

**TAB 6**



# City of Palmetto Agenda Item

**Meeting Date**

12/10/12

**Presenter:** Lorraine Lyn **Department:** Planning

**Title:**

**Annexation, Small Scale Plan Amendment and Rezoning  
AN 2012-02, PA 2012-02 & Z 2012-03  
4 duplexes (8 units) on 0.7 acres (PID# 2433400005) at 529 20th Street W  
Art Rentals, LLC**

Art Rentals, LLC has filed applications for the following requests:

- (1) an annexation of a parcel containing 8 duplex units (0.7 acres) into the City;
- (2) a small scale plan amendment of 0.7 acres from County RES-9 to City RES-10; and
- (3) a rezoning of 0.7 acres from County GC to City RM-5.

**1. Annexation**

The primary goal of the annexation application is to be able to hook up to City utilities to serve the existing development of 4 duplexes. The subject property is included in the Urban Development Zone address list and is consistent with the Accord adopted by the City Commission on April 15, 2002. The proposed annexation does not create an enclave.

**2.** Plan Amendment from County RES-9 to City RES-10 meets the requirements of a small scale plan amendment per Sec. 18 of Sec. 163.3187, FS 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 RES-9 to RES-10 is a comparable change and an earlier plan amendment to RES-10 for Sunnydale on the north side of 20th Street W was determined to be the appropriate land use category for this area.

**3.** Rezoning from General Commercial (County) to City RM-5 is to recognize the existing duplex units on the subject property. The proposed RM-5 zoning is consistent with the existing development in the area including multi-family to the north and new duplex development to the east (VOA). Since these units were built in 1978 under the County's regulations, there will be other nonconformities besides the density under the proposed City's RM-5 zoning district. However, the use (duplex) will be conforming under RM-5.

The Planning and Zoning Board held its hearing on November 8, 2012 and recommended APPROVAL of the proposed Annexation, small scale Plan Amendment from County RES-9 to City RES-10 and Rezoning from County GC to City RM-5.

<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:** I move to continue the public hearing to January 7, 2013 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers, and to direct staff to advertise for same.

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

**Attachments:** Staff report

**Staff Report**  
**Annexation, Small Scale Plan Amendment and Rezoning**  
**AN 2012-02, PA 2012-02 & Z 2012-03**  
**529 20<sup>th</sup> Street W**  
**Art Rentals, LLC**

**REQUEST:**

- **To annex a 0.7 acre parcel located at the south side of 20<sup>th</sup> Street W, west of Bayshore Road into the City of Palmetto;**
- **To change the Plan category of the annexed parcel from County designation RES-9 to City designation RES-10;**
- **To rezone the parcel from GC in the County to RM-5 in the City.**

**OWNERS:** Art Rentals, LLC

**ADDRESS:** 529 20<sup>st</sup> Street W

**LEGAL DESCRIPTION:** Lots 8, 15-17, Block 5, Orange Park Subdivision

**PARCEL NUMBER/SIZE OF SUBJECT PROPERTY/DENSITY**

PID # 2433400005/0.7 acres (per Property Appraiser website)/11.4 du/ac

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

County Parcel: RES-9 (Residential-9)/GC (General Commercial)/4 residential duplexes (8 units)

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

North: County RES-9/GC/single & multi-family residential

South: City GCOM/CG/multi-family residential and commercial (vacant mini-storage)

East: County GCOM/CG/VOA (3 duplexes) & vacant SF residential

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

**BACKGROUND**

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

The predominant land uses within this pocket are duplex, multi-family and 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 and retail on the east side and single family residential on the west side. 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 all sides except the south side where it abuts a vacant mini storage facility (Schott) in the City. Uses immediately surrounding the subject property are multi-family residential to the north; single-family residential and duplexes (VOA) to the east and single-family residential to the west.

This proposal was taken to a Staff Development Review meeting on September 25, 2012 where no concerns were noted.

## **COMPREHENSIVE PLAN ANALYSIS**

This report covers 3 separate requests and public hearing items:

(1) the annexation of 0.7 acres into the City; (2) a small scale plan amendment of 0.7 acres from County RES-9 to City RES-10; and (3) the rezoning from County GC to City RM-5.

