

**TAB 11**



# City of Palmetto Agenda Item

**Meeting Date**

11/7/11

**Presenter:** Lorraine Lyn

**Department:** Planning

**Title:**

**Waste Services of Florida, Inc. (WSI)  
1615 & 1619 Oakwood Avenue  
Annexation, Small Scale Plan Amendment and Rezoning  
AN/PA/Z 2011-05**

This item covers public hearings for 3 separate requests associated with WSI (previously owned by Forristall Materials) located at 1312 Canal Road:  
(1) the annexation of 0.26 acres into the City; (2) the small scale plan amendment of 0.26 acres from County IH to City HCOMI; and (3) the rezoning from County HM to City CHI.

The subject property consists of two platted lots, located on the south side of Oakwood Avenue between Canal Road and 18th Avenue Drive E in a predominantly industrial area south of 17th Street. These two lots are being added to the existing 6.54 acre site currently within the city limits, owned by WSI for expansion of the existing transfer station for construction and demolition waste and debris.

The subject property, Lots 4 and 5 in Block 3 of Pal-Ell-Park Subdivision, are 2 of 13 lots located on the south side of Oakwood Avenue. WSI owns 7 non-contiguous lots leaving 6 lots (Lots 6-11 located in the County) between its holdings. The 7 lots owned by WSI will be incorporated into their overall plan and will have access from Canal Road rather than Oakwood Avenue. The Plan change from IH to HCOMI is a comparable change in plan categories between the County's and City's Plans. They both permit consideration of heavy commercial and industrial uses. The proposed CHI zoning is consistent with surrounding zonings; CHI zoning in the City east of Canal Road (rest of WSI holdings) and HM zoning in the county beyond WSI property. Since the rezoning is to a standard zoning district CHI, applicable setbacks will be met with the submittal of construction/commercial site plans.

The Planning and Zoning Board held a public hearing on September 15, 2011 and recommended to APPROVE the proposed items:

- Annexation of 2 parcels/lots totaling 0.26 acres located at the southeast corner of Oakwood Avenue and Canal Road into the City of Palmetto;
- Plan Amendment of 0.26 acres from a County designation (IH) to a City designation (HCOMI);
- Rezoning of 0.26 acres from HM, Heavy Manufacturing in the County to CHI in the City.

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

<b>Funding Source(s):</b>		<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>	
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<b>City Attorney Reviewed:</b>	<input checked="" 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
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**Potential Motion/Direction Requested:** The City Commission shall APPROVE, APPROVE WITH CONDITION(S) or DENY the proposed Annexation, Small Scale Plan Amendment and Rezoning

**Staff Contact:** Lorraine Lyn, City Planner, 723-4580 Ext. 2135

**Attachments:** Staff report

**CITY OF PALMETTO, FLORIDA  
ORDINANCE NO. 2011-29**

**AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 0.26 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 1615 & 1619 OAKWOOD AVE, PALMETTO; MORE PARTICULARLY DESCRIBED AS LOTS 4 AND 5, BLOCK 3, PAL-ELL PARK (PLAT BOOK 8, PAGE 123); PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (AN #2011-05 Applicant: Waste Services of Florida, Inc.)**

**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**, Section 171.044, Florida Statutes, 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 Waste Services of Florida, Inc. (“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 in **Exhibit A**, and as generally depicted on the sketch attached hereto as **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 7th day of November, 2011.

First Reading:	October 3, 2011
Publication:	October 24, 2011 And October 31, 2011
Second Reading and Public Hearing:	November 7, 2011

