

TAB 8



City of Palmetto Agenda Item

Meeting Date

8/20/12

Presenter: Lorraine Lyn

Department: Planning

Title:

**Roy Family Ranches Development Agreement (DA 2012-01)
2007 & 2011 21st Street W
Applicants/Property Owners: Charles A. and Pamela G. Roy and Brian T. and Heidi A. Allwood
Property Size: 8.01 acres**

Roy Family Ranches is requesting a Development Agreement (DA) to defer the construction of stormwater facilities for the remaining 4 single family lots located at 2007 and 2011 21st Street W. The applicant has also applied for a final plat. The DA will allow the applicant 20 years to construct the required drainage facilities and the City will not issue a Certificate of Occupancy until the drainage system for each lot has been constructed to the applicable SWFWMD standards.

On 11/7/2011, the City Commission approved the annexation, plan amendment from Residential-3 (County) to Residential-4 (City), rezoning from E-R (City) and A-1 (County) to PD-H and GDP and preliminary subdivision plat for 6 lots at a gross density of 0.75 du/ac.

The applicant indicates that it may take several years to build out the remaining lots in the subdivision, requiring the subject development agreement as Section 26-21(e) of the Subdivision Code states: Drainage: An adequate drainage system, including necessary curbs, pipes, culverts, drop inlets, bridges, swale ditches, ponds, lakes and their outlets, subsurface drains, etc. shall be provided for the proper drainage of all surface water. All drainage shall be designed using the appropriate criteria of the Southwest Florida Water Management District or where applicable, county or FDOT minimum criteria for drainage design. As-built drawings shall be supplied by the subdivider. SWFWMD approved a master drainage Permit on 2/16/2012 and in May 2012, approved 3 Permits for Lots 1, 3 & 4. The original Permit addresses Lot 6. Lots 2 and 5 have existing residences. The 5 year SWFWMD permits will defer the construction of drainage facilities until each of the remaining residences is built.

This DA is consistent with the previous approvals by the City Commission as well as the City's Comprehensive Plan as drainage facilities will be in place when impacts of development occurs through the proposed development agreement.

On August 9, 2012, The Planning & Zoning Board voted to recommend APPROVAL of the Development Agreement following review of the Construction/Engineering plans for this 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 Development Agreement (DA 2012-01)

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

Attachments: Staff Report

Staff Report
Development Agreement (DA2012-01)
Roy Family Ranches
2007 and 2011 21st Street W

REQUEST

Roy Family Ranches is requesting a Development Agreement to defer the construction of stormwater facilities for the remaining 4 single family lots located at 2007 and 2011 21st Street W. On November 21, 2011 The City Commission granted PD-H zoning and preliminary plat approval for 6 single family lots on approximately 8 acres containing 2 single family residences. The applicant has now applied for final plat and a development agreement with the City.

The applicant indicates that it may take several years to build out the remaining lots in the subdivision, requiring the subject development agreement as Section 26-21 of the Subdivision Code states:

All improvements required by these regulations shall be installed by and at the expense of the developer, as required by the city engineer in accordance with professional engineering standards

(e) Drainage. An adequate drainage system, including necessary curbs, pipes, culverts, drop inlets, bridges, swale ditches, ponds, lakes and their outlets, subsurface drains, etc. shall be provided for the proper drainage of all surface water. All drainage shall be designed using the appropriate criteria of the Southwest Florida Water Management District or where applicable, county or FDOT minimum criteria for drainage design. As-built drawings shall be supplied by the subdivider.

OWNERS: Charles A. and Pamela G. Roy and Brian T. and Heidi A. Allwood

LOCATION/PIN #/PARCEL SIZE OF SUBJECT PROPERTIES

2007 W 21st Street (PID # 2415410451)/4.33 acres

2011 W 21st Street (PID # 2415410379)/3.68 acres

Total Site: 8.01 acres

PLAN/ZONING/EXISTING USE OF SUBJECT PROPERTIES

Residential-4/PD-H (Planned Development-Housing)/2 single-family detached units, barn, horses, gazebo

PLAN/ZONING/USES OF SURROUNDING AREA

North: RES-3 (County) & RES-4 (City)/A-1 (County) & ER (City)/vacant land

South: RES-3 (County) & RES-4 (City)/A-1 (County) & ER (City)/single family residential

East: RES-3 (County)/A-1 (County)/vacant land

West: RES-4 (City)/ER (City)/single family residential

BACKGROUND

SWFWMD approved a master drainage Permit on February 16, 2012 which was modified by 3 Permits issued on May 11 and 22, 2012 addressing Lots 1 & 4 and 3 respectively. The original Permit addressed Lot 6. Lots 2 and 5 have existing residences. The 5 year SWFWMD permits will defer the construction of drainage facilities until each of the remaining residences is constructed.

