

TAB 7



City of Palmetto Agenda Item

Meeting Date

6/4/12

Presenter: Lorraine Lyn

Department: Planning

Title:

**Volunteers of America of Florida, Inc.
409 20st Street W
Annexation, Small Scale Plan Amendment and Rezoning
AN/PA/Z 2012-01**

This public hearing is required for the following petitions filed by Volunteers of America of Florida, Inc.:

1. To annex a 0.8732 acre tract located at 409 20st Street W into the City of Palmetto;
2. To change the Plan category of this annexed parcel from a County designation (Res-9) to a City designation (Res-10);
3. To rezone this parcels from GC in the County to RM-5 (Residential-Duplex) in the City;

Volunteers of America, Inc. (VOA) is seeking to develop three duplexes or six units on the subject parcel at a density of 6.87 du/ac. They are petitioning for an annexation in order to hook up to public water and sewer.

The subject property is located on the west side of Bayshore Road between 19th and 20th Streets W within a pocket of unincorporated Manatee County that extends westward from Bayshore Road to 8th Avenue. This pocket is zoned GC, General Commercial and is comprised of a mixture of housing types including single-family, duplex, triplex and quadraplex and zoned GC, General Commercial. The County's GC zoning permits single family detached and duplex dwelling with limitations but does not permit triplex and quadruplex dwellings.

The City Commission approved a Conditional Use (CU) for a 12 unit farm labor camp located immediately north of the subject property in 2011 for Sunnydale Properties, LLC.

Staff recommends APPROVAL of the annexation, small scale plan amendment to Res-10 and rezoning to RM-5 to redevelop this property with the proposed affordable housing project.

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 and Rezoning.

Staff Contact:

Lorraine Lyn

City Planner

723-4580 Ext. 2135

Attachments:

Staff report

**CITY OF PALMETTO, FLORIDA
ORDINANCE NO. 2012-09**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 0.8732 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 409 20th STREET WEST, PALMETTO; MORE PARTICULARLY DESCRIBED IN EXHIBIT A; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (AN2012-01 Applicant: Volunteers of America of Florida, Inc. PID# 2432900005/0.8732 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,” 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 Volunteers of America 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 certified mail 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 18 day of June, 2012.

First Reading: June 4, 2012

Publication: June 8 and 15, 2012

Second Reading and
Public Hearing: June 18, 2012

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

Legal Description

From the Northwest corner of Block 5, Orange Park, as per plat thereof recorded in Plat Book 2, Page 137, of the Public Records of Manatee County, Florida, to Easterly along the North line of said Block 5, a distance of 281.0 feet to the Northwest corner of Lot 9 of said Block 5 for the POINT OF BEGINNING; thence continue Easterly along the North line of said Block 5, a distance of 276.35 feet to the intersection of said line with the Westerly Right of Way line of U.S. 41; thence go Southwesterly along said Right of Way line, a distance of 162.09 feet to a point on the South line of Lot 12 of said Block 5; thence Westerly along the South line of Lots 12, 11, 10 and 9 of said Block 5, a distance of 199.58 feet to the Southwest corner of said Lot 9; thence go Northerly, 143.05 feet along the West line of said Lot 9, to the Point of Beginning. Said property being also described as: Lots 9, 10 and 11, and that part of Lots 12, 13 and 14 which lie West of U.S. Highway 41, all in Block 5, Orange Park, as per plat thereof recorded in Plat Book 2, Page 137, of the Public Records of Manatee County, Florida.

**CITY OF PALMETTO
NOTICE OF PUBLIC HEARING TO CONSIDER
ANNEXATION, SMALL SCALE COMPREHENSIVE PLAN AMENDMENT,
AND REZONING APPROVAL**

The City Commission for the City of Palmetto will consider adoption of the following ordinances:

ORDINANCE NO. 2012-09

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 0.8732 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 409 20th STREET WEST, PALMETTO; MORE PARTICULARLY DESCRIBED IN EXHIBIT A; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (AN2012-01 Applicant: Volunteers of America of Florida, Inc. PID# 2432900005/0.8732 acres)

ORDINANCE NO. 2012-10

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SMALL SCALE DEVELOPMENT AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP BY REDESIGNATING CERTAIN LANDS FROM RES-9 (COUNTY) TO RES-10 (CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA2012-01 Volunteers of America of Florida, Inc. PID# 2432900005/0.8732 acres).

