

TAB 13



City of Palmetto Agenda Item

Meeting Date

7/18/11

Presenter: Lorraine Lyn

Department: Planning

Title:

This is the 1st read for an amendment to GDP 2011-09 approved by the Commission on April 18, 2011. The Commission previously approved 12 SF detached units with a single access point off 11th St. Cr. The subject property is a 1.66 acre site located on the south side of 10th Street W, east of the cut-off canal at 4009 11 Street Court W. This proposal is for 10 SF units with a single access point off 11 St. Cr.

This GDP reduces the density from 7.2 to 6.0 du/ac which is more appropriate since the subject property is located in the Coastal High Hazard Area. The site plan shows 10 SF detached units which are 35 feet high and 5 feet apart.

The Planning and Zoning Board held it's public hearing on June 16, 2011 and recommended approval with the following stipulations which mirror the City's Commission's conditions of approval on 4/18/2011.

1. There shall be no ingress or egress onto 10th Street W/CR43;
2. The access road (11th Street Court) must be developed consistent with County standards, and be developed in Phase I.
3. The minimum perimeter set-backs shall be 15 feet from the western property line, 15 feet from 10th Street West, and 20 feet from 11th Street Court West.
4. All fences installed on the subject property shall be a maximum of four (4) foot in height, measured from the existing grade.
5. The units shall be constructed in substantial compliance with the front elevation attached hereto as Exhibit C.
6. If the General Development Plan expires or the property owner elects not to utilize this General Development Plan, the property may be developed as single-family detached units consistent with the requirements of the RS-4 zoning district.

Phasing notes and a 4' fence around the pool has been added to the GDP since 4/18/2011. Staff recommends approval of the revised GDP for 10 SF units at a density of 6 du/ac.

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 rezoning and GDP.

Staff Contact: Lorraine Lyn

Planning Department

723-4580, Ext. 2135

Attachments: Staff Report with Plan and Zoning maps

CITY OF PALMETTO
ORDINANCE NO. 2011-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 2011-09 TO APPROVE AN AMENDED GENERAL DEVELOPMENT PLAN FOR TEN SINGLE-FAMILY DETACHED DWELLING UNITS GENERALLY LOCATED AT 4009 11th STREET COURT WEST, PALMETTO, AND LOCATED IN THE PD-H (PLANNED DEVELOPMENT – HOUSING) ZONING DISTRICT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Applicant: BMR Funding LLC, approximately 1.66 acres)

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, the City Commission of the City of Palmetto has certain regulatory authority granted to it by the Florida Constitution, the Florida Statutes and the City Charter to regulate the use of land within its corporate boundaries; and,

WHEREAS, on April 18, 2011, the City Commission of the City of Palmetto approved PD-H Zoning, pursuant to Ordinance No. 2011-08, and a General Development Plan, pursuant to Ordinance 2011-09, on the lands described in **Exhibit A** (the “Property”) (approximately 1.66 acres); and

WHEREAS, the City of Palmetto has received a request for approval of an Amended General Development Plan for a multi-family project with ten (10) individual dwelling units on the Property; and

WHEREAS, the Planning and Zoning Board of the City of Palmetto reviewed the proposed Amended General Development Plan, held a properly noticed public hearing on June 16, 2011, received public comment and testimony, and provided its recommendation to the City Commission of the City of Palmetto; and

WHEREAS, the City Commission of the City of Palmetto held a properly noticed public hearing on August 15, 2011, and received public comment and testimony at said hearing; and

WHEREAS, the City Commission of the City of Palmetto finds that approval of the proposed Amended General Development Plan benefits the public health, safety, and welfare.

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

Section 1. Findings of Fact.

A. The above-referenced "WHEREAS" clauses are adopted herein as findings of fact.

B. The Planning and Zoning Board, acting as the Local Planning Agency, has recommended approval with certain conditions of the proposed Amended General Development Plan, a copy of which is attached hereto and incorporated herein as Exhibit

B.

C. The proposed Amended General Development Plan, as conditioned with stipulations set forth below, is consistent with the City of Palmetto's Comprehensive Plan.

D. The proposed Amended General Development Plan, as conditioned with the stipulations set forth below, is compatible with adjacent land uses and complies with all pertinent provisions of the City of Palmetto's Zoning Code.

Section 2. Plan Approval. The proposed Amended General Development Plan is hereby approved with the following stipulations:

1. There shall be no ingress or egress onto 10th Street W/CR43.
2. The access road, 11th Street Court West, shall be developed in accordance with County standards adjacent to the project boundaries with appropriate transition as the street proceeds to the west. These improvements shall be completed in Phase 1.
3. All fences installed on the subject property shall be a maximum of four (4) feet in height measured from the existing grade.
4. If the General Development Plan expires as provided by City Code or the property owner elects not to utilize this site plan, the property may be developed as single family detached units in accordance with requirements of the RS-4 zoning district without further zoning review by the Planning and Zoning Board and the City Commission.
5. The units shall be constructed in substantial compliance with the front elevation submitted and identified at the April 18, 2011 public hearing, and attached hereto as **Exhibit C**.

Section 3. Repeal of Ordinance. This Ordinance hereby repeals and replaces Ordinance 2011-09 in its entirety.

Section 4. 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 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 the Mayor vetoes the Ordinance, 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 15th day of August, 2011.

First Reading: July 18, 2011

Publication: July 22, 2011

Second Reading and

Public Hearing: August 15, 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

VILLA POR LA MARINA LEGAL DESCRIPTION

LOTS 10, 11, 12, 13, AND A PORTION OF LOTS 14, 15, 7 AND 8, TERRA-MANA HARBOR AS PER PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 95, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, TOGETHER WITH THOSE LANDS LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE "CUTOFF ROAD" (ALSO KNOWN AS 11th STREET COURT WEST) AS SHOWN ON SAID PLAT OF TERRA-MANA HARBOR, ALL BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWESTERLY CORNER OF SAID LOT 10, TERRA-MANA HARBOR; THENCE N35°39'36"E, ALONG THE EASTERLY LINE OF THE WESTERLY 145.0 FEET OF SAID LOTS 8 AND 7, A DISTANCE OF 100.07 FEET (AS MEASURED) TO A POINT ON THE NORTH LINE OF SAID LOT 7; THENCE S55°33'37"E, ALONG SAID NORTH LINE, A DISTANCE OF 5.25 FEET TO THE COMMON CORNER OF SAID LOTS 7, 14, 15 AND 6 OF SAID TERRA-MANA HARBOR; THENCE N17°41'44"E, ALONG THE WESTERLY LINE OF SAID LOT 15, A DISTANCE OF 49.90 FEET TO THE POINT OF INTERSECTION OF SAID WESTERLY LINE AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 43 (FORMERLY STATE ROAD NO. 43 AND ALSO KNOWN AS SNEAD'S ISLAND ROAD), SAID POINT BEING A POINT ON A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1105.92 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 00°40'41", A DISTANCE OF 13.09 FEET (CHORD = 13.09 FEET; CHORD BEARING = S31°48'21"E) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S31°28'01"E, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 212.73 FEET TO THE POINT OF INTERSECTION OF SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND THE EASTERLY LINE OF AFOREMENTIONED LOT 14; THENCE S08°42'23"E, ALONG SAID EASTERLY LINE, A DISTANCE OF 8.27 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 14, ALSO BEING THE NORTHEASTERLY CORNER OF AFOREMENTIONED LOT 13; THENCE S15°58'02"E, ALONG THE EASTERLY LINE OF SAID LOT 13, A DISTANCE OF 78.47 FEET TO THE NORTHEASTERLY CORNER OF AFOREMENTIONED LOT 12; THENCE N66°08'11"E, 24.38 FEET (MEASURED) TO A POINT ON THE AFOREMENTIONED SOUTHWESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 43; THENCE S31°28'01"E, 124.40 FEET TO THE POINT OF INTERSECTION OF SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND THE EAST LINE OF U.S. LOT 2 AS SHOWN ON THE PLAT OF TERRA-MANA HARBOR; THENCE S41°08'06"W, ALONG SAID EAST LINE, A DISTANCE OF 129.41 FEET (MEASURED) TO A POINT ON THE OUTSIDE FACE OF AN EXISTING CONCRETE SEAWALL ON THE MANATEE RIVER; THENCE N61°46'27"W, ALONG SAID OUTSIDE FACE, A DISTANCE OF 388.01 FEET TO THE POINT OF INTERSECTION OF SAID SEAWALL AND THE SOUTHERLY EXTENSION OF THE WESTERLY LINE OF AFOREMENTIONED LOT 10; THENCE N37°02'49"E, ALONG SAID SOUTHERLY EXTENSION AND SAID WESTERLY LINE, A DISTANCE OF 201.09 FEET TO THE POINT OF BEGINNING.

