

**TAB 17**



# City of Palmetto Agenda Item

Meeting Date

9/12/11

Presenter:

Lorraine Lyn

Department:

Planning

Title:

## Varnadore Properties

**700 & 702 17th Street W & 1703 7th Avenue W at the NE corner of 8<sup>th</sup> Ave & 17<sup>th</sup> St  
Annexation, Small Scale Plan Amendment, Rezoning and Utility Easement Vacation  
AN/PA/Z 2011-04 & VAC 2011-02**

This is the 1<sup>st</sup> read for 4 separate requests as follows:

- (1) the annexation of 0.7 acres into the City;
- (2) the small scale plan amendment of 0.7 acres from County ROR to City GCOM;
- (3) the rezoning from County GC to City CG; and
- (4) the vacation of a 10 foot utility easement between lots 1 & 20, 2 & 19 and 3 & 18 of Orange Park Subdivision. The proposed utility vacation affects Lots 2 and 3 which are not part of the properties subject to annexation, plan amendment and rezoning.

The property owner is seeking to develop the subject 3 parcels consisting of Lots 1, 18, 19 & 20, Block 1 of Orange Park subdivision. The property has access onto 3 streets; 8th Avenue W, 17th Street W and 7th Avenue W.

- (1) This annexation involves 4 lots of a 5 lot enclave at the subject location. Only one of the 4 lots is developed, with a single family house. The remaining lots are vacant and are located at a major intersection at an entryway into the City.
- (2) The Plan change from ROR to GCOM is a comparable change in plan categories between the County's and City's Plans as they both permit a mixture of general commercial, office and residential uses.
- (3) The proposed CG zoning is consistent with CG zoning along 8th Avenue and the north side of 17th Street and is compatible with existing development on this block including a used car/tire lot and the MCAT station.
- (4) Regarding the proposed utility easement vacation, Florida Power and Light, Peace River Electric Cooperative Inc., Bright House, Verizon and North River Fire District have no objections.

Staff found the requests consistent with the Palmetto 2030 Comprehensive Plan and recommended approval.

The Planning and Zoning Board held its public hearing on 8/18/2011 and voted unanimously to recommend APPROVAL of each of the 4 requests.

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 Annexation, Small Scale Plan Amendment, Rezoning and Utility Easement Vacation AN/PA/Z 2011-04 & VAC 2011-02

Staff Contact:

Lorraine Lyn

City Planner

723-4580 Ext. 2135

Attachments:

Staff report

**CITY OF PALMETTO  
ORDINANCE NO. 2011-25**

**AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 0.7 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 700 17<sup>th</sup> STREET WEST, 702 17<sup>th</sup> STREET WEST AND 1703 7<sup>th</sup> AVENUE WEST, PALMETTO; MORE PARTICULARLY DESCRIBED AS LOTS 1, 18, 19 AND 20, BLOCK 1, ORANGE PARK SUBDIVISION (PLAT BOOK 2, PAGE 137); PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (AN #2011-04 Applicant: Varnadore Properties, LLC)**

**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," authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and

**WHEREAS**, Florida Statute 171.044 provides for the voluntary annexation of reasonably compact, contiguous real property to a municipality; and

**WHEREAS**, the property described in **Exhibit A**, attached hereto and incorporated herein (the "Property"), is reasonably compact and contiguous to the City of Palmetto; and

**WHEREAS**, the Property is owned by Varnadore Properties, LLC ("Applicant"); and

**WHEREAS**, Applicant has filed a petition with the City requesting that the Property be annexed into the City of Palmetto, and the City Commission has determined that the petition bears the signatures of all of the owners of the Property; and

**WHEREAS**, notice of said annexation, a copy of which is attached hereto and incorporated herein as **Exhibit B**, has been sent to the Board of County Commissioners for Manatee County and published as required and provided under Section 171.044, Florida Statutes; and

**WHEREAS**, annexation of the Property does not result in the creation of any enclaves; and

**WHEREAS**, the City Commission has determined that it is necessary, desirable and in the best interest of the citizens of the City of Palmetto to adopt this Ordinance.