### **1. Annexation**

The primary goal of the annexation application is to be able to hook up to City utilities to serve the existing 4 duplexes. The subject property is included in the Urban Development Zone address list with the justification that the Orange Park area is mostly developed and therefore, annexation is not likely unless residents request the City to provide sewer service. To this extent, the proposed annexation is also consistent with the Accord adopted by the City Commission on April 15, 2002. The proposed annexation does not create an enclave.

The proposed annexation 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.*

### **2. Plan Amendment**

The proposed plan amendment from County RES-9 to City RES-10 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 RES-9 to RES-10 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. In addition, an earlier plan amendment to RES-10 was approved for Sunnydale on the north side of 20<sup>th</sup> Street W which was also granted a Conditional Use Permit for farm worker housing in October, 2011. The proposed RES-10 plan category is consistent with the City's plan categories in the area as well as the Palmetto 2030 Comprehensive Plan.

The proposed plan amendment is also consistent with the following Plan policy which encourages infill development for affordable housing:

***Policy 3.6.8:** The City may consider plan amendment requests for additional residential acreage (consistent with the Future Land Use Element) when and where substantiated by residential growth trends and need for affordable housing.*

### **3. Rezoning**

The purpose of the proposed rezoning from General Commercial (County) to RM-5 is to recognize the existing duplex units on the subject property. The proposed RM-5 zoning is consistent with the existing development in the area including multi-family to the north and new duplex development to the east.

The proposed rezoning from commercial to residential 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.*

Nonconformities

According to the Property Appraiser’s information, the subject duplexes were built in 1978 under the county’s commercial zoning district. The existing development of 4 duplexes, a common parking area and driveway occupy a single parcel. The City’s Zoning Code defines a Multi-family Dwelling (permitted use in the RM-6 district) as a structure containing 3 or more dwelling units but these dwelling units are considered duplex units which are permitted uses in the RM-5 district. The Code also requires a minimum of ten (10) feet between buildings of one (1) story or fifteen (15) feet in height. The survey provided shows a separation distance of 28 feet. The following table compares the subject development with each of the RM-5 and RM-6 zoning districts, illustrating the nonconformities.

Sec. 4.3.- Schedule of area, height and placement regulations

District	Minimum Lot		Setbacks (Ft.)				Maximum Height (Ft.)	Plan Category RES-10 10 du/ac max
	(Sq. Ft.)	(Ft.)	Front	Side	Rear	Corner		
RM-5	4,356/du min (10 du/ac)	70	25	8	20	25	35	10 du/ac
RM-6	4,356/du min (10 du/ac)	100	30	15	20	30	50	10 du/ac
Proposal	3,811/du (11.4 du/ac)	52	163 from 20 <sup>th</sup> Street	10.5	22	N/A	1 story	11.4 du/ac

While the duplex would be a conforming use under the RM-5 district, there would be other nonconformities including the density as shown in the above table. According to Sec. 7.8 – Nonconforming structures other than signs:

*A structure which is nonconforming, due to noncompliance with the dimensional requirements of the official schedule of district regulations of this code and which is used for a use permitted in the district in which it is located may remain, provided:*

- (a) *That any structural change to the structure shall not increase the degree of nonconformity. Structural changes which decrease or do not affect the degree of nonconformity shall be permitted.*
- (b) *A nonconforming structure, or a portion thereof, if damaged, deteriorated or destroyed to the extent of more than fifty (50) percent of its current assessed valuation, may only be reconstructed in accordance with the regulations of the district in which it is located.*
- (c) *Routine repairs and maintenance of a nonconforming structure, fixtures, wiring and plumbing or the repair or replacement of nonload bearing walls shall be permitted.*

Infrastructure

The City of Palmetto has adequate capacity for water and sanitary sewer, and there is availability of reclaimed water at this location. The subject property is located in Flood Zone category C. 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 for sanitary sewer service.

**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 premises involved has been either annexed into the city or is the subject of a valid and binding annexation agreement as provided in this chapter, and has been inspected and approved by the city.*

The most recent annexation request in this area was for Volunteers of America of Florida located at 409 20<sup>th</sup> Street W. The City Commission denied the annexation application but adopted Ordinance 2012-13 on July 2, 2102, amending Section 29-7(d) to allow utilities to be extended outside the City limits for parcels owned by not-for-profits if it is in the best interest of the City.