LESS RIGHT-OF-WAY FOR "CUTOFF ROAD" (11th STREET COURT WEST) AS SHOWN ON SAID PLAT OF TERRA-MANA HARBOR.

CONTAINING 1.64 ACRES, MORE OR LESS.

THE ABOVE DESCRIBED PROPERTY BEING THOSE CERTAIN PROPERTIES DESCRIBED AS MANATEE COUNTY TAX ACCUSER'S PARCEL ID NUMBERS 29363.0025/9, 29348.0005/9, 29349.0005/9, 29367.0000/0, 29363.0010/8, 29363.0015/9 AND 29363.0000/9.

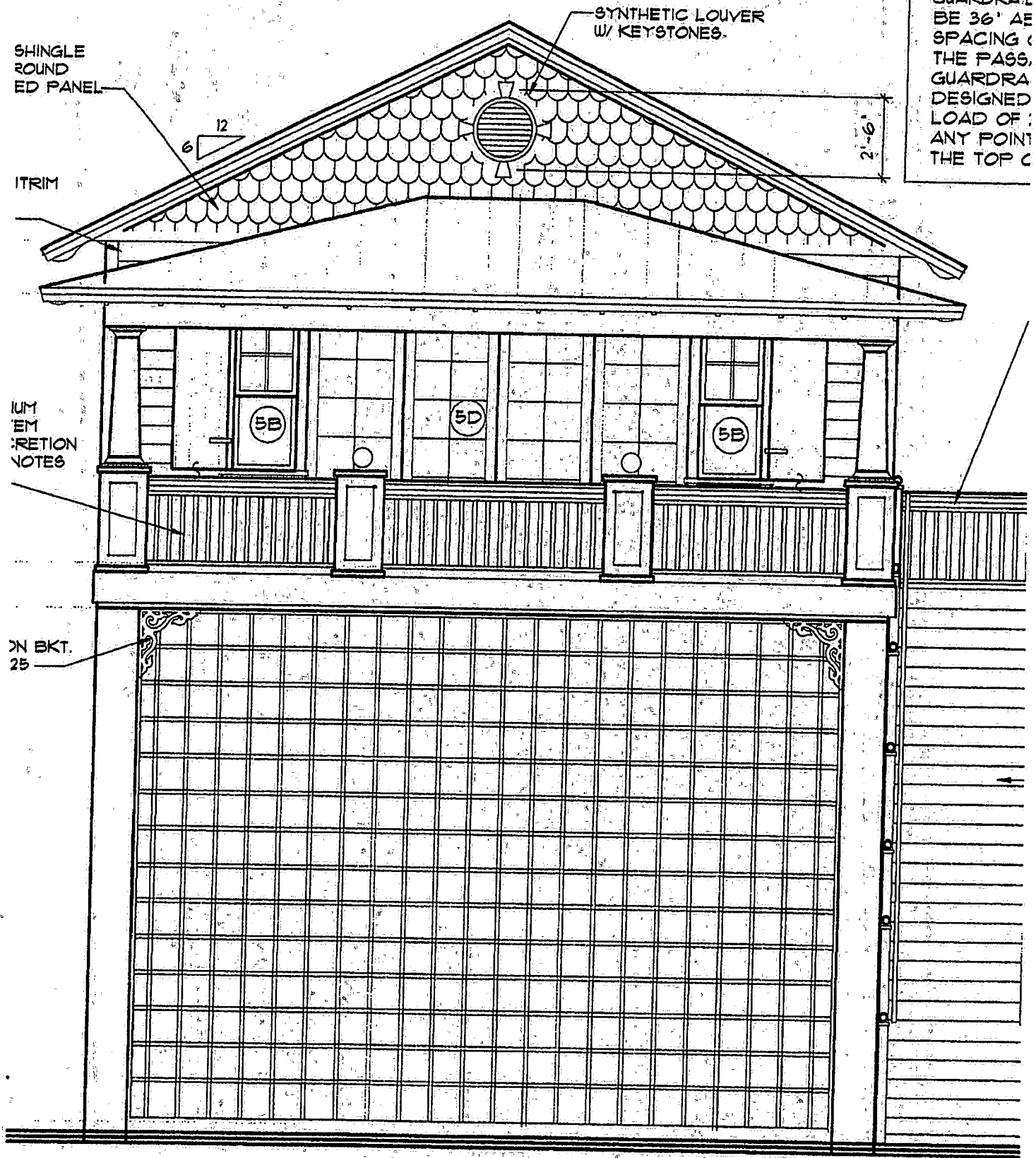
ALSO: THAT PORTION OF THE RIGHT-OF-WAY FOR "SNEAD'S ISLAND ROAD" AS SHOWN ON THE PLAT OF TERRA-MANA HARBOR AS PER PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 95, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LYING BETWEEN THE EASTERLY LINE OF LOT 13 AND A PORTION OF LOT 14 OF SAID TERRA-MANA HARBOR AND THE NEW SOUTHWESTERLY RIGHT-OF-WAY LINE FOR COUNTY ROAD NO. 43 (SNEAD'S ISLAND ROAD) BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWESTERLY CORNER OF LOT 10, SAID TERRA-MANA HARBOR; THENCE N35°39'36"E, ALONG THE EASTERLY LINE OF THE WESTERLY 145.0 FEET OF LOTS 8 AND 7 OF SAID TERRA MANA HARBOR, A DISTANCE OF 100.07 FEET (AS MEASURED) TO A POINT ON THE NORTH LINE OF SAID LOT 7; THENCE S55°33'37"E, ALONG SAID NORTH LINE, A DISTANCE OF 5.25 FEET TO THE COMMON CORNER OF LOTS 7, 14, 15 AND 6 OF SAID TERRA-MANA HARBOR; THENCE N17°41'44"E, ALONG THE WESTERLY LINE OF SAID LOT 15, A DISTANCE OF 49.90 FEET TO THE POINT OF INTERSECTION OF SAID WESTERLY LINE AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 43 (FORMERLY STATE ROAD NO. 43 AND ALSO KNOWN AS SNEAD'S ISLAND ROAD), SAID POINT BEING A POINT ON A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1105.92 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 00°40'41", A DISTANCE OF 13.09 FEET (CHORD = 13.09 FEET; CHORD BEARING = S31°48'21"E) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S31°28'01"E, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 212.73 FEET TO THE POINT OF INTERSECTION OF SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND THE EASTERLY LINE OF AFOREMENTIONED LOT 14, SAID POINT OF INTERSECTION BEING THE POINT OF BEGINNING; THENCE S08°42'23"E, ALONG SAID EASTERLY LINE OF LOT 14, A DISTANCE OF 8.27 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 14, ALSO BEING THE NORTHEASTERLY CORNER OF AFOREMENTIONED LOT 13; THENCE S15°58'02"E, ALONG THE EASTERLY LINE OF SAID LOT 13, A DISTANCE OF 78.47 FEET TO THE NORTHEASTERLY CORNER OF AFOREMENTIONED LOT 12; THENCE N66°08'11"E, 24.38 FEET (MEASURED) TO A POINT ON THE AFOREMENTIONED SOUTHWESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 43; THENCE N31°28'01"E, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 86.47 FEET TO THE POINT OF BEGINNING.

CONTAINING 1086 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.