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, by the City Commission of the City of Palmetto, Florida, as follows:

**Section 1.**     **Findings of Fact.** The above "whereas" clause are adopted herein as findings of fact.

**Section 2.**     **Annexation of Land.** The Property, as legally described as:

Lots 1, 18, 19, and 20, less road right-of-way, of Block 1, of Orange Park Subdivision, Plat Book 2, Page 137, as recorded in the public records of Manatee County, Florida;

and as generally depicted on the sketches attached hereto as composite **Exhibit C**, is hereby annexed into and incorporated within the City of Palmetto as fully and effectually as if the same were included within the boundary of the City of Palmetto, as set forth in its Charter.

**Section 3.**     **Amendment of City Boundaries.** The legal description of the City of Palmetto, Florida, kept on file in the City Clerk's office, is hereby amended to reflect this annexation. The City Clerk is hereby directed to undertake measures necessary to affect such amendment consistent herewith, and to make the filings required under Section 171.044, Florida

Statutes.

**Section 4.**     **Repeal of Ordinance.** This Ordinance hereby repeals all ordinances and parts of ordinances in conflict herewith to the extent of such conflict.

**Section 5.**     **Severability.** It is the intent of this Ordinance to comply with all applicable law and constitutional requirements. If any provision, paragraph or section of this Ordinance shall be determined by a court of competent jurisdiction to be inapplicable, illegal, unenforceable or unconstitutional, then to that extent such provisions or portions shall be deemed null and void, but the remaining provisions of this Ordinance shall be in full force and effect as applicable.

**Section 6.**     **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.

**PASSED AND DULY ADOPTED**, by the City Commission, in open session, with a quorum present and voting, this 3rd day of October, 2011.

First Reading:                      September 12, 2011

Publication:                        September 19, 2011 and  
   September 26, 2011

Second Reading and  
Public Hearing:                      October 3, 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**

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**Ordinance No. 2011-25**  
**Exhibit A**

**LEGAL DESCRIPTION**

**Lots 1, 18, 19, and 20, less road right-of-way, of Block 1 of Orange Park Subdivision,  
Plat Book 2, Page 137, as recorded in the public records of Manatee County, Florida.**

File Index No. 76



Telephone: 722-2480.  
LEO MILLS—Surveyor  
LEO MILLS, JR.—Surveyor

# Leo Mills & Associates, Inc.

LAND PLANNING—SURVEYING

Office: 620 - 8th Ave.  
PALMETTO, FLORIDA 33561

MEMBER

Florida Society Professional Land Surveyors  
Minnesota Chapter, Professional Land Surveyors

LOTS 18 AND 19

BLOCK 1

Subdivision ORANGE PARK

According to the Plats thereof recorded in Plat Book No. 2 Page 137

Section 11 Township 34 South, Range 17 East

Public Records of MANATEE County, Florida

For the exclusive use of: RAYMOND AND BEVERLY VARNADORE

## SURVEYOR'S CERTIFICATE:

I, The Undersigned Registered Land Surveyor, do hereby certify that this Plat is a true representation of the lands described and shown hereon to the best of my knowledge and belief and meets the minimum technical standards for surveying in the state of Florida. (Chapter 21 HH-6, F.A.C.)

By Leo Mills  
Registered State of Florida Professional  
Land Surveyor No. 1735

Date 4-1-92

## RECHECK CERTIFICATE

The buildings shown on attached survey plat checked ( ) and found located as shown.

Not valid unless embossed with seal.