Traffic

The proposed project has access onto 20<sup>th</sup> Street W, a local road which connects to Bayshore Road, a two lane roadway functioning as a collector road between US 41 to 17<sup>th</sup> Street W which is operating at an acceptable level of service. The proposal is not expected to negatively impact vehicular or pedestrian traffic conditions in this area. Abutting 20<sup>th</sup> Street W is a common access point and parking area containing the required parking spaces.

**PLANNING AND ZONING BOARD RECOMMENDATION**

The Planning and Zoning Board held its hearing on November 8, 2012 and recommended APPROVAL of the proposed items:

1. Annexation a 0.7 acre parcel located at the south side of 20<sup>th</sup> Street W, west of Bayshore Road into the City of Palmetto;
2. Small scale Plan amendment from County designation RES-9 to City designation RES-10;
3. Rezoning from GC in the County to RM-5 in the City;

**CITY COMMISSION ACTION**

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

1. Annexation a 0.7 acre parcel located at the south side of 20<sup>th</sup> Street W, west of Bayshore Road into the City of Palmetto;
2. Small scale Plan amendment from County designation (RES-9) to City designation (RES-10);
3. Rezoning from GC in the County to RM-5 in the City;

**MINUTES  
CITY OF PALMETTO  
PLANNING AND ZONING BOARD  
NOVEMBER 8<sup>TH</sup>, 2012 – 5:30 P.M.**

516 8<sup>th</sup> Avenue West  
Palmetto, FL 34221

[www.palmettofl.org](http://www.palmettofl.org)  
941-723-4570

PLANNING AND ZONING BOARD MEMBERS

ERIC GILBERT, Chair  
JAMES PASTOR, Vice Chair  
LEON KOTECKI  
CITY PLANNER, LORRAINE LYN  
CITY ATTORNEY, MARK BARNEBEY  
PLANNING TECH, CHAR PATTERSON,

JON MOORE  
CHARLIE UGARTE

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4. **Art Rental, LLC. AN-2012-02, PA-2012-02 and Z-2012-03**

Tab 4

This is a request for an Annexation, Small Scale Plan Amendment and Rezone application AN-2012-02, PA-2012 and Z-2012-03 by Art Rentals, LLC, located at 529 20<sup>th</sup> Street West.

Ms. Lyn explained the request for the annexation, small scale plan amendment and rezoning for a 0.7 acre parcel located at the south side of 20<sup>th</sup> Street W, west of Bayshore Road. The plan category change is from County designation RES-9 to City RES-10 and the rezone, from GC in the County to RM-5 in the City.

She said the primary goal of the annexation is to be able to hook up to City utilities to serve the existing 4 duplexes. Staff recommends approval of the annexation, small scale plan amendment to RES-10 and rezoning to RM-5.

Jim Amerson, the applicant indicated that he was still working on the provision of utilities and indicated that there was some discrepancy between the Public Works Director and the Building Official as to whether it would be served by city or county utilities.

Mark Barnebey questioned the proposed RM-5 zoning district since it was on a single parcel of land. Discussion ensued on whether the proposed zoning should be RM-5 which permits duplexes or RM-6 which permits apartments. Mr. Amerson said he did not have a preference. Mark Barnebey indicated that the Board could vote only on the RM-5 district that was advertised.