Exhibit C



FRONT ELEVATION

SCALE = 1/4" = 1'-0"

Staff Report
Villas por la Marina
4009 11th Street Court West
Revised GDP 2011-02

HISTORY: This project was considered by the Planning and Zoning Board on March 17, 2011 and the City Commission on April 18, 2011 and approved for 12 units with a single access off 11th Street Court and 6 stipulations including:

- *The developer shall remove the middle unit fronting on 11th Street Court West and move the driveway for the northern units to the location of the unit being removed on 11th Street Court West.*

According to Section 8.8 (b)(12) of the Zoning Code, any change in a condition specifically required by the City Commission as part of the PD amendment constitutes a substantial deviation requiring a new application.

REQUEST:

- To amend the approved GDP (Ord. 2011-9 approved for 12 SF units) for 10 single family detached, waterfront units with a single access point off 11th Street Court.

OWNER: BMR Funding LLC

LOCATION/PARCEL SIZE OF SUBJECT SITE

Site: Generally located on the south side of 10th Street West, east of the Cut-off canal and along the Manatee River/1.66 acres

PROPOSED USE/DENSITY

10 single family detached units/6.0 du/ac.

The proposed single family detached units are 35 feet high, 5 feet apart and share a common stairway. The living area is located on the 2nd floor with parking underneath.

PHASES

This project site plan shows 2 phases; the first phase consist of the westernmost 3 units facing the Manatee River and the widening of 11th Street Court, and the second phase consists of the remaining 7 units. The applicant intends to continue using the existing MF buildings on the east side of the property while developing the project.

PLAN/ZONING/EXISTING USES OF SUBJECT SITE & SURROUNDING AREA

Site: PC (Planned Community)/PD-H (Planned Development-Housing)/apartments

North: GCOM/ CG/ Cut's Edge marina

South: PC/RS-1/vacant land and the Manatee River

East: PC and Conservation/PD-H/Riverbay Townhomes

West: COUNTY: RES-16/RMF-9/SF houses and Captain's Point Condos

BACKGROUND

This property was annexed into the City by Ordinance 05-850 and subsequently changed from the County Plan category of Residential-16 to the City's PD plan category (with a maximum density of 14 dwelling units) by Ordinance 05-865. On January 27, 2007 the subject property was rezoned from County RMF-9 to PD-H for 18 condo units at a density of 11 du/ac by Ordinance 06-911. The applicant applied for a density bonus of an additional unit identified in the Attainable Housing Ordinance as well as a setback variance.

The Villas por la Marina project was originally proposed for 12 units; 9 facing the river and 3 units in the back with access points off both 10th Street W and 11th Street Court W. The Planning and Zoning Board held its public hearing on March 17, 2011 and recommended approval of this project with the following stipulations:

1. The Planning and Zoning Board Perimeter landscape set-back shall be 35 ft;
2. The access road must be developed to County standard of 24 ft and be developed in phase 1;
3. A 4 ft high fence is the maximum height of the fence that will be allowed, measured from the existing grade;
4. If this site plan expires or the applicant elects not to utilize this site plan the property may be developed consistent with the requirement of RS-4 zoning district.

The City Commission held its public hearing on April 18, 2011 and approved this project subject to the following stipulations:

1. The minimum perimeter set-backs shall be 15 feet from the western property line, 15 feet from 10th Street West, and 20 feet from 11th Street Court West.
2. The access road must be developed to City standards, with a 22 foot paved roadway width, and be developed in Phase I.
3. All fences installed on the subject property shall be a maximum of four (4) foot in height, measured from the existing grade.
4. If the General Development Plan expires or the property owner elects not to utilize this General Development Plan, the property may be developed as single-family detached units consistent with the requirements of the RS-4 zoning district.
5. The units shall be constructed in substantial compliance with the front elevation submitted and identified at the April 18, 2011 public hearing, and attached hereto as Exhibit C.
6. The developer shall remove the middle unit fronting on 11th Street Court West and move the driveway for the northern units to the location of the unit being removed on 11th Street Court West.

COMPREHENSIVE PLAN ANALYSIS

Future Land Use Element

The subject property is designated Planned Community which permits up to 16 du/ac. However, densities in the Coastal High Hazard Area are limited to 10 du/ac. The density of the proposed project is 6.0 du/ac.

Purpose of Planned Community category: 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.

Coastal Management Element

Development in Coastal High Hazard Area

Objective 8.5: The Coastal High Hazard Area shall be defined as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. The City shall ensure that development activities in the Coastal High Hazard Area are carried out in a manner that minimizes danger and/or damage to private and public property and human life. Development within high hazard areas shall be restricted and public funding for facilities within the Coastal High Hazard Area shall be limited.

Policy 8.5.1: The City of Palmetto shall restrict development within the Coastal High Hazard Area and shall direct population concentrations out of the Coastal High Hazard Area.

Policy 8.5.7: Density in the Coastal High Hazard Area (CHHA) shall be limited to 4 du/ac in all applicable zoning districts within the RES-4 land use category and 6 du/ac within the RES-6 land use category. For all other Plan categories permitting residential uses within the CHHA, a density of up to 10.0 du/ac may be considered subject to the approval of a Planned Development (PD) zoning district meeting the following criteria used to determine the appropriate density:

1. Review and consideration of compatibility between the existing and proposed developments and the availability of adequate infrastructure including suitable access to enable timely evacuation in the event of a hurricane;
2. Density shall be determined by averaging the densities of adjacent properties. For purposes of this document, adjacent properties shall include those properties an equal dimensional distance to the north, south, east and west of the subject property. For example, if the subject property is 250-feet wide by 287-feet deep with the width running east/west and the depth running north/south, all properties 250-feet east and west of the subject property and all properties 287-feet north and south of the subject property shall be included in the averaging formula. Any rights-of-way included in an adjacent property shall be excluded from the averaging but the size of the adjacent property shall be extended an amount equal to the size of the public/private rights-of-way.
3. The averaging formula shall be done as follows:

- a) *If the adjacent property is developed or is controlled by an approved site plan, the existing zoning district or approved site plan shall be used to determine the maximum density. For example, if the zoning is RS-3, the maximum density shall be 6 du/ac (43,560 square feet divided by 7,250 square feet [minimum lot size]).*
- b) *If the adjacent property is vacant, the average value within the CHHA shall be 4 du/ac; the average value outside of the CHHA shall be 10 du/ac. This information shall be provided by the applicant for staff review and approval by the appropriate governing bodies.*

Planned development (PD) zoning districts located within the CHHA and approved for residential development after the adoption of this Plan Element shall contain a provision or condition that allows for development of single family detached units at 4 du/ac in the Res-4 land use category and 6 du/ac in the Res-6 land use category in the event the approved site plan has expired.

The potential surrounding densities include the following:

1. Riverbay Townhomes to the east = 7.3 du/ac (per PD approval)
2. Area south of 10th Street West to the southeast = 2.9 du/ac (per zoning)
3. 5 SF home sites to the west in unincorporated Manatee County = 9 du/ac (per zoning)
4. Captain's Point: 10 units/0.6477 acres = 15.4 du/ac (unincorporated County-1986)

Average density = $(7.3 + 2.9 + 9 + 15.4) / 4 = 8.65$ du/ac

Policy 8.4.1: *Development orders shall be evaluated for their impacts on traffic circulation, evacuation routes, critical locations, on-site shelter provisions, and proximity to off-site shelter facilities within the Coastal High Hazard Area.*

Policy 8.2.1: *The City shall ensure that no point sources shall be permitted to discharge directly into the Manatee River or Terra Ceia Bay that result in the reduction of estuarine water quality.*

Policy 8.5.1: *The City of Palmetto shall restrict development within the Coastal High Hazard Area and shall direct population concentrations out of the Coastal High Hazard Area.*

CODE REQUIREMENTS AND COMPLIANCE

The proposed site plan shows a distance of 15 feet from the westernmost unit to the property line of the adjacent single family house located in unincorporated Manatee County and 15.3 feet from the easternmost unit to the northern property line. The perimeter landscape setback requirement is 35 feet.

Sec. 8.5. - Development guidelines.

(1) Minimum setbacks require:

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

The proposed project consists of 10 single family detached units which are 5 feet apart.

- (2) *Building setback: twenty-five (25) feet from wall-to-wall between structures.*

The closest unit to the right-of-way is Unit 10 which is 15.3 feet from 10th Street West/CR 43.