## BOUNDARY SURVEY

## ADDRESS:

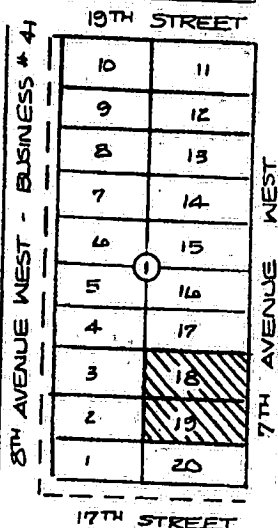
1703 7TH AVENUE WEST

## CERTIFY TO:

- FIRST COMMERCIAL BANK OF MANATEE COUNTY
- RAYMOND E. & BEVERLY S. VARNADORE
- GRIMES, GOEBEL, GRIMES & HAWKINS, P.A.
- AMERICAN PIONEER TITLE INSURANCE COMPANY

ADDED  
5/25/93

## LOCATION SKETCH

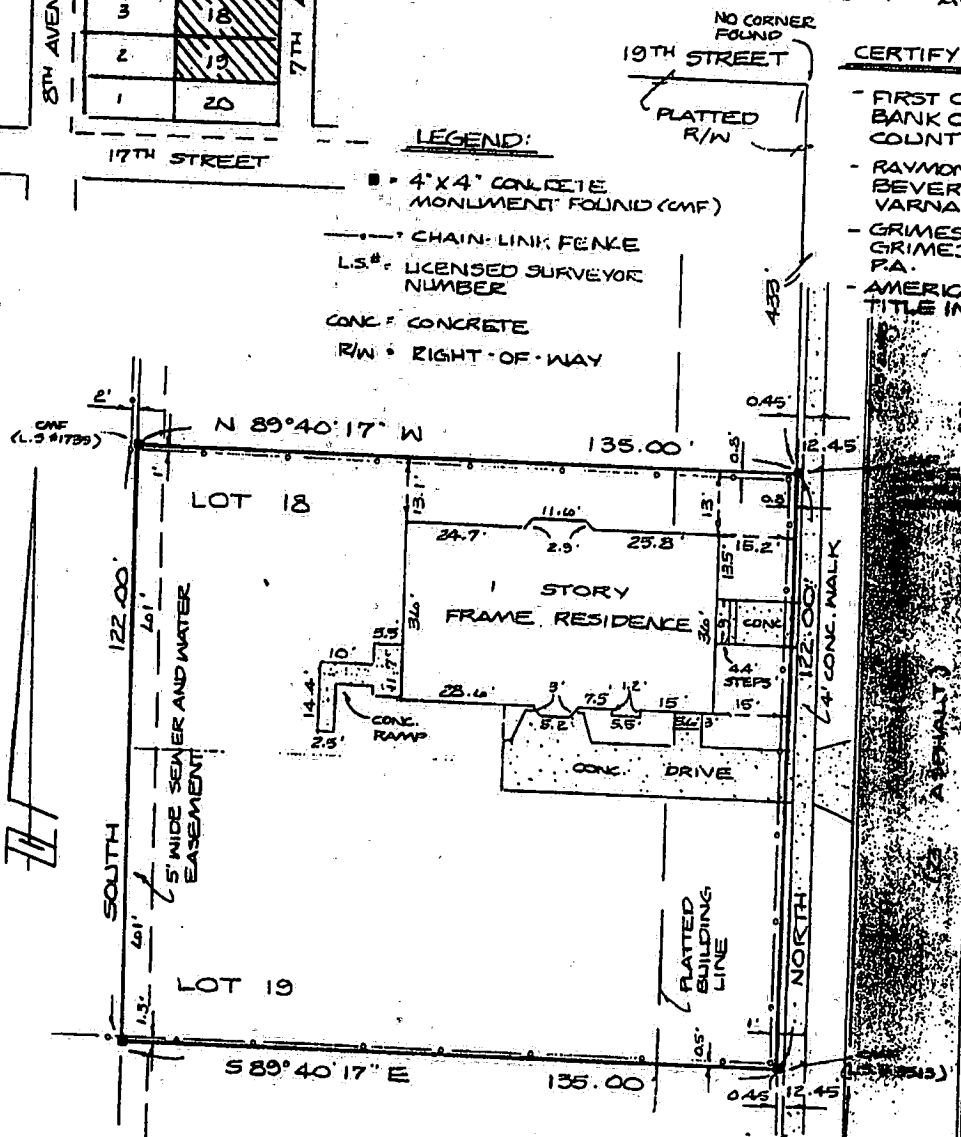


## NOTES:

- (1) BEARINGS REFER TO THE WEST R/W LINE OF 7TH AVENUE WEST BEING ASSUMED AS "NORTH" AND FIELD MEASURED DATA.
- (2) UNDERGROUND ENCROACHMENTS OR IMPROVEMENTS, IF ANY, NOT LOCATED FOR PURPOSES OF THIS SURVEY.
- (3) THE SUBJECT LAND LIES IN ZONE C OF THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 120153-0189-B. (DATED 3-15-84). SUBJECT TO VERIFICATION.