Ordinance No. 2011-29  
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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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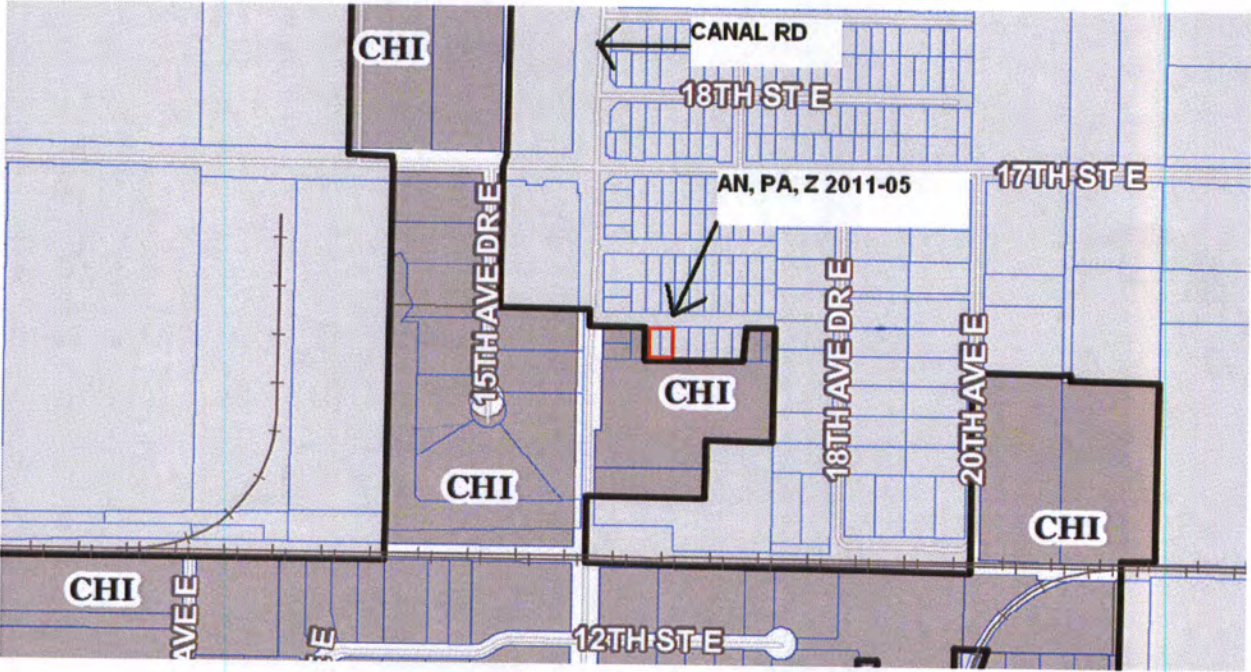
**Ordinance No. 2011-29**

**EXHIBIT A**

Lots 4 and 5, Block 3, PAL-ELL-PARK, a Subdivision, as per plat thereof recorded in Plat Book 8, page 123, Public Records of Manatee County, Florida

EXHIBIT C

ANNEXATION OF  
1615 & 1619 OAKWOOD AVENUE  
INTO THE CITY OF PALMETTO  
ZONING BASE MAP





**Staff Report**  
**Waste Services of Florida, Inc.**  
**1615 & 1619 Oakwood Avenue**  
**Annexation, Small Scale Plan Amendment and Rezoning**  
**AN/PA/Z 2011-05**

**REQUESTS:**

- **To annex 2 parcels/lots totaling 0.26 acres located at the southeast corner of Oakwood Avenue and Canal Road into the City of Palmetto;**
- **To change the Plan category of these annexed parcels/lots from a County designation (IH) to a City designation (HCOMI);**
- **To rezone 2 parcels/lots from HM, Heavy Manufacturing in the County to CHI in the City**

**OWNERS:** Waste Services of Florida, Inc. (WSI)

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

County Parcels:

1. 1615 Oakwood Ave/Lot 4/PID # 1011000005/0.13 acres (per Property Appraiser's)
2. 1619 Oakwood Ave/Lot 5/PID # 1011100003/0.13 acres (per Property Appraiser's)

Total Site: 0.26 acres

Total WSI holdings: 6.8 acres (per Property Appraiser's)

Address of WSI: 1312 16th Avenue /Canal Road

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

1. 1615 Oakwood Ave – County: IH (Industrial Heavy)/HM (Heavy Manufacturing)/vacant land
2. 1619 Oakwood Ave – County: IH (Industrial Heavy)/HM (Heavy Manufacturing)/vacant land

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

North: County: IH/HM/industrial and vacant industrial land

South: City: HCOMI/CHI/industrial-construction and demolition debris transfer station

East: County: IH/HM/industrial and vacant industrial land

West: City: HCOMI/CHI/industrial- construction and demolition debris transfer station

**BACKGROUND**

The subject property consists of two platted lots, located on the south side of Oakwood Avenue between Canal Road and 18th Avenue Drive E in a predominantly industrial area south of 17<sup>th</sup> Street. These two lots were acquired by the applicant, Waste Services of Florida, Inc. (WSI) for expansion of the existing transfer station for construction and demolition waste and debris. WSI properties consisting of 6.8 acres including the subject property, make up an enclave lying within the City east of Canal Road.