- (3) *Public or private right-of-way setback: thirty-five (35) feet from any structure to right-of-way.*

This project's usable open space is located on the riverfront, across 11th Street Court West containing a pool, deck area, cabana, shuffleboard court and common area. The project's open space is approximately 0.30 acres or 18% of the project site.

- (i) *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.*

Landscaped Buffers

The code requires a 10 foot width of landscaped buffers along public streets and differing adjacent uses per Sec. 7-219. - Landscape Standards. The subject site is adjacent to single family residential uses on the west which is developed at 3.7 du/ac although the zoning permits 9 du/ac. The site plan shows a 15' landscape buffer on the western border and a 10' landscape buffer on the northern border along 10 St. W/CR 43.

Infrastructure

The initial DRC comments have been satisfied by the applicant.

Roadway/Access and Parking

The Code requires frontage and access on public streets. Access is provided from 11th Street Court West which is a Manatee County roadway. In 2008, the Board of County Commissioners denied a request from the City to transfer its interest in 11th Street Court West stating that it would create an enclave. The applicant will be required to widen 11th Street Court West/Cut-off Road from 14 feet consistent with county requirements and is working with County staff in this regard. 10th Street West is classified as a local road for which there is no planned improvement in Manatee County's 2030 Future Traffic Circulation Plans.

STAFF RECOMMENDATION:

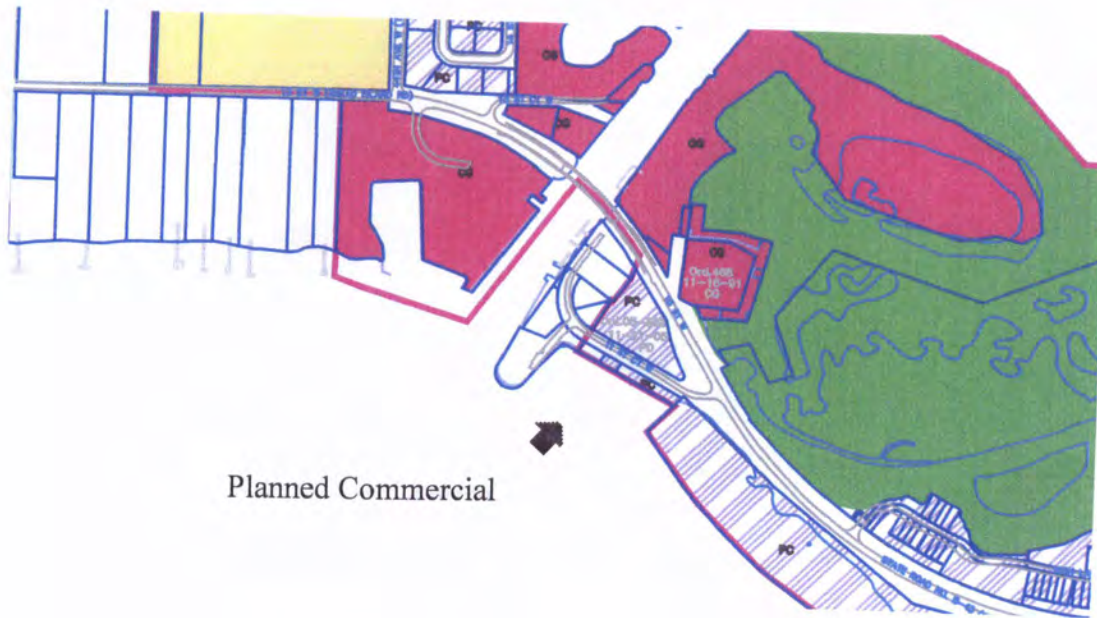
This is the third PD zoning request on this property in five years. Staff supports the decrease in the number of units (from 12 to 10) proposed on the subject property which is located in the coastal high hazard area consistent with the aforementioned policies of the City's 2030 Comprehensive Plan. At 6.0 du/ac, the density of the proposed project is less than the average density in the area which was determined to be approximately 8.65 du/ac. The project is therefore considered compatible with the general area consisting of varying housing types although the single family detached units immediately to the west are developed at 3.7 du/ac. Considering that the standard single family zoning district requires a minimum side setback of 7 foot, it is staff's opinion that the required 35 foot perimeter landscape buffer would not be applicable to this development consisting of single family units albeit attached by the stairwells.

Pursuant to the following provision, staff recommends that a condition be included to allow without amending the GDP, the development of single family detached units per the RS-4 zoning district which provides for 5,000 square feet minimum lot sizes at a density of 6.2 du/ac in the event the approved site plan expires and there is remaining vacant land available for development.

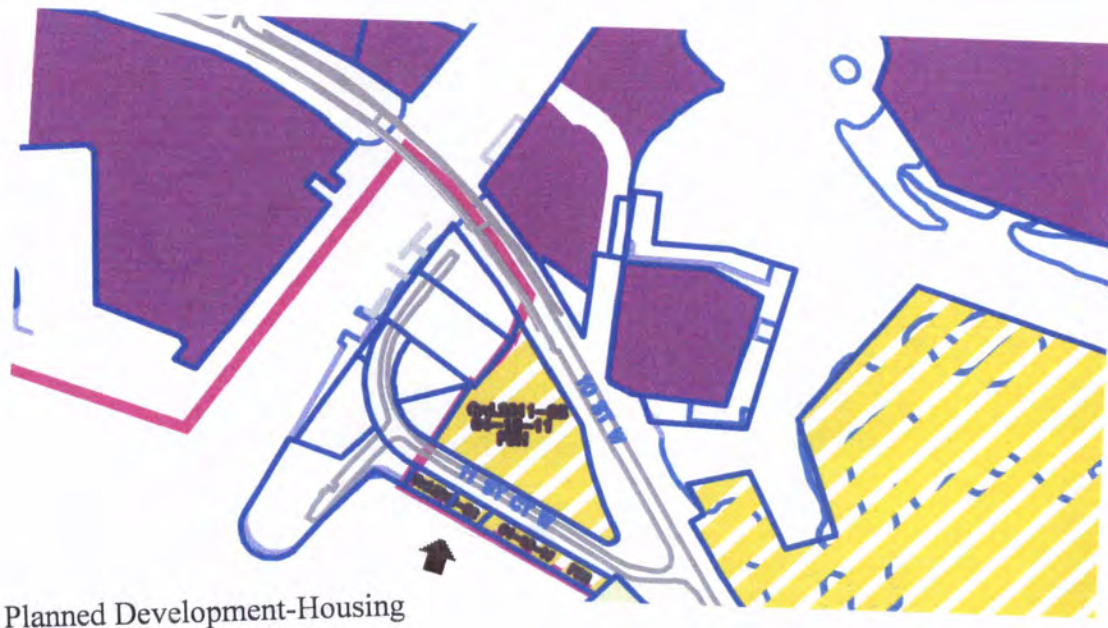
Staff recommends approval with the following conditions:

1. There shall be no ingress or egress onto 10th Street W/CR43;
2. The access road (11th Street Court) must be developed consistent with County standards, and be developed in Phase I.
3. The minimum perimeter set-backs shall be 15 feet from the western property line, 15 feet from 10th Street West, and 20 feet from 11th Street Court West.
4. All fences installed on the subject property shall be a maximum of four (4) foot in height, measured from the existing grade.
5. The units shall be constructed in substantial compliance with the front elevation attached hereto as Exhibit C.
6. If the General Development Plan expires or the property owner elects not to utilize this General Development Plan, the property may be developed as single-family detached units consistent with the requirements of the RS-4 zoning district.