**CHAIRMAN GILBERT OPENED THE PUBLIC HEARING FOR AN-2012-02, PA-2012-02 and Z-2012-03**

**No additional public input.**

**CHAIRMAN GILBERT CLOSED THE PUBLIC HEARING FOR AN-2012-02, PA-2012-02 and Z-2012-03**

**Mr. Pastor moved to approve the Annexation AN-2012-02. Mr. Moore seconded. Motion carried unanimously.**

**Mr. Ugarte moved to approve the Plan Amendment PA-2012-02. Mr. Pastor seconded. Motion carried unanimously.**

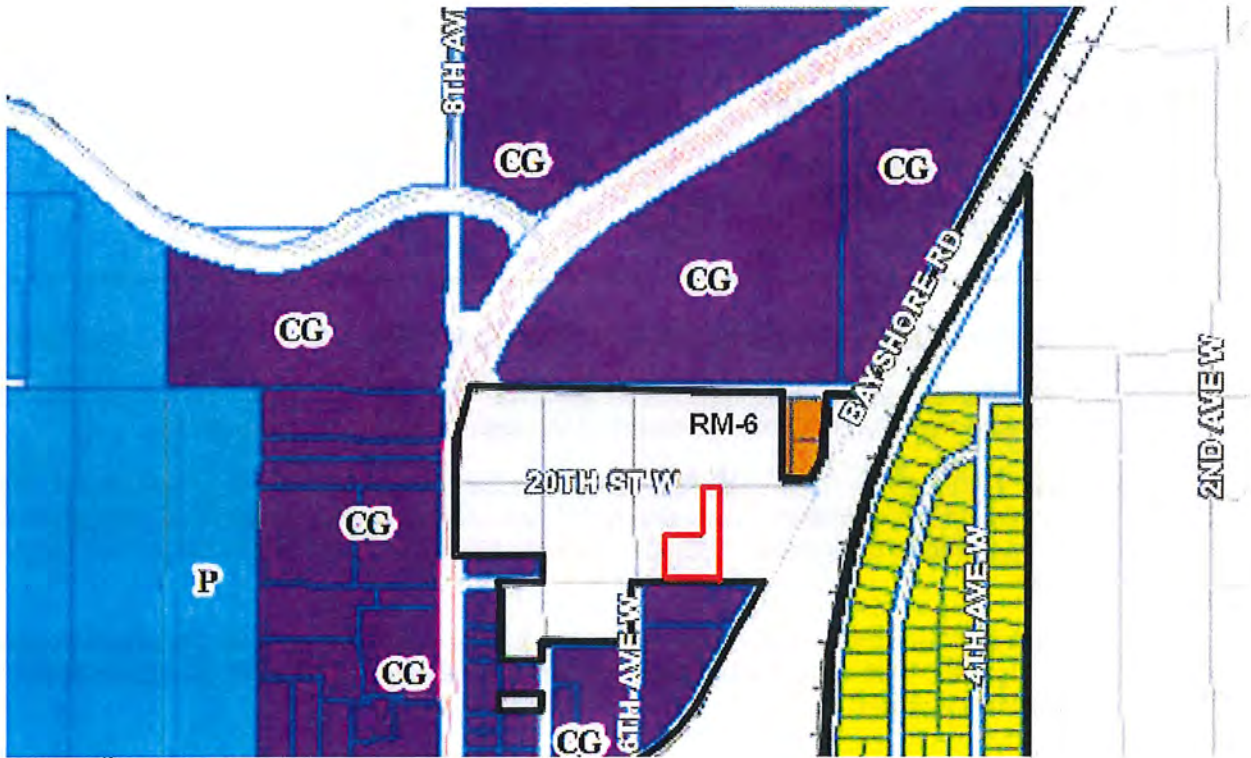
**Mr. Moore moved to approve the Rezone Z-2012-03. Mr. Kotecki seconded. Motion carried unanimously.**

# ZONING MAP

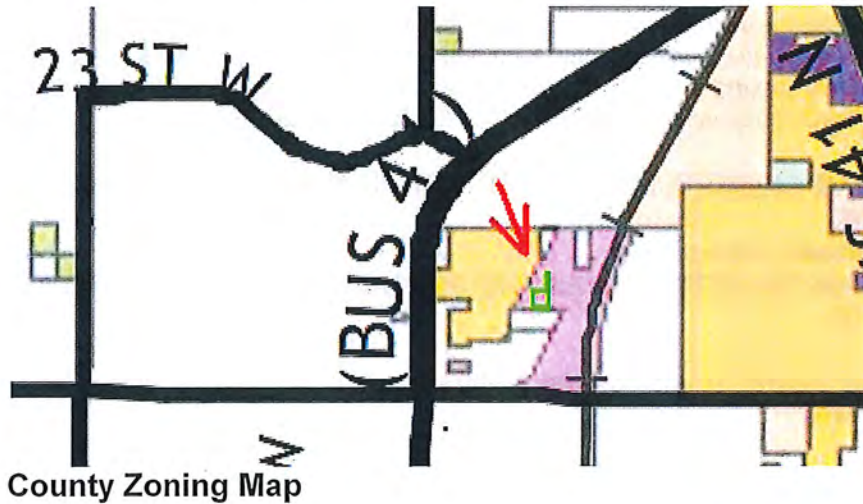
Annexation, Small Scale Plan Amendment and Rezoning

