

**TAB 3**



# 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.

<b>Budgeted Amount:</b>	\$0.00	<b>Budget Page No(s):</b>		<b>Available Amount:</b>	\$0.00	<b>Expenditure Amount:</b>	\$0.00
-------------------------	--------	---------------------------	--	--------------------------	--------	----------------------------	--------

**Additional Budgetary Information:**

<b>Funding Source(s):</b>		<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>	
---------------------------	--	------------------------------------	---	-----------------------------------	---	----------------	--

<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	Palmetto 2030 Comprehensive Plan
--------------------------------	---	---------------------------------------	---	-------------------------	--	----------------------------------

**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

<b>Staff Contact:</b>	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.

**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 15<sup>TH</sup> 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 15<sup>th</sup> 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 continued said public hearing to March 21, 2011; 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 continued to March 21, 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 21st 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

**METES & BOUNDS DESCRIPTION  
OF OVERALL PROPERTY  
AS SHOWN ON THE "BOUNDARY AND TOPOGRAPHIC SURVEY"  
PREPARED BY LEO MILLS & ASSOCIATES, INC.  
FOR: RENAISSANCE ARTS & EDUCATION, INC., DATED 1/26/11, JOB NO. C7523**

**DESCRIPTION PREPARED 3/3/11**

**DESCRIPTION:**

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE S00°12'39"W, A DISTANCE OF 6.53 FEET; THENCE S85°09'55"E, 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 S00°12'39" W, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID HABEN BOULEVARD, A DISTANCE OF 613.30 FEET TO THE NORTHWEST CORNER OF TRACT 1 OF DAKIN SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 24, PAGE 63 AND 64, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE N88°32'52"E, ALONG THE NORTH LINE OF SAID TRACT 1, A DISTANCE OF 477.24 FEET TO THE NORTHEAST CORNER OF SAID TRACT 1; THENCE S03°15'06"W, ALONG THE EAST LINE OF SAID TRACT 1, A DISTANCE OF 73.25 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 1378, PAGE 860 OF SAID PUBLIC RECORDS; THENCE S87°03'25"E, ALONG THE NORTH LINE OF SAID PARCEL AND THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 1793, PAGE 875 OF SAID PUBLIC RECORDS, A DISTANCE OF 488.93 FEET TO THE NORTHEAST CORNER OF SAID PARCEL IN OFFICIAL RECORD BOOK 1793, PAGE 875; THENCE ALONG THE EASTERN BOUNDARY OF SAID PARCEL, THE FOLLOWING 4 COURSES AND DISTANCES: S41°19'39"E, 47.20 FEET; S03°10'57"W, 18.20 FEET; THENCE N86°46'48"W, 190.62 FEET; S01°06'13"W, 205.01 FEET TO THE SOUTHERNMOST SOUTHEAST CORNER OF SAID PARCEL; THENCE CONTINUE S01°06'13"W, ALONG THE EASTERLY LINE OF AFOREMENTIONED PARCEL AS RECORDED IN OFFICIAL RECORD BOOK 1378, PAGE 860, A DISTANCE OF 42.15 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL, ALSO BEING A POINT ON THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED ON A BOUNDARY SURVEY BY GLOBAL SURVEYING OF BRADENTON, LLC, DATED 12/12/07, JOB NUMBER 0102113.6; THENCE S89°47'56"E, ALONG SAID NORTH LINE, A DISTANCE OF 181.90 FEET TO THE NORTHEAST CORNER OF SAID PARCEL, ALSO BEING THE NORTHWEST CORNER OF LOT 29, SUNKIST ACRES, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE 96, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S03°28'59"W, ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 701.39 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL, ALSO BEING THE SOUTHWEST CORNER OF LOT 23 OF SAID SUNKIST ACRES; THENCE N89°57'46"W, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 243.35 FEET TO THE NORTHEAST CORNER OF HAMMOCKS AT RIVIERA DUNES, A SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 44, PAGES 20 THRU 23 OF SAID PUBLIC RECORDS; THENCE N89°12'45"W, ALONG THE SOUTH LINE OF SAID PARCEL, ALSO BEING THE NORTH LINE OF SAID HAMMOCKS AT RIVIERA DUNES, A DISTANCE OF 263.91 FEET TO A POINT ON THE EAST LINE OF TRACT 2 OF AFOREMENTIONED DAKIN SUBDIVISION; THENCE S02°11'12"E, ALONG SAID EAST LINE, A DISTANCE OF 3.60 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 2; THENCE N89°34'29"W, ALONG THE SOUTH LINE OF SAID TRACT 2, A DISTANCE OF 432.17 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 2; THENCE N00°12'39"E, ALONG THE WEST LINE OF SAID TRACT 2, A DISTANCE OF 346.83 FEET TO THE

POINT OF CURVATURE OF A CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 81°01'22", A DISTANCE OF 35.35 FEET (CHORD = 32.48 FEET; CHORD BEARING = N40°42'58"E) TO THE POINT OF TANGENCY OF SAID CURVE, BEING ON THE NORTH LINE OF SAID TRACT 2; THENCE N81°13'18"E, ALONG SAID NORTH LINE, A DISTANCE OF 40.57 FEET; THENCE S89°44'41"E, ALONG SAID NORTH LINE, A DISTANCE OF 384.08 FEET TO THE NORTHEAST CORNER OF SAID TRACT 2, ALSO BEING A POINT ON THE WEST LINE OF AFORMENTIONED PARCEL OF LAND AS DESCRIBED ON A BOUNDARY SURVEY BY GLOBAL SURVEYING OF BRADENTON, LLC; THENCE N02°17'38"E, ALONG SAID EAST LINE, A DISTANCE OF 50.33 FEET TO THE SOUTHEAST CORNER OF AFOREMENTIONED TRACT 1 OF SAID DAKIN SUBDIVISION; THENCE N89°47'21"W, ALONG THE SOUTH LINE OF SAID TRACT 1, A DISTANCE OF 385.91 FEET; THENCE N80°48'00"W, ALONG SAID SOUTH LINE, A DISTANCE OF 40.57 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 81°01'22", A DISTANCE OF 35.35 FEET (CHORD = 32.48 FEET; CHORD BEARING = N40°17'40"W) TO THE POINT OF TANGENCY OF SAID CURVE, BEING ON THE WEST LINE OF SAID TRACT 1; THENCE N00°12'39"E, ALONG SAID WEST LINE, A DISTANCE OF 614.62 FEET TO THE POINT OF BEGINNING.

**ALSO:**

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 S00°12'39"W, A DISTANCE OF 6.53 FEET; THENCE S85°09'55"E, 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 S00°12'39 W, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID HABEN BOULEVARD, A DISTANCE OF 1277.92 FEET FOR A POINT OF BEGINNING; THENCE S89°47'21"E, A DISTANCE OF 446.10 FEET; THENCE S02°11'59"W, A DISTANCE OF 12.00 FEET; THENCE N89°47'21"W, A DISTANCE OF 446.10 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF HABEN BOULEVARD; THENCE N00°12'39"E, 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.

ALL THE ABOVE DESCRIBED PROPERTY CONTAINING 21.67 ACRES, MORE OR LESS.



**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 15<sup>th</sup> 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 15<sup>th</sup> Avenue Drive E, Unit A (PID # 2608600157)/1.043 acres  
City Parcel: 735 15<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> Avenue Drive E, Unit A;
2. Small scale plan amendment of parcel located at 735 15<sup>th</sup> 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 15<sup>th</sup> Avenue Drive E, Unit A
- 2 Small scale plan amendment of parcel located at 735 15<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> 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.