CITY OF PALMETTO LAND USE PLAN MAP

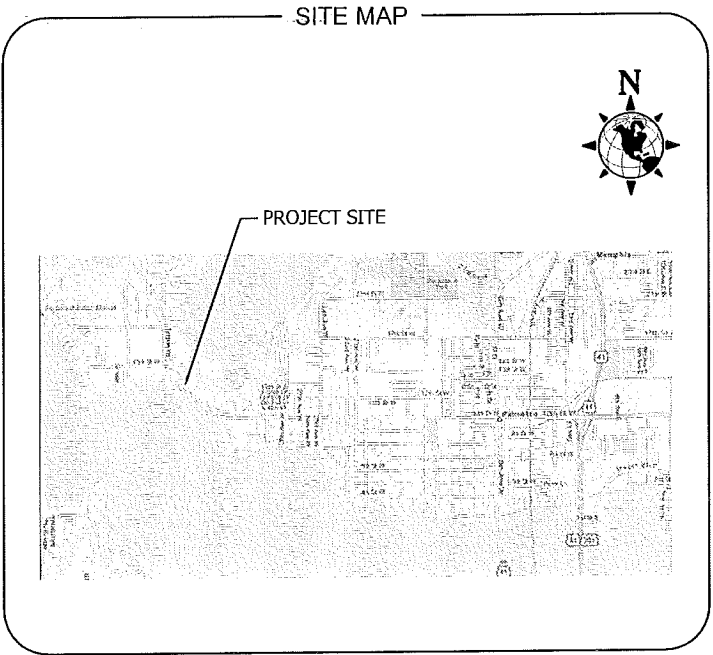


CITY OF PALMETTO ZONING MAP



GENERAL DEVELOPMENT PLANS FOR
VILLA POR LA MARINA

A DEVELOPMENT BY
Villa Por La Marina, Inc.
PO BOX 262
ANNA MARIA, FL 34216



SECTION 16, TOWNSHIP 34 SOUTH, RANGE 17 EAST,
PALMETTO, FLORIDA

SHEET	TITLE
1	COVER SHEET
2	AERIAL SITE MAP
3	APPROVED GENERAL DEVELOPMENT PLAN
4	REVISED GENERAL DEVELOPMENT PLAN
L1	LANDSCAPE PLAN

UTILITY SERVICE PROVIDERS

POTABLE WATER: CITY OF PALMETTO UTILITIES 516 8TH AVE W PALMETTO, FL 34221	SANITARY SEWER: CITY OF PALMETTO UTILITIES 516 8TH AVE W PALMETTO, FL 34221
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PROJECT CONTACTS

ENGINEER: MATTHEW J. MORRIS P.E. MORRIS ENGINEERING AND CONSULTING, LLC 15608 29TH STREET EAST PARRUSH, FLORIDA 34219 941-228-4729 www.morrisengineering.net	DEVELOPER: VILLA POR LA MARINA, INC. PO BOX 262 ANNA MARIA, FL 34216
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SURVEYOR:
LEO MILLS AND ASSOCIATES
620 8TH AVE W
PALMETTO, FL 34221

PREPARED BY

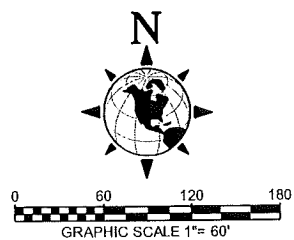










MORRIS ENGINEERING AND CONSULTING, LLC
Civil Engineering and Land Development Consulting
2004 53rd Avenue East, Bradenton, Florida 34203 C.A.28780 941-228-4729 www.morrisengineering.net

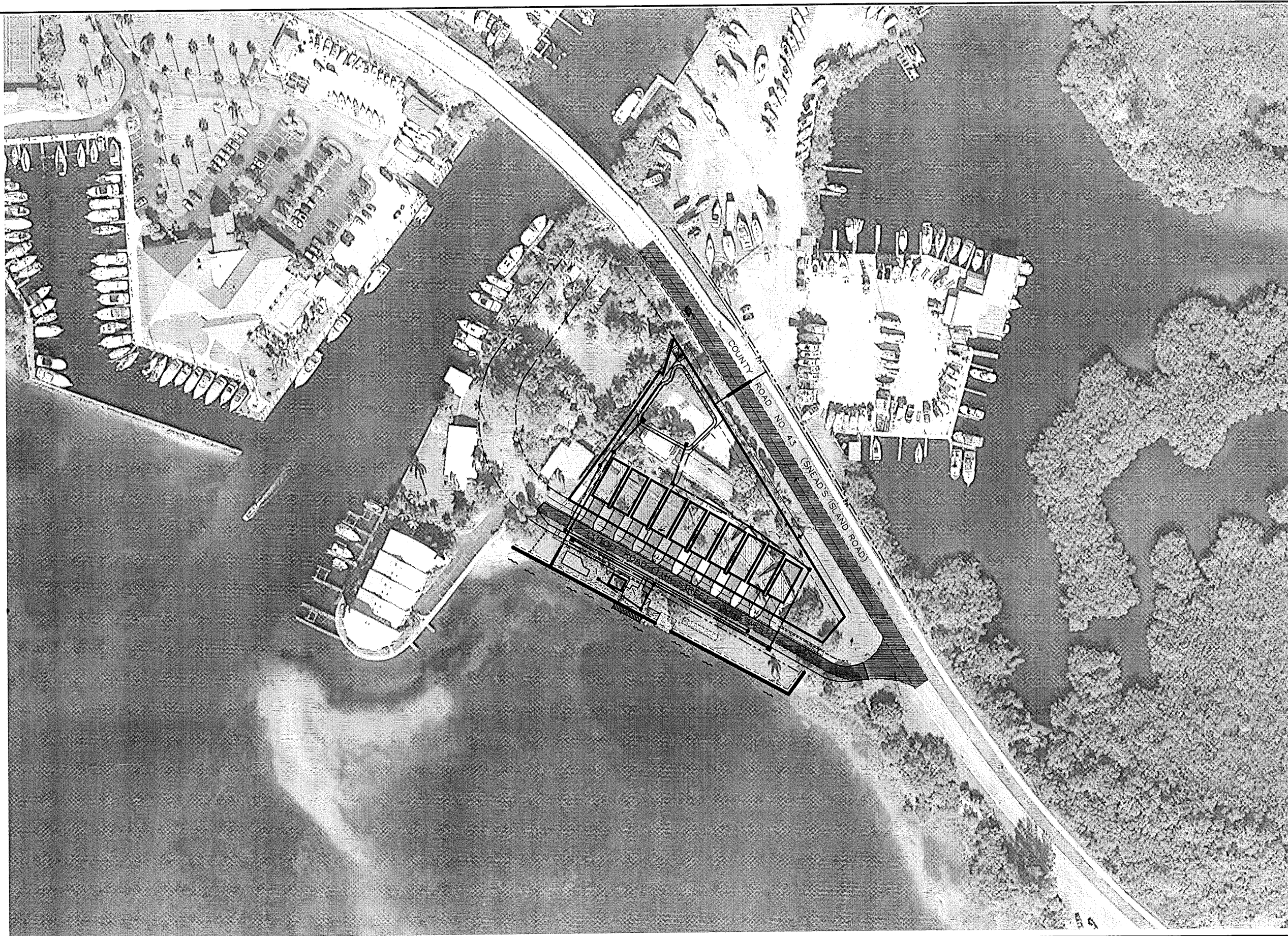
DRC MEMBER	OK	SIGNATURE	DATE
DEPUTY DIRECTOR OF OPERATIONS			
CITY PLANNER			
FIRE MARSHALL			
CITY ENGINEER			
DRC COORDINATOR			
STIPULATIONS			
DIRECTOR OF PUBLIC WORKS		SIGNATURE	DATE

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	5/18/11	REVISED LAYOUT	DES
2	7/7/11	REVISED LAYOUT	DES

MATTHEW J. MORRIS
FL LICENSE NO. 68434



- LEGEND
-  EXISTING FIRE HYDRANT
 -  CENTERLINE
 -  RIGHT-OF-WAY
 -  FLORIDA DEPARTMENT OF TRANSPORTATION
 -  EXISTING ASPHALT
 -  EXISTING CONCRETE
 -  PROPOSED ASPHALT
 -  PROPOSED BUILDING



PREPARED FOR:

VILLA POR LA MARINA, INC.

PO BOX 262
ANNA MARIA, FL 34216



MORRIS ENGINEERING AND CONSULTING, LLC
Civil Engineering and Land Development Consulting

2004 53rd Avenue East, Bradenton, Florida 34203 C.A.28780 941-228-4729 www.morrisengineering.net

NO.	DATE	REVISION DESCRIPTION	DES BY
2	7/7/11	REVISED LAYOUT	DES
1	5/18/11	REVISED LAYOUT	DES

MATTHEW J. MORRIS
FL LICENSE NO. 68434

DATE
12/27/10

PROJECT
VILLA POR LA MARINA

DRAWING
GDP

DRAWN DES
CHECKED M.J.M.