AN/PA 2012-02 & Z 2012-03

529 20<sup>th</sup> Street W: Art Rentals, LLC

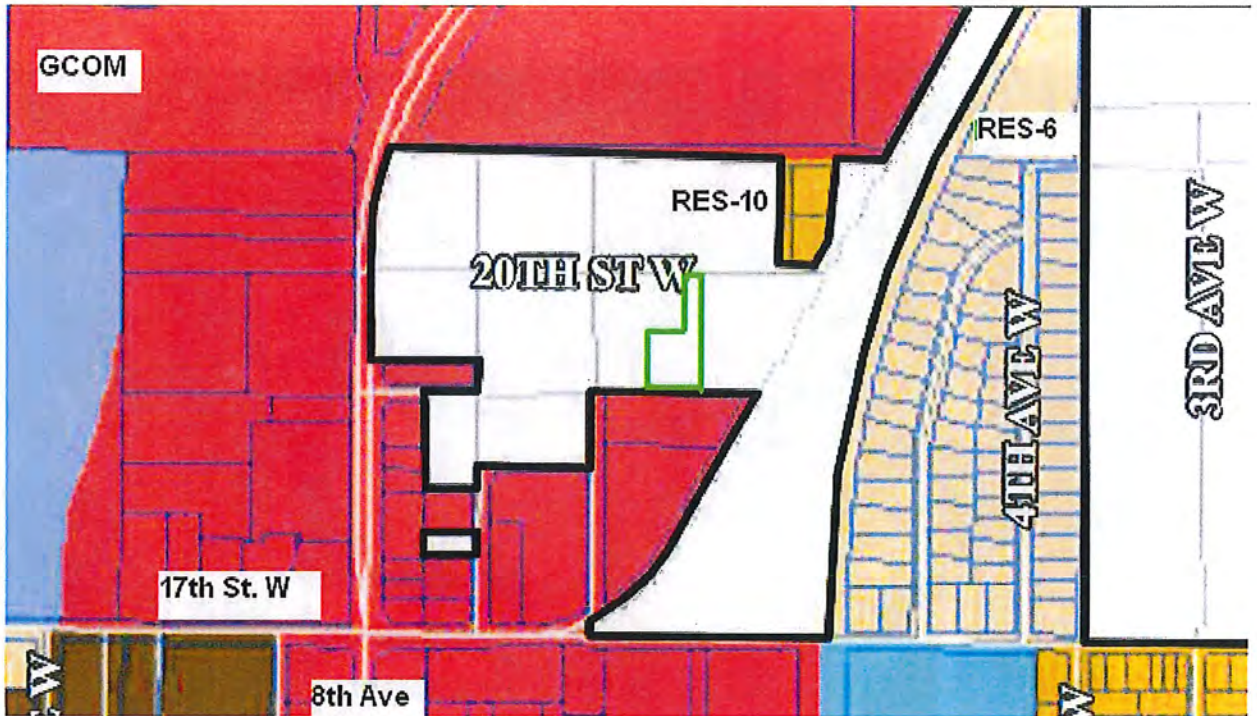


529 20<sup>th</sup> Street W = County GC  
Rezoning from County GC to City RM-5

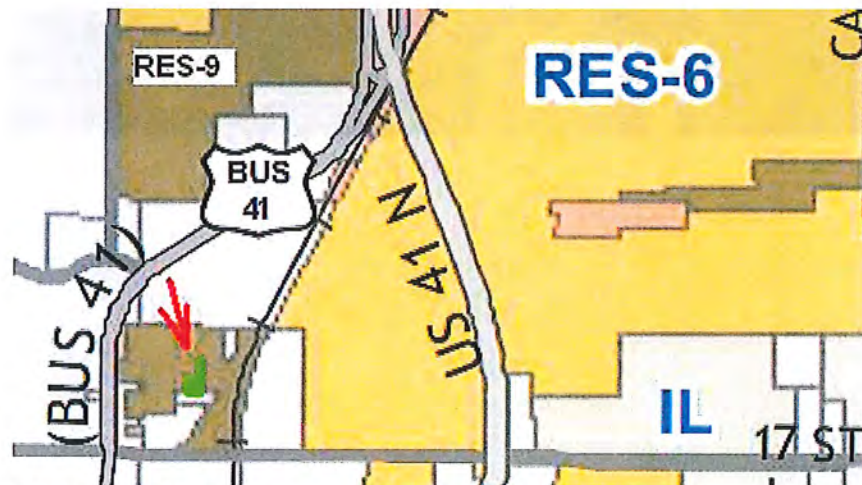




**FUTURE LAND USE PLAN MAP**  
**Annexation, Small Scale Plan Amendment and Rezoning**  
**AN/PA 2012-02 & Z 2012-03**  
**529 20<sup>th</sup> Street W: Art Rentals, LLC**



