

Tab 2

LUKOWIAK ANNEXATION AN-08-04

**Staff Report**  
**ANNEXATION (AN0804)**  
**COMPREHENSIVE PLAN AMENDMENT (PA0804)**  
**CHANGE OF ZONING (Z0804)**  
**Christopher and Tanya Lukowiak**  
**Palmetto, Florida**

**OWNER/GENERAL LOCATION/PARCEL SIZE:**

Owner: Christopher and Tanya Lukowiak  
Location: 605 15<sup>th</sup> Avenue Drive east  
PID #: 2607800109

**EXISTING LAND USE/ZONING CATEGORY:**

Future Land Use: County RES-6 (Residential – 6 units per acre)  
Zoning: County RFS-4.5 (Residential -4.5 units per acre)

**REQUESTED LAND USE/ZONING CATEGORY:**

Future Land Use: City RES-6 (Residential – 6 units per acre)  
Zoning: City RS-2 (Residential Single Family – 4.36 units per acre)

**SURROUNDING PROPERTY ZONING DISTRICT(S)/USES:**

Future Land Use

North: County RES-6 (Residential – 6 units per acre)  
South: County RES-6 (Residential – 6 units per acre)  
East: County RES-6 (Residential – 6 units per acre)  
West: City PD (Planned Development)

Zoning

North: County RSF-4.5 (Residential Single Family – 4.5 units per acre)  
South: County RSF-4.5 (Residential Single Family – 4.5 units per acre)  
East: County RSF-4.5 (Residential Single Family – 4.5 units per acre)  
West: City PDMU (Planned Development Multi-Use)

**SUMMARY:**

Pursuant to Appendix B: the Zoning Code, Sec. 11.3(d), the property owner has requested an amendment to the zoning code and map.

Each rezoning must meet the requirements pursuant to Appendix B: the Zoning

Code, Sec. 11.4(b):

- (1) The need and justification for the change:  
**The comprehensive plan amendment and rezone application is required once the parcel is annexed. The property will then be within the City of Palmetto and must be compliant with all Palmetto municipal regulations.**
- (2) The effect of the change, if any, on the particular property and on surrounding properties:  
**There is no effect on the subject property or surrounding properties with this change. No new development is proposed. The proposed city future land use and proposed zoning designations allow single family residential consistent with the existing use.**
- (3) The amount of undeveloped land in the general area and in the City having the same classification as that requested:  
**The subject parcel is developed and no new development is proposed with this request.**
- (4) The relationship of the proposed amendment to the purposes of the City Comprehensive Plan with appropriate consideration as to whether the proposed change will further the purposes of this code and the comprehensive plan.  
**The inclusion of this property into Palmetto along with this comprehensive plan amendment and rezone furthers the purposes of the Comprehensive Plan and Zoning Code.**

#### 1.0 FUTURE LAND USE

Topography, Soil Conditions and the Availability of Facilities and Services

Policy 1.1.3: Availability of public facilities and services shall be concurrent with the impacts of new development and shall meet established level of service standards. In redevelopment areas, local government shall assist in correcting deficiencies. [9J-5.006(3)(c)3.]

**The site is currently served by County water and sewer. The applicant will be required to connect to City utilities upon completion of the application process. Utilities will be served from the adjacent property to the west. See the attached letter from the developer of Sanctuary Cove regarding utility connection.**

Policy 1.1.4: New development shall be permitted only where adequate drainage and storm water management, open space and traffic flow and parking are provided. In redevelopment areas, local government shall assist in correcting deficiencies. [9J-5.006(3)(c)4.]

**No new development is proposed at this time. If the site is redeveloped in**

**the future, drainage and stormwater management, open space, traffic flow and parking matters will be reviewed for compliance with any associated construction plans.**

Community Redevelopment Area [9J-5.006(3)(b)2.]

Policy 1.2.4: The City shall discourage duplication of the functions of the Commercial Core by avoiding rezoning which permits commercial development or high-density residential development outside the Community Redevelopment Area.

**This site is not located within the CRA.**

## 2.0 TRANSPORTATION ELEMENT

### Level of Service

Policy 2.1.1: The level of service standard for collector and arterial roadways in the City shall be LOS "D", peak hour.

**No new development is proposed. If warranted, a traffic study will be required prior to the approval of construction plans for any redevelopment proposal.**

## 4.0 SANITARY SEWER

### Advanced Water Treatment System

Policy 4.1.3: The City shall require all development to be reviewed for sanitary sewer concurrency standards.

**A 8" sanitary sewer line is currently under construction within the Sanctuary Cove development and will soon be available for connection into the City sewer system.**

### Reclaimed Water Use

Policy 4.3.1: Require the use of reclaimed water to irrigate recreational, agricultural and future development.

**Extension of reclaimed water service can be provided to the site along with the extension of water and sewer to the subject property.**

Policy 4.3.4: Require the construction of an on-site distribution system for the transmission of reclaimed water in all new and future development projects.