GENERAL DEVELOPMENT PLAN
VILLA POR LA MARINA
PALMETTO, FLORIDA

SCALE
1"= 60'

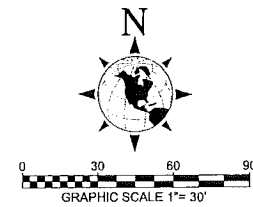
SEC. - TSP - RING
16-345-172

SHEET

2

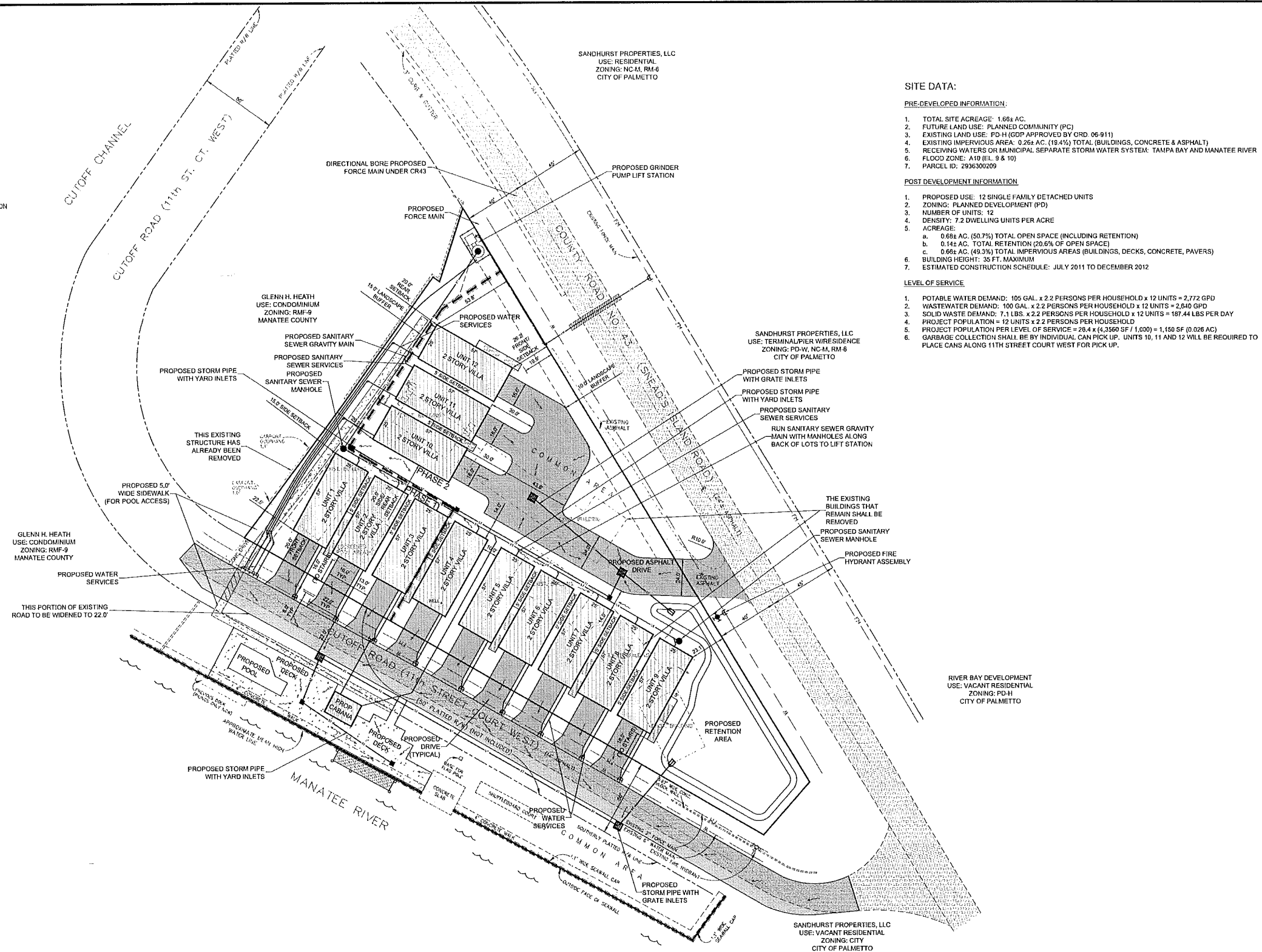
OF

4



LEGEND

EXISTING FIRE HYDRANT
CENTERLINE
RIGHT-OF-WAY
FLORIDA DEPARTMENT OF TRANSPORTATION
EXISTING ASPHALT
EXISTING CONCRETE
PROPOSED ASPHALT
PROPOSED BUILDING



SITE DATA:

PRE-DEVELOPED INFORMATION:

- TOTAL SITE ACREAGE: 1.66± AC.
- FUTURE LAND USE: PLANNED COMMUNITY (PC)
- EXISTING LAND USE: PD-H (GDP APPROVED BY ORD. 06-911)
- EXISTING IMPERVIOUS AREA: 0.26± AC. (19.4%) TOTAL (BUILDINGS, CONCRETE & ASPHALT)
- RECEIVING WATERS OR MUNICIPAL SEPARATE STORM WATER SYSTEM: TAMPA BAY AND MANATEE RIVER
- FLOOD ZONE: A10 (EL. 9 & 10)
- PARCEL ID: 2936300209

POST DEVELOPMENT INFORMATION:

- PROPOSED USE: 12 SINGLE FAMILY DETACHED UNITS
- ZONING: PLANNED DEVELOPMENT (PD)
- NUMBER OF UNITS: 12
- DENSITY: 7.2 DWELLING UNITS PER ACRE
- ACREAGE:
 - 0.68± AC. (50.7%) TOTAL OPEN SPACE (INCLUDING RETENTION)
 - 0.14± AC. TOTAL RETENTION (20.6% OF OPEN SPACE)
 - 0.68± AC. (49.3%) TOTAL IMPERVIOUS AREAS (BUILDINGS, DECKS, CONCRETE, PAVERS)
- BUILDING HEIGHT: 35 FT. MAXIMUM
- ESTIMATED CONSTRUCTION SCHEDULE: JULY 2011 TO DECEMBER 2012

LEVEL OF SERVICE

- POTABLE WATER DEMAND: 105 GAL. x 2.2 PERSONS PER HOUSEHOLD x 12 UNITS = 2,772 GPD
- WASTEWATER DEMAND: 100 GAL. x 2.2 PERSONS PER HOUSEHOLD x 12 UNITS = 2,640 GPD
- SOLID WASTE DEMAND: 7.1 LBS. x 2.2 PERSONS PER HOUSEHOLD x 12 UNITS = 187.44 LBS PER DAY
- PROJECT POPULATION = 12 UNITS x 2.2 PERSONS PER HOUSEHOLD
- PROJECT POPULATION PER LEVEL OF SERVICE = 28.4 x (4,3560 SF / 1,000) = 1,150 SF (0.026 AC)
- GARBAGE COLLECTION SHALL BE BY INDIVIDUAL CAN PICK UP. UNITS 10, 11 AND 12 WILL BE REQUIRED TO PLACE CANS ALONG 11TH STREET COURT WEST FOR PICK UP.

PREPARED FOR:

VILLA POR LA MARINA, INC.

PO BOX 262
ANNA MARIA, FL 34216



MORRIS ENGINEERING AND CONSULTING, LLC

Civil Engineering and Land Development Consulting
15608 29th Street East, Palmetto, Florida 34224 C.A. 28780 941-228-4729 www.morrisengineering.net

NO.	DATE	REVISION DESCRIPTION	BY
1	3/23/11	SHIFTED BLDGS TO ALLOW FOR 15' L/S BUFFER	DES
2	3/10/11	REVISED PLAN PER CITY COMMENTS	DES
3	3/9/11	REVISED PLAN PER CITY COMMENTS	DES
1	2/22/11	REVISED PLAN PER CITY COMMENTS	DES

MATTHEW J. MORRIS
FL LICENSE NO. 68434

DATE

12/27/10

PROJECT

VILLA POR LA MARINA

DRAWING

GDP

DRAWN

DES

CHECKED

MJM

GENERAL DEVELOPMENT PLAN
VILLA POR LA MARINA
PALMETTO, FLORIDA

SCALE

1"=30'

SEC. - TSP. - RING.