529 20<sup>th</sup> Street W = County RES-9  
 Small scale plan amendment from County RES-9 to City RES-10

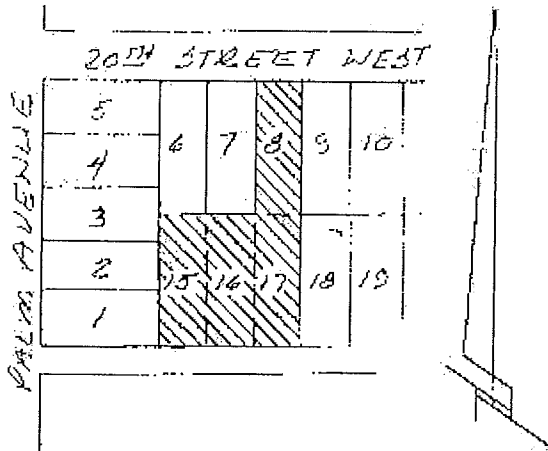


County Plan Map

**AERIAL PHOTO**  
**Annexation, Small Scale Plan Amendment and Rezoning**  
**AN/PA 2012-02 & Z 2012-03**  
**529 20<sup>th</sup> Street W: Art Rentals, LLC**

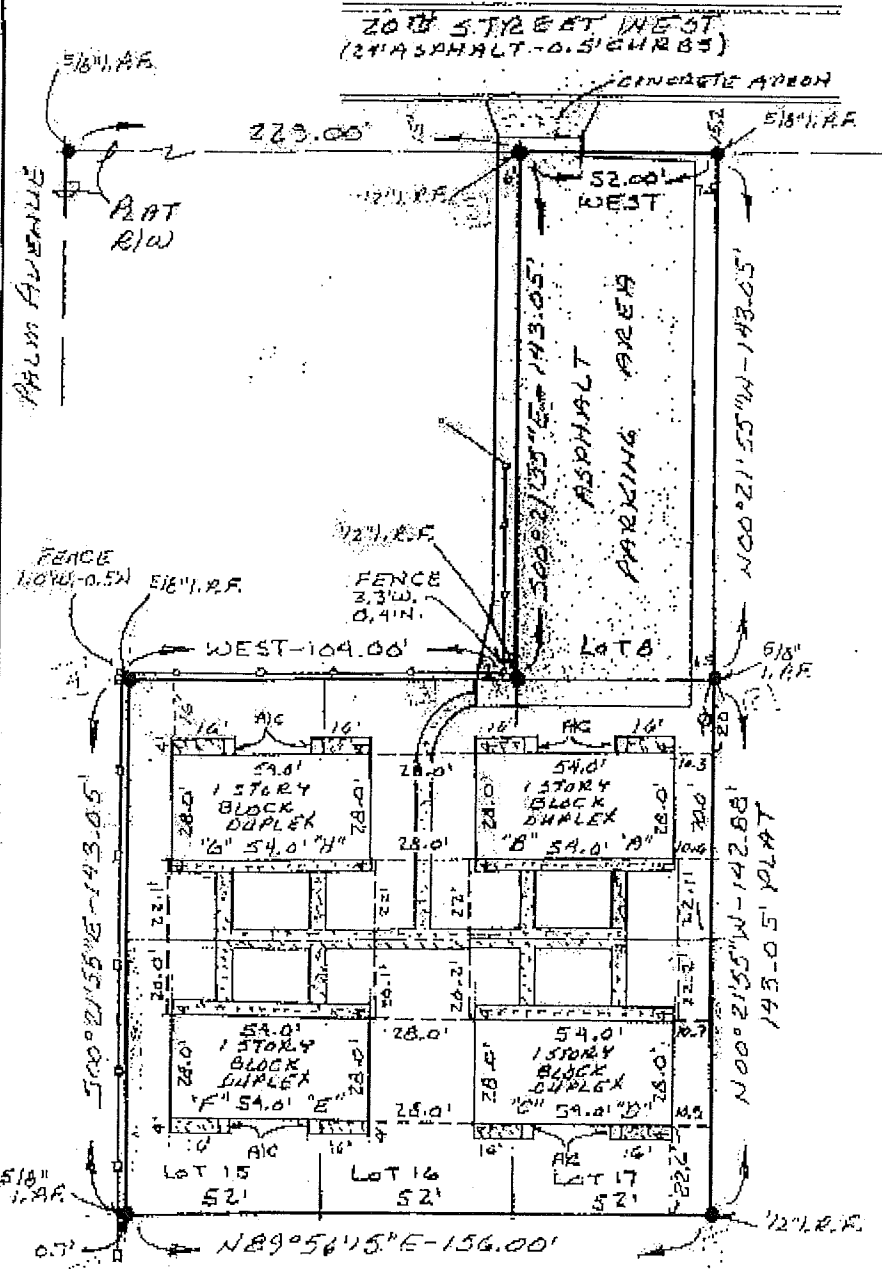


BOUNDARY SURVEY



NOTES

1. BEARINGS REFER TO THE SOUTH END LINE OF 20TH STREET WEST BEING ASSUMED "WEST".
2. UNDERGROUND ENCROACHMENTS & IMPROVEMENTS OTHER THAN THOSE SHOWN, IF ANY, NOT LOCATED FOR PURPOSE OF THIS SURVEY.
3. SUBJECT LAND LIES IN ZONE "C" OF THE FLOOD INSURANCE RATE MAPS COMUNITY PANEL #120153-0189-B (2-5-92). SUBJECT TO VERIFICATION.
4. SUBJECT TO EASEMENTS, ENCROACHMENTS, & RESTRICTIONS OF RECORD.



CERTIFIED TO

- BARRY & LILLIE BASS
  - CENTURY BANK
  - PROVIDENT BANK OF FLORIDA
  - SIGNATURE TITLE COMPANY
  - CHICAGO TITLE INSURANCE COMPANY
  - WICKMAN & WYCKOFF, P.A.
- Revised 5-30-00.

LEGEND

- = IRON PIPE FOUND (1.0 R.F.)
- = IRON ROD FOUND (1.2 R.F.)
- R/W = RIGHT-OF-WAY
- = CHAIN LINK FENCE
- - - = WOOD FENCE
- A/C = AIR CONDITIONER
- ▭ = CONCRETE SURFACE
- ⊕ = UTILITY POLE

**CITY OF PALMETTO  
ORDINANCE NO. 2012-15**

**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 APPROXIMATELY 0.6828 ACRES OF PROPERTY GENERALLY LOCATED AT 529 20<sup>TH</sup> STREET WEST, PALMETTO, FROM RESIDENTIAL 9 (COUNTY) TO RESIDENTIAL 10 (CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (PA-2012-02 Applicant: Art Rentals, LLC. PID# 2433400005/0.6828 