## LEGEND:

- 4" X 4" CONCRETE MONUMENT FOUND (CMF)
- CHAIN-LINK FENCE
- L.S.#. LICENSED SURVEYOR NUMBER
- CONC. = CONCRETE
- R/W = RIGHT-OF-WAY



Subject to easements, dedications and restrictions of record.  
JOB NO. B-308 (4 of 5)

PLATTED R/W  
17TH STREET  
SCALE 1" = 30'

File Index No. 670

**Staff Report**  
**Varnadore Properties**  
**700 & 702 17<sup>th</sup> Street W & 1703 7<sup>th</sup> Avenue W**  
**Annexation, Small Scale Plan Amendment, Rezoning and Utility Easement Vacation**  
**AN/PA/Z 2011-04**  
**VAC 2011-02**

**REQUEST:**

- To annex 3 parcels totaling 0.7 acres located at the northwest corner of 7<sup>th</sup> Avenue W and 17<sup>th</sup> Street W into the City of Palmetto;
- To change the Plan category of these annexed parcels from a County designation (ROR) to a City designation (GCOM);
- To rezone 3 parcels from GC in the County to CG in the City;
- To vacate a 10 foot utility easement between Lots 1 & 20, 2 & 19 and 3 & 18 of Orange Park Subdivision.

**OWNERS:** Varnadore Properties, LLC

**ADDRESS/LOT/PARCEL NUMBER/SIZE OF SUBJECT PROPERTIES**

County Parcels:

1. 700 17<sup>st</sup> Street W/Lot 20/PID # 2428200006/0.18 acres (per Property Appraiser's)
  2. 702 17<sup>st</sup> Street W/Lot 1/PID # 2427100009/0.15 acres (per Property Appraiser's)
  3. 1703 7<sup>th</sup> Avenue W/Lot 18 & 19/PID # 2428110056/0.38 acres (per Property Appraiser's)
- Total Site: 0.7 acres

City Parcels affected by the proposed utility easement vacation:

1. 1704 & 1706 8<sup>th</sup> Avenue W/ Lot 2 & 3/PID # 2427200007 & 2427300005/0.34 acres (per Property Appraiser's)

**PLAN/ZONING/EXISTING USE OF SUBJECT PROPERTIES**

County Parcel: ROR (Retail/Office/Residential)/GC (General Commercial)/vacant and single-family

City Parcel: General Commercial/CG (Commercial General)/used car/tire sales

**PLAN/ZONING/USES OF SURROUNDING AREA**

North: GCOM/CG/single-family residential and commercial

South: GCOM/RM-6/multi-family residential and commercial

East: GCOM/CG/commercial

West: GCOM/CG/commercial

**BACKGROUND**

The subject properties are located on the north side of 17<sup>th</sup> Street West between 7<sup>th</sup> and 8<sup>th</sup> Avenues W and make up most of an enclave of unincorporated Manatee County at this location. The general area is developed predominantly with general commercial uses along 8<sup>th</sup> Avenue W and 17<sup>th</sup> Street W with speckled residential units along 7<sup>th</sup> Avenue W and multi-family uses along 17<sup>th</sup> Street W.

The property owner is seeking to develop the subject 3 parcels consisting of Lots 1, 18, 19 & 20, Block 1 of Orange Park subdivision. The property has access onto 3 streets; 8<sup>th</sup> Avenue W, 17<sup>th</sup> Street W and 7<sup>th</sup> Avenue W. There are 3 property owners of Block 1 of Orange Park subdivision; Varnadore Properties, LLC owns Lots 1-6 and 18-20 on the south end; Manatee County owns Lots 7-14 (MCAT station) on the north end and Jack Ford owns Lots 15-17 mid block along 7<sup>th</sup> Avenue W.