ORDINANCE NO. 2012-11

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; REZONING APPROXIMATELY 0.8732 ACRES OF PROPERTY GENERALLY LOCATED AT 409 20th STREET WEST, PALMETTO, FROM GC, GENERAL COMMERCIAL (County) TO RM-5, DUPLEX AND SINGLE FAMILY RESIDENTIAL (City); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-2012-01 Applicant: Volunteers of America of Florida, Inc. PID# 2432900005/0.8732 acres)

The City Commission will hold a public hearing June 18, 2012 at 7:00 PM or as soon thereafter as same can be heard, at City Hall, 516 8th Ave. W., Palmetto, FL, to consider the above-described ordinances. The ordinances and legal descriptions may be obtained from the office of the City Clerk. The public hearing may be continued until final action is taken. All interested persons are invited to appear and be heard. Written comments filed at City Hall will be entered into the record of the hearing.

If any person desires to appeal any decision of the City Commission or any other Board of the City, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

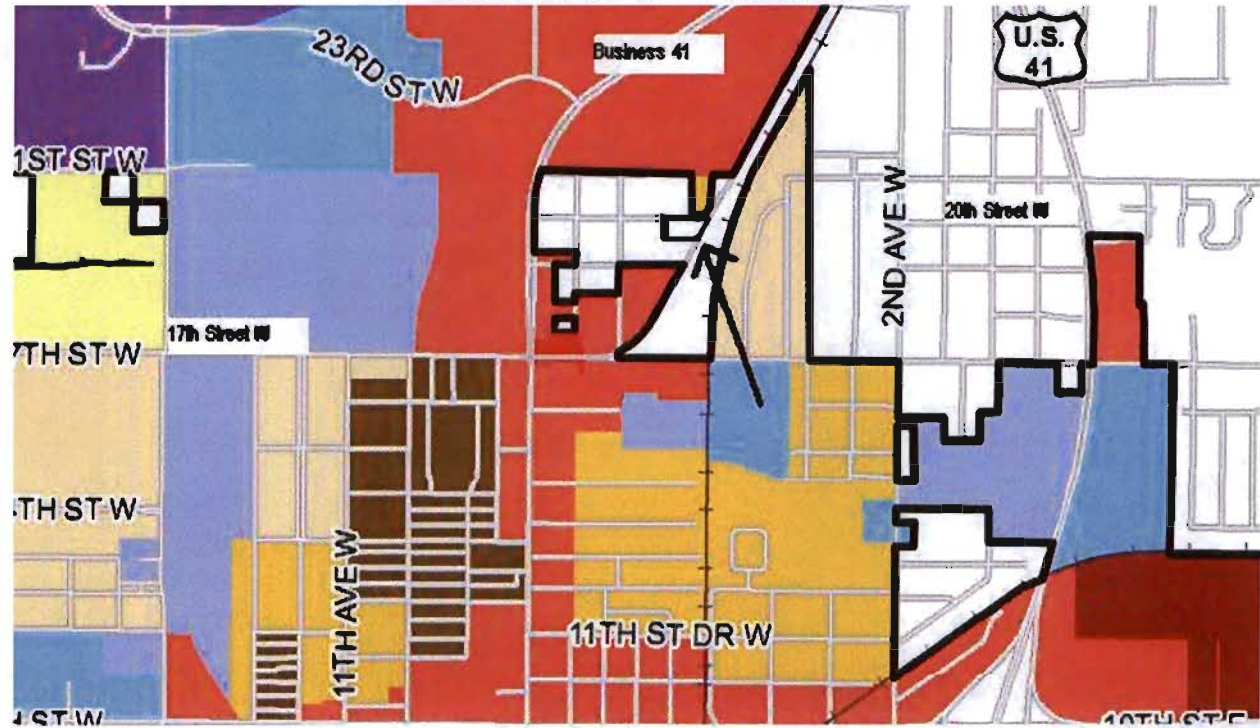
The City of Palmetto does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status or handicapped status in employment or in the provision of services.

Contact City Planner Lorraine Lyn at 723-4580 or email llyn@palmettofl.org for information regarding the proposed ordinances.