Section 16.3 Development Agreement of the Zoning Code lists a number of items required to be included in a development agreement. The proposed Roy Family development agreement meets all the requirements except (g), a description of any reservation or dedication of land for public purposes, which is not applicable to this project. The proposed development agreement is for 20 years and requires that the SWFWMF Permit be valid at the time of construction.

Consistency with Comprehensive Plan and Concurrency Finding

On November 21, 2011, the City Commission approved the annexation and plan amendment to Res-4 for the eastern lot (2007 21st Street W), and rezoned both lots to PD-H for 6 SF lots off the existing private drive at a density of 0.75 du/ac, consistent with the Res-4 (4 du/ac) as well as the surrounding E-R zoning district (1 du/ac). The proposed development agreement is consistent with these approvals and is therefore consistent with the densities of the Future Land Use Element of the Palmetto 2030 Comprehensive Plan.

Minimum requirements for concurrency per Sec. 14.3 of the Zoning Code is as follows:

In order to obtain a certificate of concurrency one (1) of the following conditions must be satisfied. For water, wastewater, drainage and solid waste:

- (1) Necessary facilities and services are in place at the time the development permit is issued; or*
- (2) Necessary facilities will be in place when the impacts of development occur (a conditional development permit); or*
- (3) Necessary facilities are under construction at the time the permit is issued; or*
- (4) Necessary facilities/services are guaranteed in an enforceable development agreement pursuant to Sections 163.3220 through 163.3243, Florida Statutes or an agreement or development order issued pursuant to Chapter 380, Florida Statutes; or*

For transportation and recreation/open space, any one (1) of the above and:

- (5) Necessary facilities and services are the subject of a binding executed contract between the city and a contractor which provides for the commencement of actual construction or provision of services within one (1) year after the issuance of a development permit*

Water, wastewater and solid waste will be in place at the time the development permit is issued and drainage facilities will be in place when the impacts of development occurs through the proposed development agreement.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed development agreement as it is consistent with the

City's Comprehensive Plan and meets the concurrency requirements of the Zoning Code.

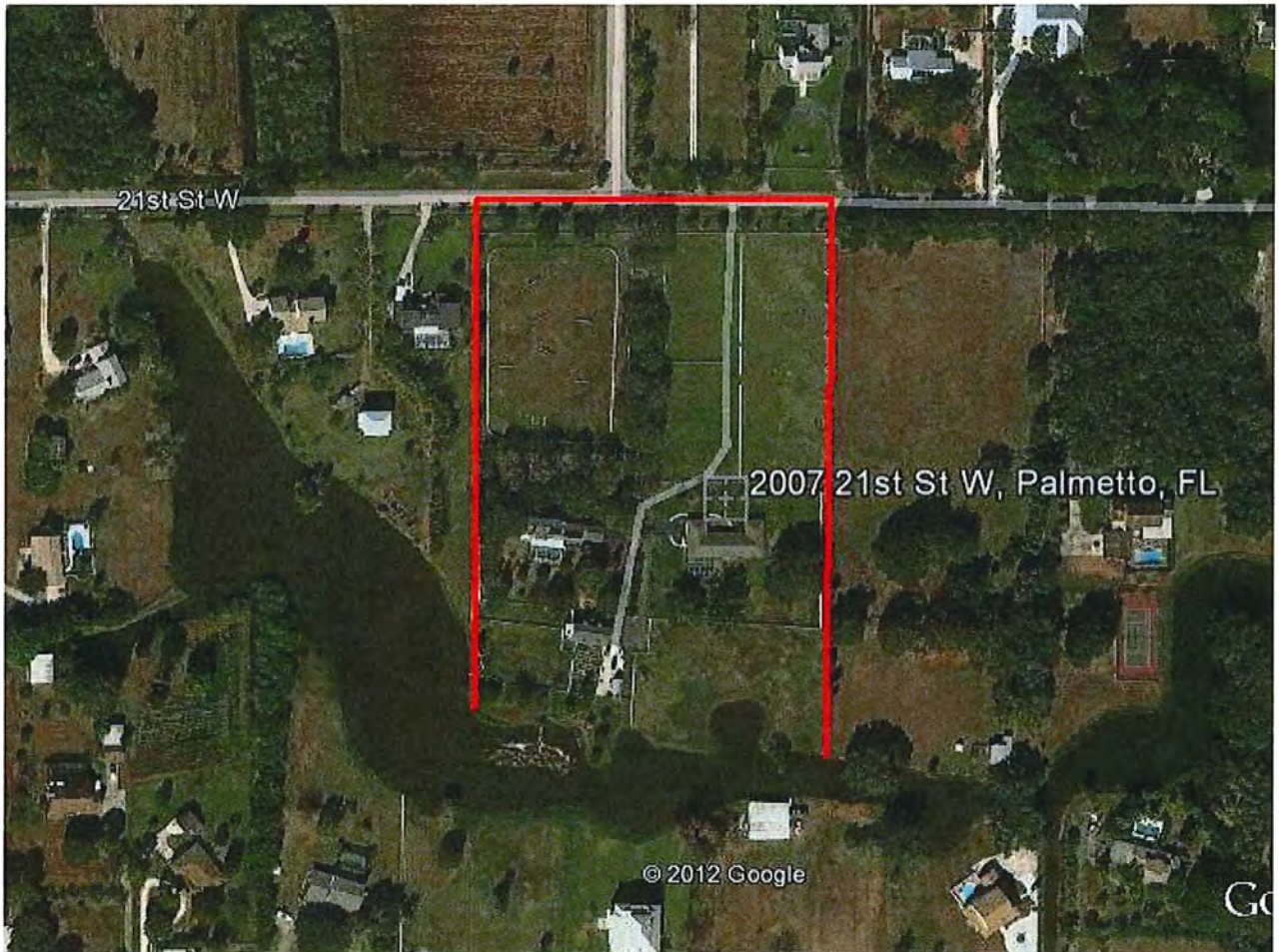
PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board held public hearings on July 19, 2012 and August 9, 2012 and recommends **APPROVAL** of the proposed Development Agreement.