In June 2007, Forristall Materials proposed to add a construction and demolition (C&D) transfer station to its existing concrete crushing facility located at 1312 16th Avenue (Canal Road). The proposed addition included an office trailer with parking and off-road truck queuing areas.

In October 2008, construction plans were approved for Forristall Construction and Demolition Transfer Station to accept, sort and transfer construction and demolition waste materials on 6.54 acres. The site formerly operated as a concrete crushing facility, which would continue on the remaining area of the site not occupied by the C&D Transfer Station.

The 2008 approvals included the construction of a 75'x75' covered area with 25'x75' loading and unloading areas located at the eastern end of the site and a modular office trailer with related parking and sidewalks close to the entrance on Canal Road.

Since that time, Forristall acquired the subject 0.26 acre property and Waste Services of Florida, Inc. purchased the entire 6.8 acre site from Forristall Development, Inc. in July 2010. In July 2011, the City issued CO's for the truck scale and foundation and the modular office building and related parking. Upon approval of these three requests, WSI will submit additional construction plans for any future development on the subject property.

### **COMPREHENSIVE PLAN ANALYSIS**

This report covers 3 separate requests and public hearing items:

(1) the annexation of 0.26 acres into the City; (2) the small scale plan amendment of 0.26 acres from County IH to City HCOMI; and (3) the rezoning from County HM to City CHI.

#### **1. Annexation**

The objective of the annexation application is to add Lots 4 and 5, Block 3 of Pal-Ell-Park Subdivision to the existing C&D transfer station and concrete crushing facility located at 1312 16th Avenue (Canal Road). Of the 13 lots located on the south side of Oakwood Avenue, WSI owns 7 non-contiguous lots leaving 6 lots (Lots 6-11 located in the County) between its holdings. The 7 lots owned by WSI will be incorporated into their overall plan and will have access from Canal Road rather than Oakwood Avenue.

The proposed annexation will result in a more defined city boundary along Oakwood Avenue and is 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 IH to City HCOMI 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 IH to HCOMI is a comparable change in plan categories between the County's and City's Plans. They both permit consideration of heavy commercial and industrial uses. The proposed HCOMI plan category is consistent with the surrounding plan categories in the area, located in both the City and County.

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

#### Future Land Use Element

*Waste Services of Florida, Inc.  
Annexation, Plan Amendment, Rezoning 2011-05  
Revised September 28, 2011*

The subject property is designated IH on the County's Future Land Use Plan which permits light and heavy manufacturing and research and development uses. The City's HCOMI category permits heavy commercial and industrial uses at a maximum FAR of 1.0.

Infrastructure

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

**3. Rezoning**

The purpose of the proposed rezoning from County HM to City CHI is to add two parcels/lots to an existing C&D transfer station operation. The proposed CHI zoning is consistent with surrounding zoning districts; CHI zoning in the City east of Canal Road and HM zoning beyond WSI owned property in the county. Since the rezoning is to a standard zoning district (CHI), applicable setbacks will be met with the submittal of construction/commercial site plans. The rezoning is consistent with the Palmetto 2030 Comprehensive Plan.

**STAFF RECOMMENDATION:**

The purpose of these applications is to expand the existing construction and demolition (C&D) transfer station and concrete crushing facility located at 1312 16th Avenue (Canal Road) currently operating in the City. These requests are required to expand the City limits and add the subject property to an established business thereby increasing the City's tax base. It is a logical and appropriate extension of the City boundaries which is consistent with Plan policies.

Staff recommends APPROVAL of the annexation, small scale plan amendment to HCOMI and rezoning to CHI.

**PLANNING AND ZONING BOARD RECOMMENDATION**

The Planning and Zoning Board held a public hearing on September 15, 2011 and recommended to APPROVE the proposed items:

- Annexation of 2 parcels/lots totaling 0.26 acres located at the southeast corner of Oakwood Avenue and Canal Road into the City of Palmetto;
- Plan Amendment for 2 parcels/lots totaling 0.26 acres from a County designation (IH) to a City designation (HCOMI);
- Rezoning of 2 parcels/lots from HM, Heavy Manufacturing in the County to CHI in the City.

**AERIAL FOR ANNEXATION, PLAN AMENDMENT & REZONE  
2011-05  
1615 & 1619 OAKWOOD AVENUE**