This proposal was taken to the DRC on July 26, 2011 at which there were no concerns noted.

### **COMPREHENSIVE PLAN ANALYSIS**

This report covers 4 separate requests and public hearing items:

(1) the annexation of 0.7 acres into the City; (2) the small scale plan amendment of 0.7 acres from County ROR to City GCOM; (3) the rezoning from County GC to City CG; and (4) the vacation of a 10 foot utility easement between lots 1 & 20, 2 & 19 and 3 & 18 of Orange Park Subdivision. The proposed utility vacation affects Lots 2 and 3 which are not part of the properties subject to annexation, plan amendment and rezoning but are located in the City.

#### **1. Annexation**

The goal of the annexation application is to assemble four lots for redevelopment at the northwest corner of 17<sup>th</sup> Street W and 7<sup>th</sup> Avenue W.

This proposal will annex 4 lots within a 5 lot enclave at the subject location. Only one of the 4 lots is developed; it contains a single family house. The remaining lots are vacant and are located at a major intersection at an entryway into the City.

The proposed annexation eliminates most of an existing unincorporated Manatee County enclave consistent with Objective 1.12 of the Future Land Use Plan and the following Plan policy:

*Policy 1.12.1: The City shall balance the benefits of future annexations, i.e. to promote the orderly growth of the City with its ability to fulfill other established plans for the City.*

The annexation is a logical extension of City boundaries and is consistent with the Palmetto 2030 Comprehensive Plan.

#### **2. Plan Amendment**

The proposed plan amendment from County ROR to City GCOM meets the requirements of a small scale plan amendment pursuant to Section 18 of Section 163.3187, Florida Statutes in that it is less than 10 acres and does not exceed 120 acres in a calendar year, does not involve a text change and is not located within an area of critical state concern. The change from ROR to GCOM is a comparable change in plan categories between the County's and City's Plans. They both permit consideration of general commercial uses, office and residential uses. The proposed GCOM plan category is consistent with the surrounding plan categories in the area.

The plan amendment is consistent with the Palmetto 2030 Comprehensive Plan.

#### **3. Rezoning**

The purpose of the proposed rezoning to CG is to consolidate three parcels into a unified, buildable lot for commercial redevelopment. The proposed CG zoning is consistent with CG zoning along 8<sup>th</sup> Avenue and the north side of 17<sup>th</sup> Street and is compatible with existing

development on this block including a used car/tire lot and the MCAT station. In addition, these lots have access to 8<sup>th</sup> Avenue W, 17<sup>th</sup> Street W and 7<sup>th</sup> Avenue W. Since the rezoning is to a standard zoning district CG, applicable setbacks will be met with the submittal of a construction/commercial site plan.

The rezoning is consistent with the Palmetto 2030 Comprehensive Plan.

#### 4. Vacation

The applicant is seeking the vacation of a 10 foot utility easement that runs north-south between three lots facing 8<sup>th</sup> Avenue W. and three lots facing 7<sup>th</sup> Avenue W. The purpose of the vacation is to assemble a unified, building lot including the existing 10' utility easement.

The Code defines Easement as any strip of land created for public or private utilities, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude. When an easement is vacated, the right to use land owned by another for utilities is removed. The property owner would no longer be restricted from making improvements in an easement area.

Florida Power and Light, Peace River Electric Cooperative Inc., Bright House, Verizon and North River Fire District have no objections to the proposed utility vacation. Based on the information provided, there are no existing public facilities or utilities within the easement which is not needed in the short or long term. A utility easement for the rest of the block will remain including that portion between Lots 4-6 (owned by the applicant) and Lots 15-17 (owned by Jack Ford). In the event a utility easement is required by future development, a development application may propose a new easement. The public and surrounding property owners within 300 feet of the easement have been notified of the proposed vacation.