16-345-17E

SHEET

OF

3

3

PREPARED FOR:

VILLA POR LA MARINA, INC.

PO BOX 262
ANNA MARIA, FL 34216



MORRIS ENGINEERING AND CONSULTING, LLC

Civil Engineering and Land Development Consulting
2004 53rd Avenue East, Bradenton, Florida 34203 C.A. 28780 941-228-4729 www.morrisengineering.net

NO.	DATE	REVISION DESCRIPTION	BY
1	5/18/11	ADDED THIS SHEET TO SET	DES

MATTHEW J. MORRIS
FL LICENSE NO. 68434

DATE

12/27/10

PROJECT

VILLA POR LA MARINA

DRAWING

GDP

DRAWN

DES

CHECKED

MJM

APPROVED GENERAL DEVELOPMENT PLAN
VILLA POR LA MARINA
PALMETTO, FLORIDA

SCALE

1"=30'

SEC. - TSP. - RING.

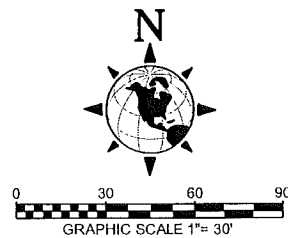
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SHEET

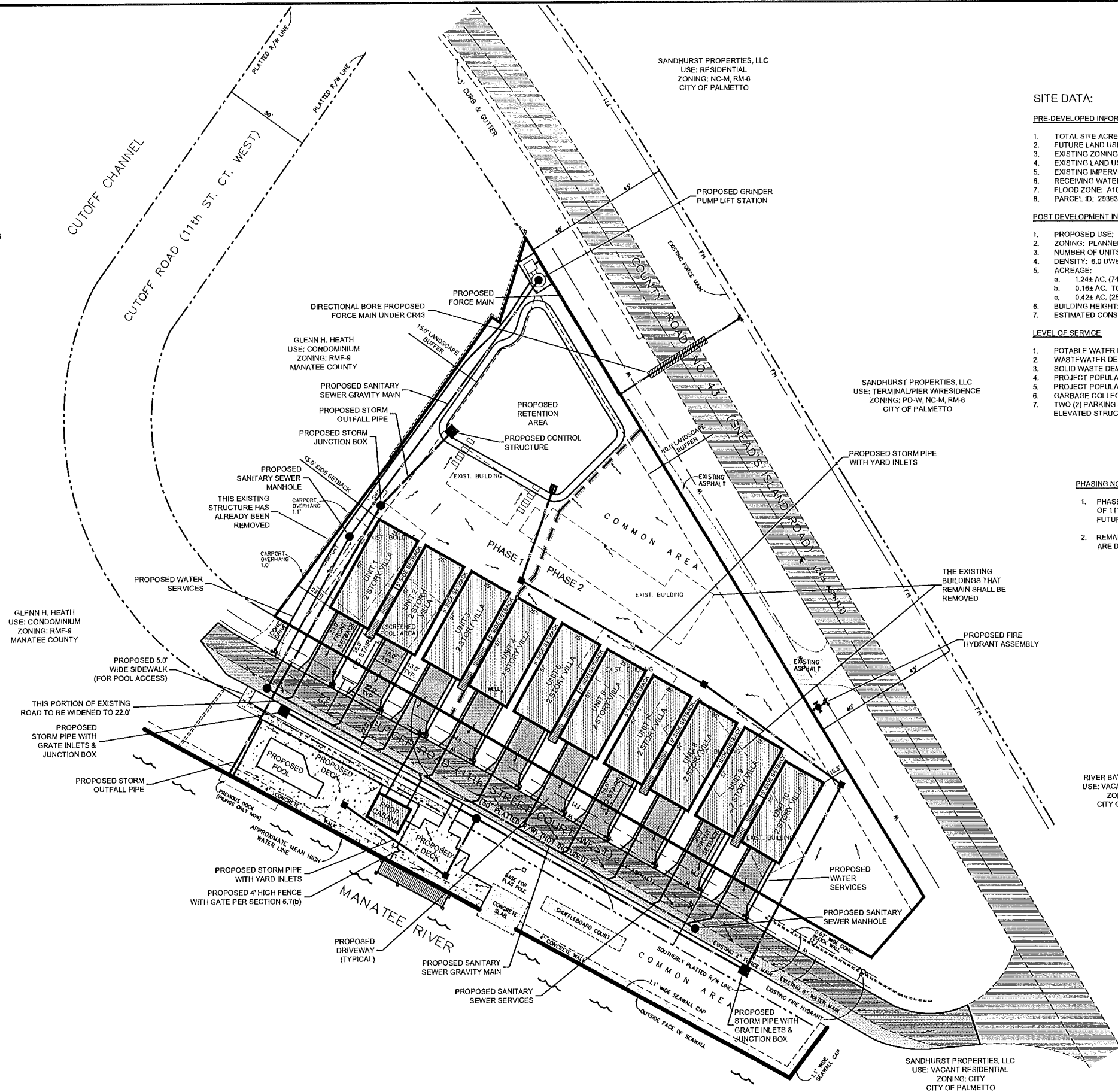
OF

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4



- LEGEND**
- EXISTING FIRE HYDRANT
 - CENTERLINE
 - RIGHT-OF-WAY
 - FLORIDA DEPARTMENT OF TRANSPORTATION
 - EXISTING ASPHALT
 - EXISTING CONCRETE
 - PROPOSED ASPHALT
 - PROPOSED BUILDING



SITE DATA:

PRE-DEVELOPED INFORMATION:

- TOTAL SITE ACREAGE: 1.66± AC.
- FUTURE LAND USE: PLANNED COMMUNITY (PC)
- EXISTING ZONING: PD-H (GDP APPROVED BY ORD. 2011-09)
- EXISTING LAND USE: 15 MULTI-FAMILY UNITS
- EXISTING IMPERVIOUS AREA: 0.26± AC. (15.7%) TOTAL (BUILDINGS, CONCRETE & ASPHALT)
- RECEIVING WATERS OR MUNICIPAL SEPARATE STORM WATER SYSTEM: TAMPA BAY AND MANATEE RIVER
- FLOOD ZONE: A10 (EL. 9 & 10)
- PARCEL ID: 2938300209

POST DEVELOPMENT INFORMATION:

- PROPOSED USE: 10 SINGLE FAMILY DETACHED UNITS
- ZONING: PLANNED DEVELOPMENT (PD)
- NUMBER OF UNITS: 10
- DENSITY: 6.0 DWELLING UNITS PER ACRE
- ACREAGE:
 - 1.24± AC. (74.7%) TOTAL OPEN SPACE (INCLUDING RETENTION)
 - 0.16± AC. TOTAL RETENTION (12.9% OF OPEN SPACE)
 - 0.42± AC. (25.3%) TOTAL IMPERVIOUS AREAS (BUILDINGS, DECKS, CONCRETE, PAVERS)
- BUILDING HEIGHT: 35 FT. MAXIMUM
- ESTIMATED CONSTRUCTION SCHEDULE: JULY 2011 TO DECEMBER 2012

LEVEL OF SERVICE

- POTABLE WATER DEMAND: 105 GAL. x 2.2 PERSONS PER HOUSEHOLD x 10 UNITS = 2,310 GPD
- WASTEWATER DEMAND: 100 GAL. x 2.2 PERSONS PER HOUSEHOLD x 10 UNITS = 2,200 GPD
- SOLID WASTE DEMAND: 7.1 LBS. x 2.2 PERSONS PER HOUSEHOLD x 10 UNITS = 156.2 LBS PER DAY
- PROJECT POPULATION = 10 UNITS x 2.2 PERSONS PER HOUSEHOLD
- PROJECT POPULATION PER LEVEL OF SERVICE = 22 x (4,3560 SF / 1,000) = 958.32 SF (0.022 AC)
- GARBAGE COLLECTION SHALL BE BY INDIVIDUAL CAN PICK UP.
- TWO (2) PARKING SPACES ARE PROVIDED FOR EACH UNIT (DRIVEWAY AND CARPORT/GARAGE UNDER ELEVATED STRUCTURE).