EXHIBIT C LOCATION MAP OF 409 20TH STREET W

FUTURE LAND USE PLAN MAP



Staff Report
Volunteers of America Property
409 20th Street W
Annexation, Small Scale Plan Amendment and Rezoning AN/PA/Z 2012-01

REQUEST:

- To annex a 0.8732 acre parcel located at the southwest corner of Bayshore Road and 20th Street W into the City of Palmetto;
- To change the Plan category from a County designation (Res-9) to a City designation (Res-10);
- To rezone the annexed parcel from GC in the County to RM-5 in the City;

ADDRESS/LOT/PARCEL NUMBER/SIZE OF SUBJECT PROPERTIES

409 20st Street W/Lot 20/PID # 2432900005/0.8732 acres (per Property Appraiser's)

OWNERS: Volunteers of America of Florida Inc.

PLAN/ZONING/EXISTING USE OF SUBJECT PROPERTIES

Res-9 (Residential-9)/GC (General Commercial)/vacant land (8 MF units were demolished in 2011)

JURISDICTION/PLAN/ZONING/ EXISTING USES OF SURROUNDING PROPERTIES

North: City/Res-9/RM-6/multi-family residential including Sunnydale farm labor camp

South: County/Res-9/GC/single-family residential & Bayshore Road

East: County/Res-9/GC/ residential, vacant land, right-of-way (Bayshore Road) & railroad

West: County/Res-9/GC/single-family residential

The subject property is located on the west side of Bayshore Road between 19th and 20th Streets W and is part of a pocket of unincorporated Manatee County that extends westward from Bayshore Road to 8th Avenue. This pocket is comprised of a 6-block residential area bounded by 19th Street W on the south, 21st Street W on the north, US 41/8th Avenue W on the west and Bayshore Road on the east.

The predominant land uses within this pocket are multi-family uses speckled with single-family uses which for the most part, are located in the unincorporated county, designated Res-9 and zoned for general commercial uses such as offices, retail and personal and professional services. The County's GC zoning permits single family detached and duplex dwelling with limitations but does not permit triplex and quadruplex dwellings.

The subject property is bordered by unincorporated County on 3 sides and abuts the City via Sunnydale's properties to the north. Uses immediately surrounding the subject property are multi-family residential including Sunnydale farm labor camp to the north; single-family residential and Bayshore Road to the south; residential, vacant land, right-of-way (Bayshore Road) & railroad to the east and single-family residential to the west.

subject property. The proposed RM-5 zoning is also consistent with the existing duplex development on the north side of 20th Street and is compatible with existing duplex and triplex development along this block. Since the rezoning is to a standard zoning district RM-5, applicable setbacks will be met with the submittal of a final site plan/construction plan. The proposed rezoning is consistent with the following Plan policy which promotes a supply of reasonably priced residential land.

Policy 3.6.9: The City may consider rezoning of non-residential land to residential use if it is compatible with surrounding areas in order to promote reasonably priced supply of residential land.

Future Land Use Element

The subject property is designated Residential-9 on the County's Plan which requires that projects with a minimum of 25% of the units for affordable housing in the CRA and UIRA (Urban Infill Redevelopment Area) be developed at a minimum of 7du/ac. The County's Res-9 plan category depicts areas of low-moderate urban, or clustered moderate density urban residential environment and complementary residential support uses normally utilized during the daily activities of residents of these urban areas.

The City's Res-10 category permits a maximum residential density for all housing types, of 10 du/ac and a maximum FAR of 0.5.

The City's Land Development Code (Sec. 9.5) also provides for a density bonus of up to 16 du/ac in a PD-H district when 10% of the dwelling units are comprised of affordable housing units. Such units shall qualify provided they are affordable to buyers or renters who earn no more than 80% percent of the median income for residents of the city as determined by the most recent data available from the U.S. Bureau of the Census.

Infrastructure

The City of Palmetto has adequate capacity for water and sanitary sewer, and there is availability of reclaimed water at this location. Policy 4.1.5 of the Sanitary Sewer Element of the City's 2030 Comprehensive Plan below speaks to service outside the City limits and Section 29-10 of the City Code of Ordinances requires either annexation or an annexation agreement.

Policy 4.1.5: The City's current service area boundaries may be extended to provide needed sewer service beyond the present City limits. If the property is not contiguous to the City when service is provided, then the property owner shall enter into an Annexation Agreement with the City that is binding on future property owners to annex into Palmetto when contiguous.

Sec. 29-10. - Annexation and inspection of premises outside city.