CITY COMMISSION:

The Planning and Zoning Board shall **APPROVE, APPROVE WITH CONDITION(S) or DENY** the proposed Development Agreement.

**AERIAL OF ROY FAMILY RANCHES
2007 & 2011 21ST Street W**



MINUTES OF THE PLANNING AND ZONING BOARD HEARING

August 9, 2012

PLANNING AND ZONING BOARD MEMBERS

ERIC GILBERT, Chair absent
JAMES PASTOR, Vice Chair absent
LEON KOTECKI

JON MOORE
CHARLIE UGARTE

Roy Family Ranches Development Agreement DA 2012-01

CONTINUED FROM JULY 19, 2012

This is a Development Agreement for 8.0+ acres of land located at 2007 and 2011 21st Street W, on which 6 single family homes are approved. SWFWMD approved a master drainage Permit which defers the construction of drainage facilities until each of the remaining residence is constructed.

Ms. Lyn stated that this is a development agreement with the city which was continued from the last Planning and Zoning meeting on July 19, 2012. Since then there have been two changes:

1. Changes to reflect Charles Roy and Pamela Roy Revocable Trust; and a
2. Change made by the City Attorney's Office. Ms. Lyn read the change to the 6th paragraph into the record: The preliminary plat, general development plan and other stipulations between the City and Applicant provide that each home when constructed will connect directly into the City's water and sewer systems, and the parties acknowledge that obligations including connection and impact fees must be part of the application for a building permit in accordance with the City's building requirements.

Mr. UGARTE OPENED THE PUBLIC HEARING.

Mr. Leo Mills spoke and thanked the Board for changing the meeting date to this evening.

Mr. Peter Harlee spoke in opposition of the project stating his concerns of the possibility of his property flooding; confusion with development agreement and the SWFWMD permit.

Mr. Rudacille explained that what the Board was considering tonight is the agreement which provides for the installation of the draining improvements to be delayed until the time of development as opposed to now. He indicated that the City's Code defers to SWFWMD so the City is not involved in the process as far as what SWFWMD approves and how they approve the drainage at the site.

Mr. Tim Lewis, a business owner and resident and property owner of 1611 and 1706 21st West spoke in favor of the project and thought this should move forward to put more taxes in town and put people to work.

Mr. Mills provided an aerial site plan for the Board to review. He continued to explain how the drainage would be built according to the SWFWMD standards resulting in improvements of both water quality of Lake Rowlett as well as drainage of the surrounding parcels. The Board is charged with reviewing the Development Agreement and not the technical aspects of the drainage plan.

Mr. Mills answered several questions posed by Mr. Harlee and the Board continued their

discussion which included water quality improvements, flooding improvements, swales, piping, elevation, each building permit to be signed off by SWFWMD before a CO (Certificate of Occupancy) would be granted.

Mr. Hugh McGuire representing the Roy Family explained that they already had the SWFWMD permits in hand and that they were just waiting for the Development Agreement to be okayed and asked the Board to approve the agreement tonight. Mr. Ugarte indicated that he was satisfied after reviewing the construction plans provided by Mr. Mills.

MR. UGARTE CLOSED THE PUBLIC HEARING

Mr. Kotecki moved to approve the proposed development agreement DA-2012-01 as presented to the Planning and Zoning on August 9th, 2012. Mr. Ugarte seconded. **MOTION CARRIED UNANIMOUSLY.**