PHASING NOTES:

- PHASE I SHALL CONSIST OF THE CONSTRUCTION OF UNITS 1-3, THE WIDENING OF 11TH ST CT, INSTALLATION OF SEWER MAIN AND STUB OUTS FOR ALL FUTURE UNITS, STORMWATER RETENTION AREA AND DRAINAGE.
- REMAINING UNITS SHALL BE CONSTRUCTED IN PHASES AS EXISTING BUILDINGS ARE DEMOLISHED.

PREPARED FOR:

VILLA POR LA MARINA, INC.

PO BOX 262
ANNA MARIA, FL 34216



MORRIS ENGINEERING AND CONSULTING, LLC

Civil Engineering and Land Development Consulting
2004 53rd Avenue East, Bradenton, Florida 34203 C.A.28780 941-328-4729 www.morrisengineering.net

NO.	DATE	REVISION DESCRIPTION	BY
7	7/6/11	REVISED PLAN PER CITY COMMENTS	DES
6	6/8/11	REVISED PLAN PER CITY COMMENTS	DES
5	5/18/11	REVISED LAYOUT	DES
4	3/23/11	SHIFTED BLDGS TO ALLOW FOR 15' L/S BUFFER	DES
3	3/10/11	REVISED PLAN PER CITY COMMENTS	DES
2	3/9/11	REVISED PLAN PER CITY COMMENTS	DES
1	2/22/11	REVISED PLAN PER CITY COMMENTS	DES

MATTHEW J. MORRIS
FL LICENSE NO. 68434

DATE 12/27/10
PROJECT VILLA POR LA MARINA
DRAWING GDP
DRAWN DES
CHECKED M.M.

REVISED GENERAL DEVELOPMENT PLAN
VILLA POR LA MARINA
PALMETTO, FLORIDA

SCALE 1"= 30'
SEC.-TSP.-RNG. 16-345-17E
SHEET 4
OF 4

**DRAFT MINUTES
CITY OF PALMETTO
PLANNING AND ZONING BOARD
JUNE 16, 2011 – 5:30 P.M.**

516 8th Avenue West
Palmetto, FL 34221

www.palmettofl.org
941-723-4570

PLANNING AND ZONING BOARD MEMBERS

ERIC GILBERT, Chair
JAMES PASTOR, Vice Chair
BARBARA JENNINGS

JON MOORE
CHARLIE UGARTE

STAFF

Scott Rudacille, City Council
Lorraine Lyn, City Planner
Linda Butler, Recording Secretary

Anyone wishing to speak before the Planning and Zoning Board must sign in prior to the meeting, stating name, address and topic to address. All comments will be limited to two minutes.

 **Swearing in of all parties speaking to the board.**

ORDER OF BUSINESS:

 **1. Approval of April 13, 2011 Special Meeting Minutes** Tab 1

Mr. Ugarte moved to approve the April 13, 2011 special meeting minutes.
Mr. Moore seconded. **MOTION CARRIED UNANIMOUSLY.**

 **2. Treasures of Palmetto Conditional Use (CU-2011-01)** Tab 2

The application was withdrawn.



3. Villa Por La Marina - Z/GDP-REV-2011-02

Tab 3

Ms. Lyn stated this project was considered by the Planning and Zoning Board on March 17, 2011 and the City Commission on April 18, 2011 and approved for 12 units with a single access off 11th Street Court and 6 stipulations.

The request is to rezone 1.66 acres from PD-H (Ord. 2011-8 approved for 12 SF detached units) to PD-H for 10 single family detached units; and to amend the approved GDP (Ord. 2011-9 approved for 12 SF units) for 10 single family detached, waterfront units with a single access point off 11th Street Court.

Staff supports the decrease in the number of units (from 12 to 10) proposed on the subject property. At 6.0 du/ac, the density of the proposed project is less than the average density in the area which was determined to be approximately 8.65 du/ac. The project is therefore considered compatible with the general area. Staff recommends approval with conditions.

Mr. Ugarte asked for clarification on the roadway.

Mr. Matt Morris, Morris Engineering, anticipates obtaining construction and roadway permits through the County.

Mr. Pastor asked if the setback is 20 ft and stated the Board had recommended 35 ft setback. Ms. Lyn stated the Commissioners voted to approve 20 ft setback on the front, 15 ft on the west side and 15.3 ft on the east side. She indicated that a 35 foot setback would have likely changed the housing type from detached to attached units.

Mr. Ugarte asked if the existing buildings will remain intact until the new buildings are built. Ms. Lyn stated that the existing buildings are located on the east side of the property which is in phase 2. If this project is approved, they will build phase 1, the three most western units first before demolishing the existing structures to build phase 2.



Chair Gilbert opened the public hearing.

Mr. Matt Morris stated that the Commissioners had some concerns regarding setbacks and some of the units in the area where the retention pond is now located in the previously approved site plan. The resolution was to remove a couple of units and have a separate driveway into the location. If a larger setback had been imposed it would have restricted the project. The applicant would have only been able to build some type of high-rise condominium units. Also the neighbor is ok with 15 ft setback.

The project will not be able to receive a CO other than for phase one until the existing building is torn down. The existing units fall within the footprint of the future building, phase two will not be able to be built until the existing structures are torn down.

Mr. Pastor asked if a fence was included as a buffer. Mr. Morris stated that, to his knowledge, a fence was not proposed, only a vegetative buffer. The buffer that is involved in phase one will be along the western property line and it was not a condition in the previous approval.

Mr. Ugarte commented on the rural roadway section stating the purpose of doing a rural road section is to have site swales for drainage. An asphalt edge creates a problem; there should be at least a concrete curb.

Ms. Amy Griswold, property owner next door, stated this project was previously discussed and she is good with the 15 ft setback. Ms. Griswold also stated she believes the units are great.

 Chair Gilbert closed the public hearing.

There was no discussion.

 Mr. Ugarte moved to recommend approval of Z/GDP-REV-2011-02 (**REVISED** General Development Plan/Rezone) with the following stipulations by staff and Commissioners.

1. There shall be no ingress or egress onto 10th Street W/CR43;
2. The access road (11th Street Court) must be developed to City standards, with a 22 foot paved roadway width, and be developed in Phase I.
3. The minimum perimeter set-backs shall be 15 feet from the western property line, 15 feet from 10th Street West, and 20 feet from 11th Street Court West.
4. All fences installed on the subject property shall be a maximum of four (4) foot in height, measured from the existing grade.
5. The units shall be constructed in substantial compliance with the front elevation attached hereto as Exhibit C.
6. If the General Development Plan expires or the property owner elects not to utilize this General Development Plan, the property may be developed as single-family detached units consistent with the requirements of the RS-4 zoning district.

Ms. Jennings seconded. **MOTION CARRIED UNANIMOUSLY.**

4. Old Business

- a. Discussion of fence regulations – Ms. Lyn referenced the information in the notebook and requested feedback via e-mail. She asked the board members to make sure the ordinance addresses all the issues they think should be covered as opposed to the specifics.

Ms. Jennings asked if we are replacing a fence ordinance or creating one. Ms. Lyn stated we are going to use what we have and make the ordinance clearer to understand.

In considering fences for historic areas, Mr. Ugarte stated that legislating taste is difficult.

5. New Business

Ms. Jennings asked about the new legislative laws and changes. Mr. Rudacille stated Mr. Barnebey will be giving a presentation on the changes at the June 20, 2011 City Commission workshop.

Ms. Lyn stated she will forward the e-mail she received regarding the changes.

Ms. Lyn commented on the Sutton Park Improvements article in the North River News. Mr. Moore stated the power point presentation that was presented to the CRA will be on the CRA web site shortly.

Ms. Lyn informed the Board that the existing portables on the north portion of the former Palmetto Elementary School site are proposed to be converted to the MTI Adult Education Center.

Adjournment: 6:15