In order to protect the city's ability to serve its residents and supply its customers, the city shall not connect or reconnect any water or sewer taps outside the city limits until the

APPENDIX

Veterans of America, Inc.

VOA is a not for profit company that caters to individuals needing help to become self sufficient. VOA owns and/or manages over 2000 residential units within the state of Florida. This proposal is an affordable housing project through Manatee County Neighborhood Stabilization Program (NSP) with funding from HUD. (See more information on NSP below). The subject property contained 7 buildings before VOA acquired it through foreclosure and tore down the buildings. VOA weighed the options of annexing into the City to hook up to City water and sewer (considering funding was from the County) or to reduce the number of units on a septic system. At an appearance before the City Commission, VOA was advised to annex into the City.

Six units (3 duplexes) are proposed which will have individual meters and garbage cans. Each unit will have 3 bedrooms and 2 bathrooms. The units will be opened up to veterans first but there are no stipulations other than income requirements for future tenants.

Manatee County's Neighborhood Stabilization Program (NSP)

On July 30, 2008, President George W. Bush signed into law the Housing and Economic Recovery Act of 2008 to address the nation's severe housing crisis. Title III of the Act appropriates \$3.92 billion of grant funds under the Neighborhood Stabilization Program (NSP) for states and local governments to purchase and redevelop abandoned or foreclosed properties.

Manatee County has been allocated \$5,283,122 in NSP funds for use on projects throughout the County. All money must be obligated for use on a specific project within 18 months.

Although most of the County has been affected by the foreclosure crisis, the following areas have been hardest hit and can be considered the "Areas of Greatest Need."

- North County Area
- South County Area
- Oneco Area
- Samoset Area
- 14th Street Community Redevelopment Area
- Washington Park Area
- Areas within and immediately adjacent to the City of Bradenton and the City of Palmetto.

Manatee County will target its NSP activities to these high priority areas. These activities include:

- Demolition of Blighted Structures
- Acquisition/Rehabilitation and Rental
- Financing Mechanisms for Down Payment/Closing Costs Assistance
- Redevelop Demolished or Vacant Properties
- Housing Counseling

Source: Manatee County's website

AERIAL
409 20TH STREET W



Planning and Zoning Board Draft Minutes

April 19, 2012

3. **Volunteers of America, Inc., (VOA) Annexation, Plan Amendment, Rezone, (AN-PA-Z-2012-01)**

This is a request for an annexation, small scale plan amendment and rezone. A parcel totaling 0.87 acres located at 409 20th Street W is proposed for annexation into the City; a small scale plan amendment from Res-9 (County) to Res-10 (City) and rezone from GC (County) to RM-5, Duplex and Single Family Residential (City).

City Planner Lorraine Lyn informed the Board that the property is located at the southwest corner of 20th Street and Bayshore Rd. It was originally developed as a multi-family development with seven buildings. The buildings were dilapidated. It is in a pocket of the unincorporated county zoned General Commercial. VOA plans to develop the property with three duplex units for a total of six units. They would like to hook up to City utilities, and there is a requirement that they annex into the City to do so. Staff recommends approval of the annexation, the plan amendment and the rezone.

Mr. Pastor asked if this was a farm labor camp. Ms. Lyn said it is not. It is considered affordable housing. VOA has indicated that preference will be given to veterans.

Kevin Letch, Vice President of Housing and Development for Volunteers of America (VOA) gave a PowerPoint presentation of the proposed project.

Mr. Letch explained that VOA is a spinoff of the Salvation Army and has been in operation since the late 1800's. They have been operating in Florida since 1992. The mission statement is to "foster life-long learning and inspire individuals to become contributing members of society." The Palmetto project will focus on veterans first. This is a HUD program, and there are income limits for participants. All property used by VOA must be foreclosed or abandoned property. This site was donated by Chase Bank from a foreclosure. The funding for the project came from Manatee County's Neighborhood Stabilization Program. He showed "before" pictures of the existing buildings which were demolished in August 2011. He also presented pictures of several existing VOA housing developments and training centers in the state of Florida. They use green initiatives in all projects. He provided a rendering showing elevations of the proposed project.

Mr. Ugarte asked if they had to put retention on the property. Mr. Letch said yes, and they have already received their permit from SWFWMD. Mr. Gilbert asked about the number of bedrooms. Attorney Rudacille reminded the Board that they are not approving a site plan, just the annexation, the plan amendment and the rezone.