#### Future Land Use Element

The subject properties are designated Retail/Office/Residential (ROR) on the County's Plan in which a general range of potential uses includes Neighborhood Retail Uses, Community Serving Retail Uses, and Regional Retail Uses, Office Uses, Residential Uses, Hotel/Motel, Recreational Facilities at a FAR of 0.35 and residential uses at a Maximum Gross Density of 9.0 du/ac and a net density of 20 du/ac. The City's GCOM category permits general/light commercial, office, residential, mixed use at a maximum FAR of 3.0 and density of 10 du/ac.

The proposed applications are consistent with the following Plan objective which encourages infill development of vacant enclaves within the City's service area.

***Objective 1.8: Discourage the proliferation of urban sprawl by encouraging active redevelopment of the City's Downtown Commercial Core and the in-fill development of vacant enclaves within the City's service area.***

#### Infrastructure

The City of Palmetto has adequate capacity for water and sanitary sewer, and the availability of reclaimed water at this location.

**STAFF RECOMMENDATION:**

The proposed applications are intended to assemble a buildable lot for redevelopment. The subject property is proposed to be included in the CRA boundaries upon completion of these applications.

Staff recommends APPROVAL of the annexation, small scale plan amendment to GCOM, rezoning to CG and the proposed vacation of a 10' utility easement to promote the redevelopment of this property.

**PLANNING AND ZONING BOARD RECOMMENDATION**

The Planning and Zoning Board voted unanimously to recommend APPROVAL of the annexation (AN 2011-04), vacation of utility easement (VAC 2011-02), plan amendment from ROR, Retail/Office/Residential (county) to GCOM, General Commercial (City) PA 2011-04) and rezoning from GC, General Commercial (county) to CG, Commercial, General (City) Z 2011-04.

**CITY COMMISSION ACTION**

The City Commission shall APPROVE, APPROVE WITH CONDITIONS or DENY the proposed items:

- 1 Annexation of parcels located at 700 17<sup>st</sup> Street W, 702 17<sup>st</sup> Street W and 1703 7<sup>th</sup> Avenue W;
- 2 Small scale plan amendment of parcels located at 700 17<sup>st</sup> Street W, 702 17<sup>st</sup> Street W and 1703 7<sup>th</sup> Avenue W;
- 3 Rezoning from GC (County) to CG (City);
- 4 Vacation of 10 foot utility easement between Lots 1 & 20, 2 & 19 and 3 & 18 of Orange Park Subdivision.



## **07-26-11 DRC Minutes**

### **Varnadore Properties, LLC. Annexation/Plan Amendment/Rezone, 700 & 702 17<sup>th</sup> St W and 1703 7<sup>th</sup> Ave W.**

- There are no issues with the Varnadore parcels located at 700 and 702 17<sup>th</sup> St. W and 1703 7<sup>th</sup> Ave. W proposed to be annexed into the City or the proposed utility easement vacation. Utility notification has been received except for Bright House and Verizon.

## **08-18-11 P&Z Minutes**

### **Varnadore Properties, LLC. Annexation, Plan Amendment, Rezone (AN-PA-Z-2011-04) and Vacation of Utility Easement (VAC-2011-02).**

Tab 5

Mr. Ugarte stated for the record that he has done work on this property but have no knowledge or interest in this project.

Ms. Lyn presented the staff report. The subject properties are located on the north side of 17<sup>th</sup> Street West between 7<sup>th</sup> and 8<sup>th</sup> Avenues W and make up most of an enclave of unincorporated Manatee County at this location. The general area is developed predominantly with general commercial uses along 8<sup>th</sup> Avenue W and 17<sup>th</sup> Street W with speckled residential units along 7<sup>th</sup> Avenue W and multi-family uses along 17<sup>th</sup> Street W.

The proposed applications including the utility vacation are intended to assemble a buildable lot for redevelopment. The property owner is seeking to develop the subject 3 parcels consisting of Lots 1, 18, 19 & 20, Block 1 of Orange Park subdivision. The property has access onto 3 streets; 8<sup>th</sup> Avenue W, 17<sup>th</sup> Street W and 7<sup>th</sup> Avenue W. The owners have inquired about including the subject property into the CRA boundaries.