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**, pursuant to Section 163.3187, Florida Statutes, the City is authorized to adopt comprehensive plan amendments related to small scale development activities and meeting the requirements provided therein; and

**WHEREAS**, approximately 0.6828 acres of property generally located at 529 20<sup>th</sup> Street West, Palmetto, Florida, more particularly described in Exhibit “A” attached hereto (the “Property”), and owned by Art Rentals, LLC, (“Applicant”), has been annexed into the City pursuant to Ordinance 2012-14; and

**WHEREAS**, the Applicant has filed an application with the City to amend the Future Land Use Map of the Comprehensive Plan to change the designation of the Property from Manatee County Residential 9 to City of Palmetto Residential 10; and

**WHEREAS**, the City's Local Planning Agency, the Planning and Zoning Board, held a public hearing on November 8, 2012, regarding the proposed amendment to the Future Land Use Map of the City's Comprehensive Plan; and

**WHEREAS**, on November 8, 2012, the Planning and Zoning Board recommended approval of the proposed amendment to the Future Land Use Map; and

**WHEREAS**, on December 10, 2012, and January 7, 2013 the City Commission held a public hearing to consider adoption of the proposed amendment to the Future Land Use Map; and

**WHEREAS**, the City Commission has determined that the proposed amendment is consistent with Part II of Chapter 163, Florida Statutes, and provides for the health, safety and welfare of the residents of the City of Palmetto.