Mr. Letch clarified that anyone can apply for the housing, but the focus will be on veterans.

Mrs. Jennings remarked that this is a grand improvement in the use of the land, even if VOA were to sell the property after a short time. She thanked VOA for choosing Palmetto.

Mr. Gilbert opened the public hearing. There being no public comment, he closed the public hearing.

MOTION: Mrs. Jennings moved, Mr. Pastor seconded, and motion carried unanimously to approve the annexation of a 0.8732 acre parcel located at the southwest corner of Bayshore Road and 20th Street West into the City of Palmetto.

MOTION: Mr. Pastor moved, Mr. Ugarte seconded, and motion carried unanimously to change the Plan category from a County designation (Res-9) to a City designation (Res 10).

MOTION: Mr. Ugarte moved, Mrs. Jennings seconded, and motion carried unanimously to rezone the annexed parcel from GC in the County to RM-5 in the City.

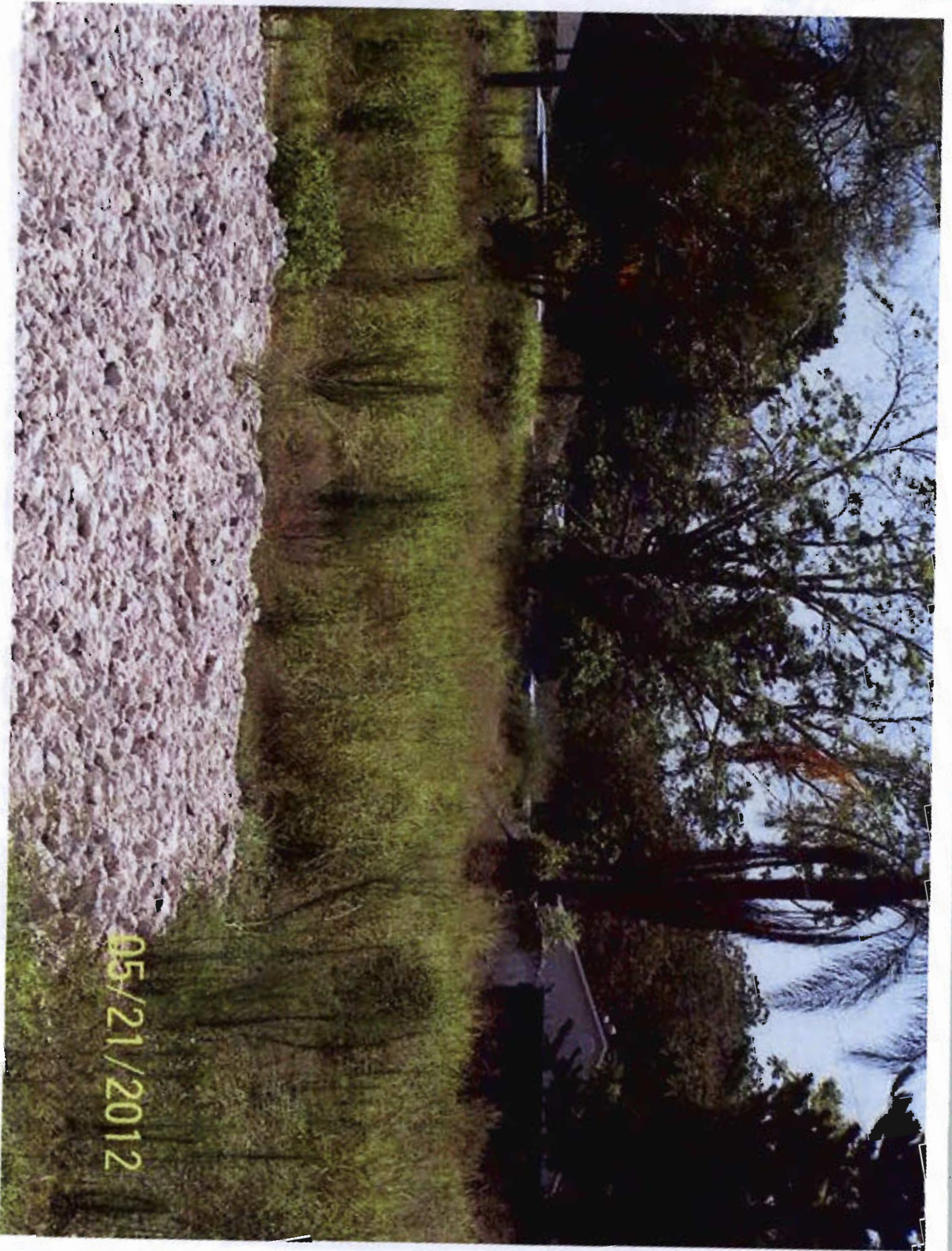
Mr. Ugarte commented that RM-6 can be multi-family but not duplex, and RM-5 can be duplex but not multi-family. He said it is confusing, and he doesn't see the difference between the two. He asked if it could be changed. Ms. Lyn said she will add it to the list of other things that need to be fixed.