Staff recommends approval of the annexation, small scale plan amendment to GCOM, rezoning to CG and the proposed vacation of a 10' utility easement to promote the redevelopment of this property.



Mr. Raymond Varnadore, business located at 1706 8<sup>th</sup> Ave W. Mr. Varnadore presented and explained the layout of the proposed lots to be annexed and vacated. The lots that are being proposed for vacating is a 10ft utility easement with no utilities on them and all appropriate parties have signed off on the vacation. The proposed easement to be vacated is located between lots 1 and 20, 2 and 19 and 3 and 18, and is requesting annexing lots 1, 18, 19 and 20 which will go into the CRA district.

Chair Gilbert closed the public hearing.



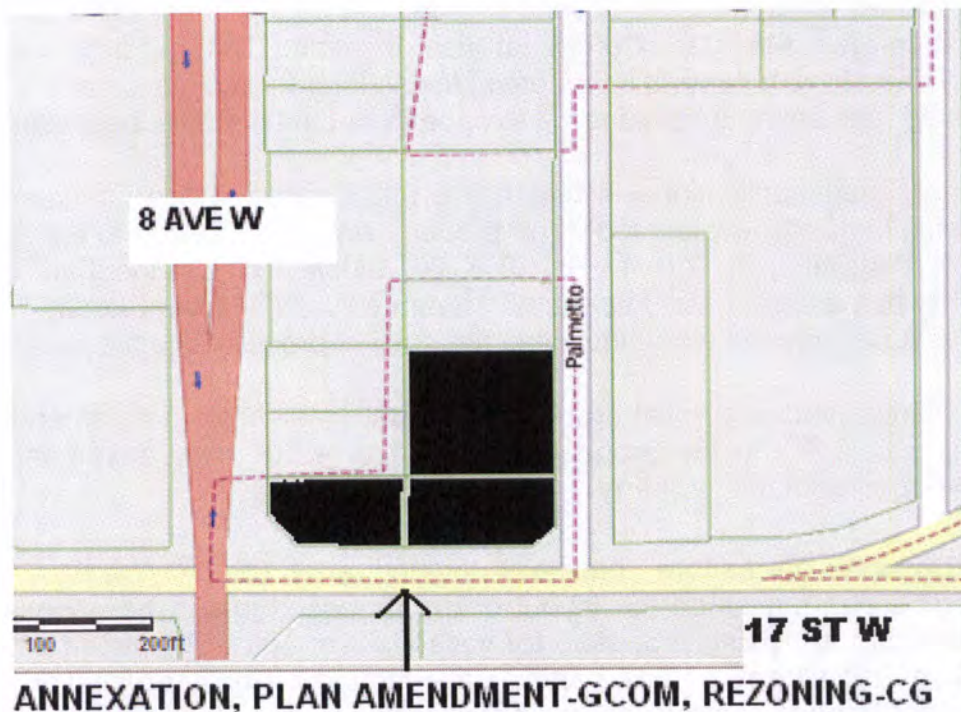
Mr. Ugarte stated it makes perfect sense to have the parcels in the City. Mr. Moore concurred.



The motion is as follows:

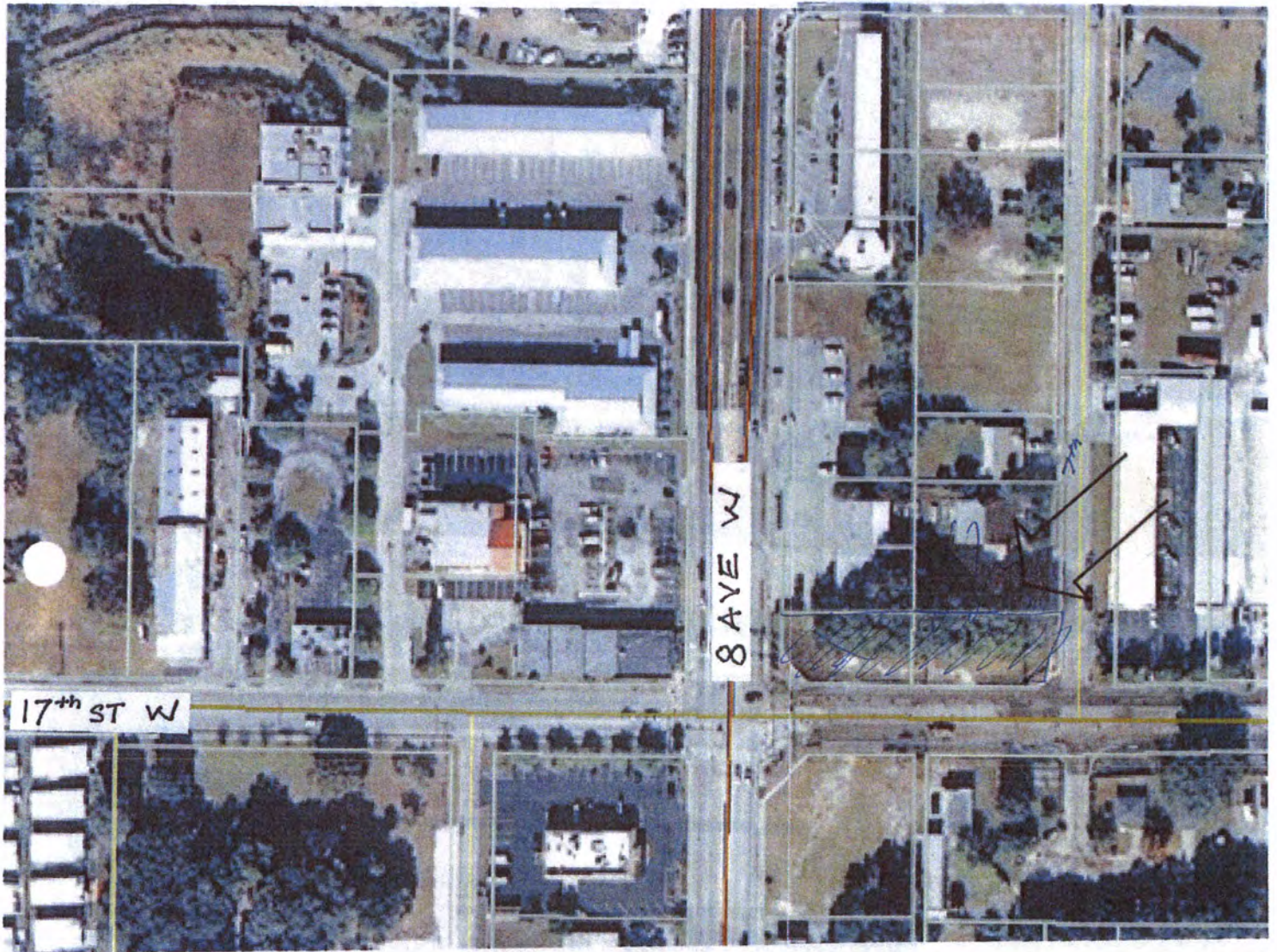
- **Annexation:** Mr. Ugarte moved to recommend approval of AN-2011-04. Mr. Moore seconded. **MOTION CARRIED UNANIMOUSLY.**
- **VACATION of Utility Easement:** Mr. Pastor moved to recommend approval of VAC – 2011-02. Mr. Ugarte seconded. **MOTION CARRIED UNANIMOUSLY.**
- **Plan Amendment:** Mrs. Jennings moved to recommend approval of the PA-2011-04 from ROR-Retail/Office/Residential (County) to GCOM-General Commercial (City). Mr. Pastor seconded. **MOTION CARRIED UNANIMOUSLY.**
- **Rezone:** Mrs. Jennings move to recommend approval of Z- 2011-04 GC-General Commercial (County) to CG-Commercial, General (City). Mr. Moore seconded. **MOTION CARRIED UNANIMOUSLY.**

### Varnadore Map





## AERIAL PHOTOGRAPH



Varnadore Properties, LLC  
NW corner of 7<sup>th</sup> Ave W & 17<sup>th</sup> St. W  
August 2, 2011



## EXISTING ZONING MAP

