING AND LYING IN SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.