Mr. Letch clarified for the Board that the documents VOA signs with the County require that they keep the property for twenty years or they have to repay the funding.



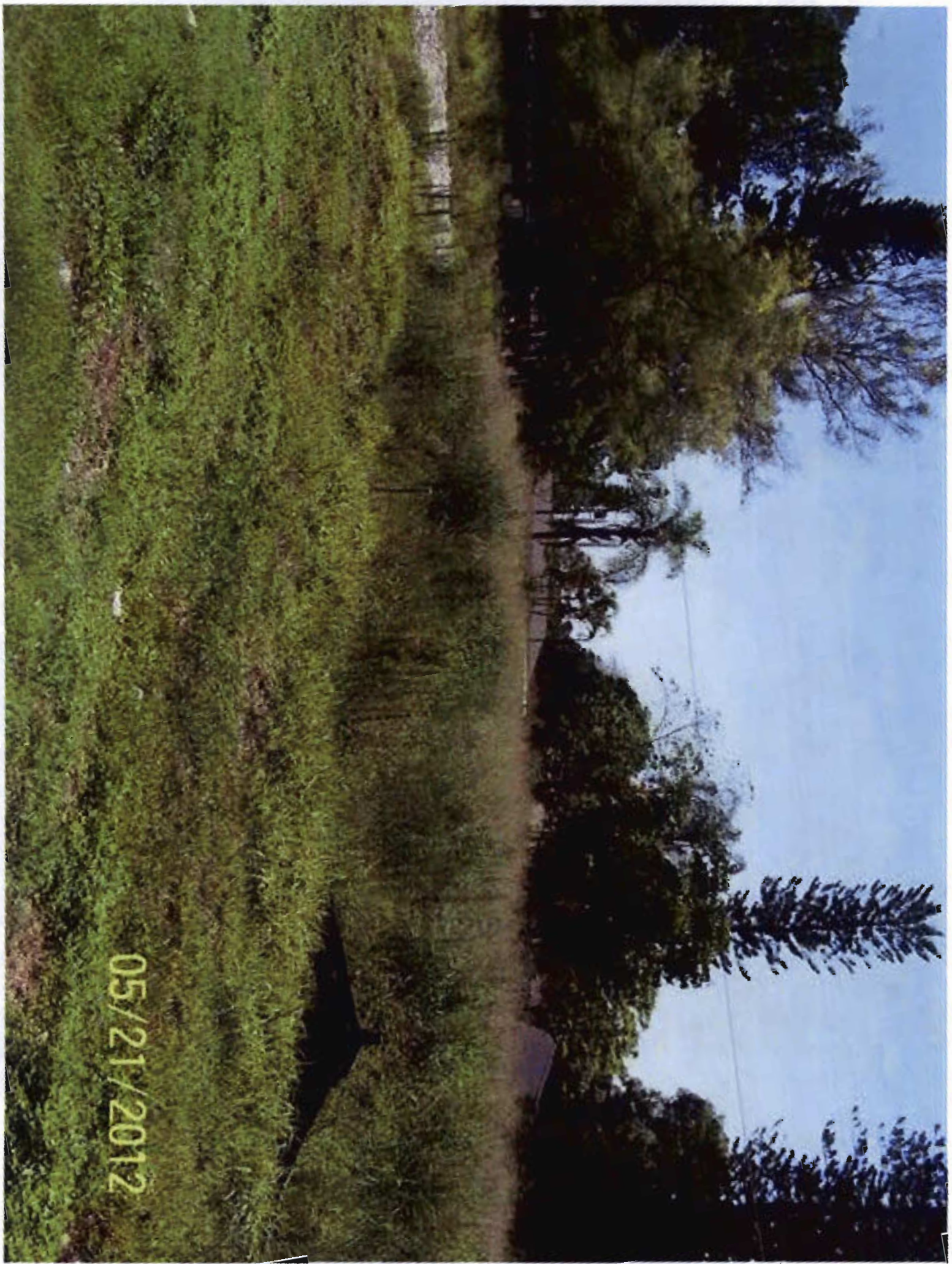