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

**Section 1. Adoption of Future Land Use Map Amendment.** A portion of the Future Land Use Map of the Comprehensive Plan is hereby amended as shown on Exhibit "B" attached hereto and incorporated herein by reference. No other changes to the Comprehensive Plan are adopted in this Ordinance.

**Section 2. Repeal of Ordinance.** This Ordinance hereby repeals and replaces any and all provisions of ordinances in conflict herewith to the extent of such conflict.

**Section 3. 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 4. Effective Date.** This Ordinance shall take effect as provided for 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.

First Reading and  
Public Hearing:

December 10, 2012

Publication:

December 14, 2012 and  
December 21, 2012

Second Reading and  
Public Hearing:

January 7, 2013

**PASSED AND DULY ADOPTED**, by the City Commission, in open session, with a quorum present and voting, this \_\_\_\_ day of \_\_\_\_\_, 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 for Ordinance 2012-15, Small Scale Plan Amendment***

***Applicant:*** Art Rentals, LLC

***PID#:*** 2433400005

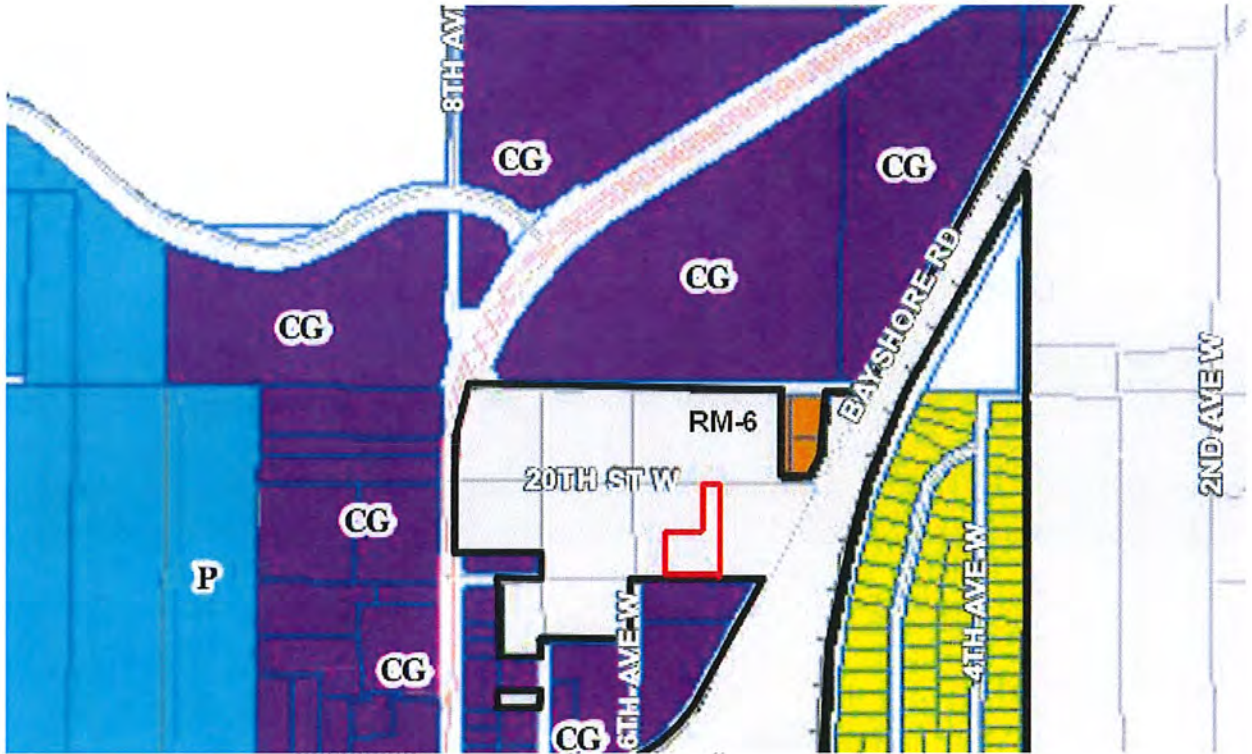
***Size:*** 0.6828 acres

***Address:*** 529 20<sup>th</sup> Street W, Palmetto  
Section 14, Township 34S, Range 17E

Lots 8, 15-17, Block 5, Orange Park Subdivision

DRAFT

**EXHIBIT B**  
**Future Land Use Map of the Comprehensive Plan**



**From County RES-9 to City RES-10**