**This system can be in place upon connection to City utilities.**

## 6.0 STORM WATER MANAGEMENT

### Surface Water

Objective 6.3: To ensure that the quality of surface water within the City is maintained and, where unacceptable, improved.

- Appropriate on-site retention or detention in accordance with adopted local and state regulations including filtration, infiltration, establishment of littoral

zones in wetland areas and the use of grassy areas for filtration;

- Protection of wetlands and environmentally sensitive areas; and
- Management and protection of the quantity, timing and quality of water releases and discharges.

**No new development is proposed. If the site is redeveloped in the future, development must be in compliance with all SWFWMD permitting requirements and will be reviewed with construction plans.**

## 7.0 POTABLE WATER

### Maximize Existing Facilities

Objective 7.2: The City shall require that existing and new development maximizes the use of existing potable water facilities.

**A 10" city waterline is currently under construction within the Sanctuary Cove development and will soon be available for connection into the subject property.**

Policy 7.2.1: The City shall require the use of low-volume plumbing fixtures for all new construction in accordance with the requirements of the most recently adopted Standard Plumbing Code.

**The owner shall demonstrate compliance with the building permit application(s), if applicable.**

Policy 7.2.2: The City shall continue to encourage the use of xeriscape in all landscaping projects.

**If redeveloped, any future landscaping will incorporate xeriscaping.**

Policy 7.2.3: Where lines are available, the City shall require new development and redevelopment to connect to the reclaimed water system.

**Extension of reclaimed water service can be provided to the site along with the extension of water and sewer to the subject property.**

Policy 7.3.1: Require the use of reclaimed water to irrigate recreational, agricultural and future development.

**Extension of reclaimed water service can be provided to the site along with the extension of water and sewer to the subject property.**

Policy 7.3.4: Require the construction of an on-site distribution system for the transmission of reclaimed water in all new and future development projects.

**Extension of reclaimed water service can be provided to the site along with the extension of water and sewer to the subject property.**

**STAFF RECOMMENDATION:**

The subject parcel is located within the UDZ (Urban Development Zone). The entire block of 15<sup>th</sup> Avenue Drive East, including the subject parcel, has been identified on the UDZ map as being a logical expansion area of the City of Palmetto. Annexation of this parcel would then allow parcels on the north, south, and east to request voluntary annexation as well. The City would encourage the entire block to annex voluntarily. This would avoid a duplication of services and provide contiguity from the parcels to the west to the new Sanctuary Cove project to all be within the Palmetto city limits. Staff recommends **APPROVAL** of the annexation, comprehensive plan amendment, and change of zoning.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

The Planning and Zoning Board shall recommend **APPROVAL, APPROVAL WITH CONDITIONS, or DENIAL** of the proposed annexation, comprehensive plan amendment, and change of zoning to the City Commission.

**CITY COMMISSION**

The City Commission shall **APPROVE, APPROVE WITH CONDITIONS or DENY** the request for advertising the public hearings for the proposed annexation, comprehensive plan amendment, and change of zoning.

**CITY OF PALMETTO, FLORIDA  
ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (AN-08-04 – Christopher & Tanya Lukowiak. PID # 2607800109, approximately 0.44 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,” implements the applicable provisions of the Florida Constitution and 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, is reasonably compact and contiguous to the City of Palmetto; and

**WHEREAS**, the property described in **Exhibit A** is owned by the Christopher & Tanya Lukowiak. and

**WHEREAS**, Christopher & Tanya Lukowiak. has petitioned for annexation of said real property into the City of Palmetto; and

**WHEREAS**, notice of said annexation, a copy of which is attached hereto and incorporated herein as **Exhibit B**, has been published as required under Section 171.044, Florida Statutes; and

**WHEREAS**, annexation of the land described in **Exhibit A** 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, in order to protect the public health, safety, and welfare, 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 land legally described in **Exhibit A** is hereby annexed into and incorporated within the City of Palmetto, Manatee County, Florida, as fully and effectually as if the same were included within the boundary of the City of Palmetto, Florida, 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.

**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 or the standards and codes adopted hereby, 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 thirty-one (31) days after its adoption.

**PASSED AND DULY ADOPTED**, by an affirmative vote of not less than a majority of the total membership of the City Commission of the City of Palmetto, Florida, and \_\_\_\_\_.

First Reading:

Publication:

Second Reading and

Public Hearing:

CITY OF PALMETTO, FLORIDA, BY  
AND THROUGH THE CITY COMMISSION  
OF THE CITY OF PALMETTO

By: \_\_\_\_\_  
LAWRENCE E. BUSTLE JR., MAYOR

ATTEST: James R. Freeman  
City Clerk

By: \_\_\_\_\_  
City Clerk/Deputy Clerk

**Exhibit "A" Legal Description**

Lot 22, Sunkist Acres as per plat thereof, recorded in Plat Book 9, Page 96, of the Public Records of Manatee County, Florida.

**Lukowiak Annex, Rezone, Comp Plan Amend**

15TH AVE DR E NCT

260780D109