05/21/2012





05/21/2012

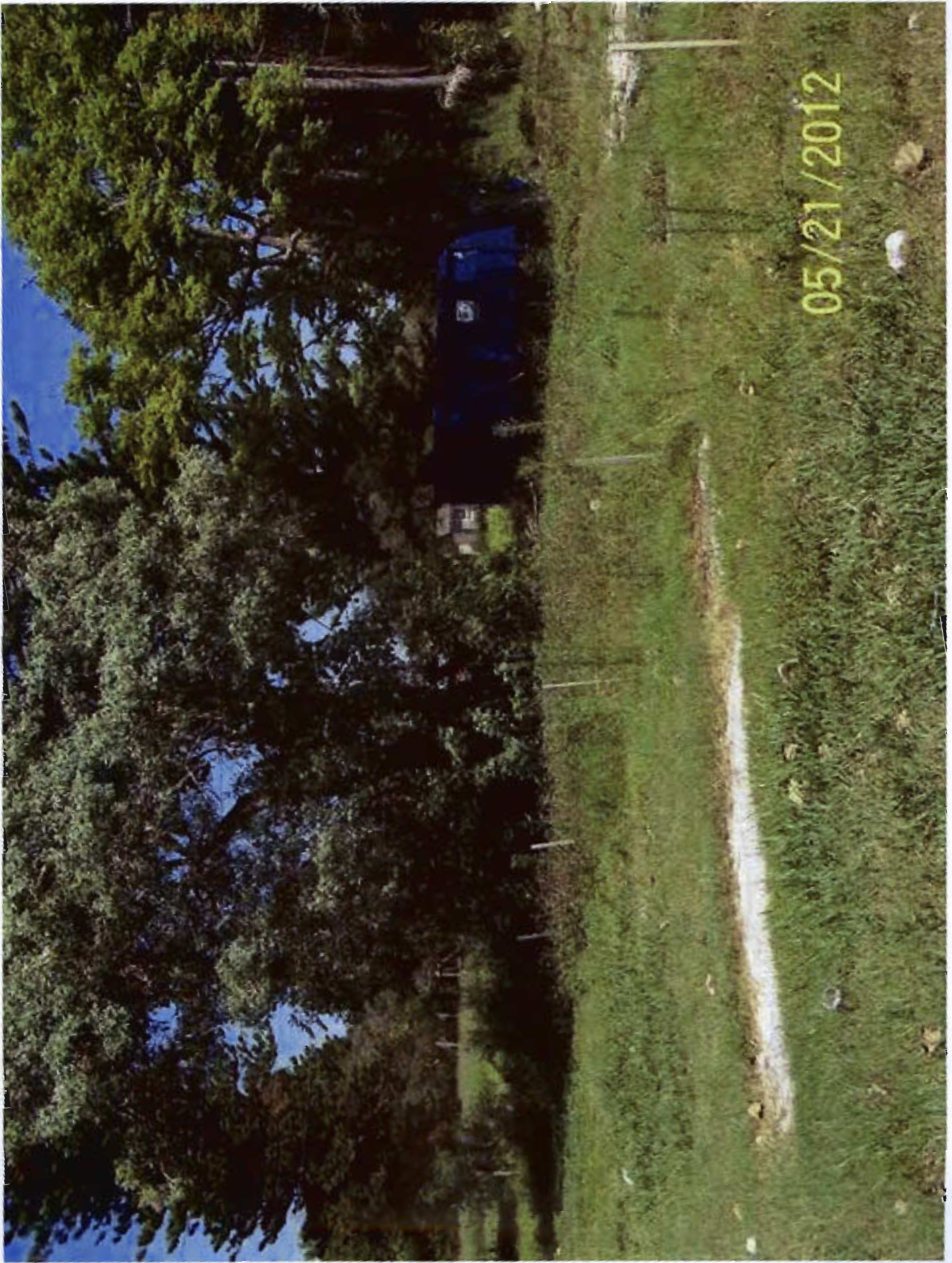






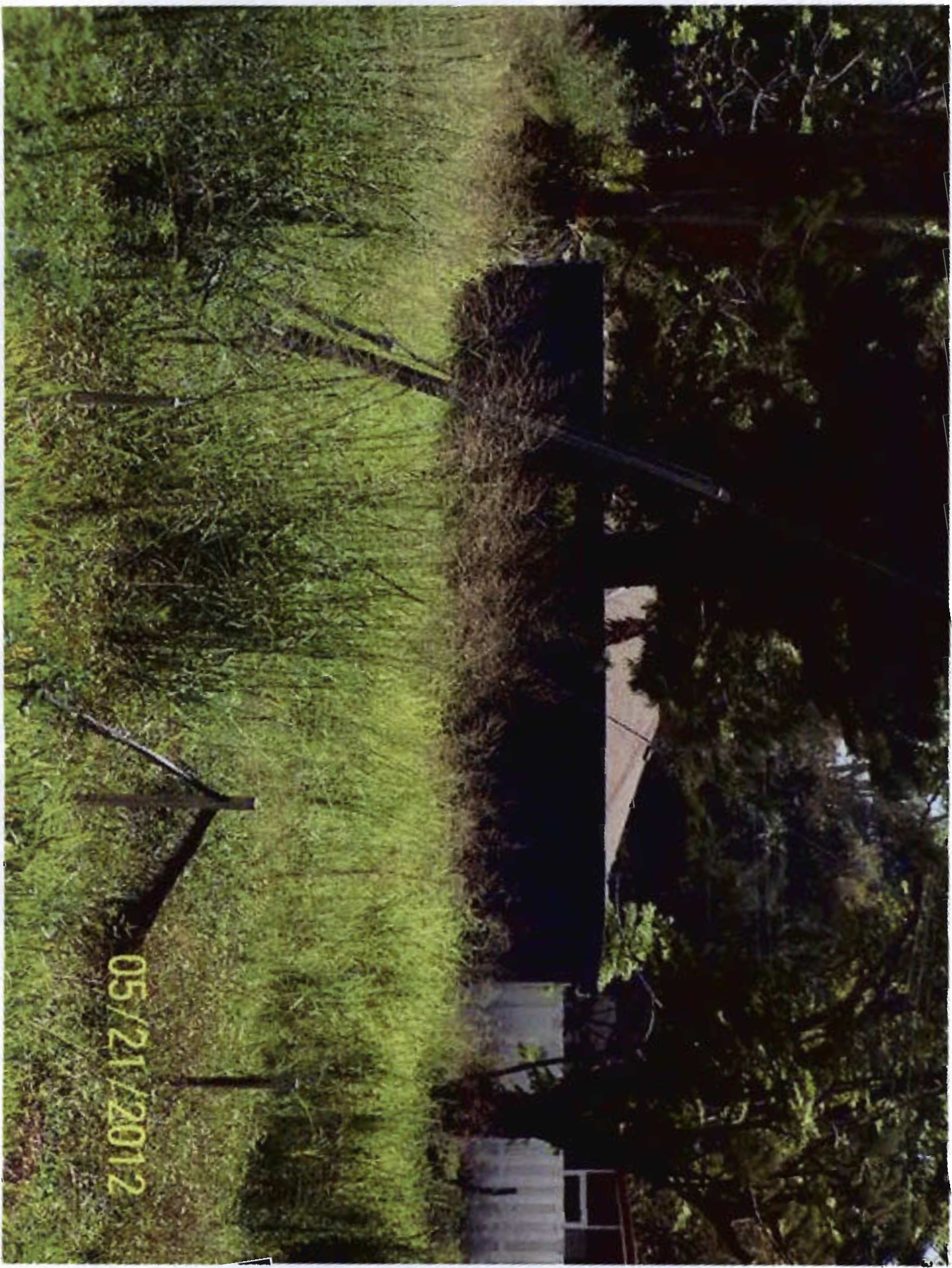
05/21/2012











05/21/2012



08/10/2012

06/14/2012



06/14/2012

A black and white photograph of a grassy field. In the background, there is a fence and a line of trees. The image is oriented horizontally, but the text is written vertically.

06/14/2012



06/14/2012