

Tab 3

7TH AVENUE COTTAGES
PLAN AMENDMENT, REZONE, GENERAL
DEVELOPMENT PLAN
PA-Z-GDP-08-05

**Staff Report
7th Avenue Cottages
615 5th Street West
Comprehensive Plan Amendment Rezone, Conceptual/General Development
Plan
PA-Z-GDP-08-05**

OWNER/GENERAL LOCATION/PARCEL SIZE:

Owner: Mr. Charles Palmer & Mr. Jonathon Shute
Location: 615 7th Street West
Parcel Size: 0.30 acres +/-
PID #: 2778600003

EXISTING LAND USE/ZONING CATEGORY:

Future Land Use: RES-14 (Residential – 14 units per acre)
Zoning: RM-6 (Residential Multi-Family – 10 units per acre)

REQUESTED LAND USE/ZONING CATEGORY:

Future Land Use: PD (Planned Development)
Zoning: PDH (Planned Development Housing)

SURROUNDING PROPERTY ZONING DISTRICT(S)/USES:

Future Land Use

North: RES-14 (Residential – 14 units per acre)
South: RES-14 (Residential – 14 units per acre)
East: RES-14 (Residential – 14 units per acre)
West: RES-14 (Residential – 14 units per acre)

Zoning

North: RM-6 (Residential Multi-Family – 10 units per acre)
South: RM-6 (Residential Multi-Family – 10 units per acre)
East: RM-6 (Residential Multi-Family – 10 units per acre)
West: CG (Business and Light Commercial)

SUMMARY:

The requested PDH zoning designation is a site plan specific category. PDH only allows residential uses. The project is located within the geographic boundaries of the Downtown Design Guideline (DDG) area. As such, the applicant has opted to request an increase in the allowable density from the RES-14 Future Land Use Category (FLUC) by requesting an amendment to PD. The subject parcel is located

in the Midtown District of the DDG. A maximum of 35 units per acre may be requested in the Midtown District. The surrounding area is developed primarily with single family residences despite being zoned RM-6. As proposed, the application would exceed the 14 unit per acre maximum of the RES-14 FLUC, hence the Comprehensive Plan Amendment to PD. The subject property is 0.30 acres in size. The six proposed units constitute a density request of 20 units per acre.

The project proposes six single family detached structures in a land condominium format. All common areas will be maintained by a homeowners association and is accessible to all residents of the project. The proposal includes a courtyard concept added to enhance social congregation of the residents into the gazebo and courtyard area. Parking is proposed to be on-street similar to the request of the Palmetto Riverside Bed and Breakfast project that was recently approved. Street parking is encouraged within the DDG and promotes a more pedestrian oriented project. The applicant intends to market to people interested in an urban environment with a single family detached quaint cottage look and feel. Staff agrees that the proposal is superior to the alternative to a multi-family residential complex. The applicant has incorporated a bicycle parking area within the plan to encourage residents to walk or bike to shop at nearby the Sweetbay Grocery Store, or get an ice cream cone at the A-la-Mode Restaurant. In addition, the close proximity of several office locations may entice workers to buy a residence from which they can walk to work. These concepts are consistent with the objectives of the DDG.

The typical rendering of the houses is included on the plan. The architecture includes incorporating wrap-around porches on the northernmost end structures. The interior units will have front and rear porches. This will give a front door look to the houses facing 7th Avenue West as well as from the interior. Pedestrian walkways will connect the interior of the project with the parking spaces surrounding the project.

COMPREHENSIVE PLAN ANALYSIS:

Potable water, sanitary sewer, and parks and recreation levels of service are satisfied with this request. Below is a synopsis of the impacts to roads, drainage, and reclaimed water infrastructure related elements of the Comprehensive plan:

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.

A traffic impact statement has been submitted by the project engineer identifying that the impact is de minimus and does not result in any degradation in roadway level of service.

4.0 SANITARY SEWER

Reclaimed Water Use

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

The site is currently served with city reclaimed water for irrigation.

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.

The site is currently served with city reclaimed water for irrigation.

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.

Prior to the approval of a final development plan, the applicant shall provide a letter from SWFWMD regarding the approval of exemption or other direction regarding retention requirements.

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.

The site is served with City water.

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 site is served with City water. Details of low volume plumbing fixtures will be addressed with building permits.

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

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.

The site is currently served with city reclaimed water for irrigation.

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

The site is currently served with city reclaimed water for irrigation.

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.

The site is currently served with city reclaimed water for irrigation.

VARIANCE REQUESTS:

The following variances are requested for the project:

1. *Section 8.5 (c) – minimum off-street parking and loading requirements:* The proposed parking spaces will utilize a portion of the 7th Avenue West and 5th Street West right-of-way and back into the street.

The City of Palmetto promotes on-street parking in the downtown core and has on-street parking in several locations. The site is enhanced with paver bricks in the parking and sidewalk area. Staff supports the request as an aesthetic superior alternative to asphalt or concrete.

2. *Section 8.5 (a) (2) & (3) – minimum setbacks:* The plan depicts the project setbacks reduced to 17 feet in the front yards and 7.5 feet between structures.

The DDG promotes locating structures close to the street. There is enough room between the edge of pavement and the proposed residential structures to accommodate the required parking described above. The strict application of the required setbacks would render the project undevelopable as proposed.

As previously mentioned, PDH zoning is a site plan specific category that gives the applicant the ability to request waivers and modifications from LDC

requirements. This provision allows the flexibility to request changes that lead to a superior development alternative.

STAFF RECOMMENDATION:

The site can accommodate a four unit residential multi-family building under the RES-14 designation. Although the increase in density requires the comp plan amendment to PD and rezone to PDH, the plan promotes several of the design aspects of the adopted DDG. Staff is of the opinion that this project can serve as a model for higher density residential projects within the downtown core. The detached houses will be limited to two stories in height, incorporate a front porch concept, and have on focal point to attract people and promote a socially interactive neighborhood. Staff recommends **APPROVAL** of the plan as designed with the following stipulations:

1. A parking and sidewalk easement shall be provided for the area located on the private property adjacent to 7th Avenue West and 5th Street West where the parking and sidewalk is located.
2. The architecture of the proposed structures shall be consistent with the elevation depicted on the plan. Final design shall be presented to the Planning and Zoning Board for discussion prior to the commencement of building construction.
3. Development is subject to construction plan approval.

In addition, staff recommends approval of the two variance requests. There are no health, safety or welfare detriments to these requests. Approval of these variances will maintain compatibility and consistency with the development of the surrounding area.

PLANNING AND ZONING BOARD RECOMMENDATION:

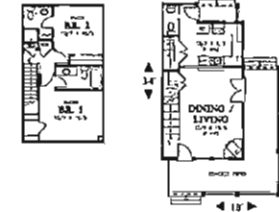
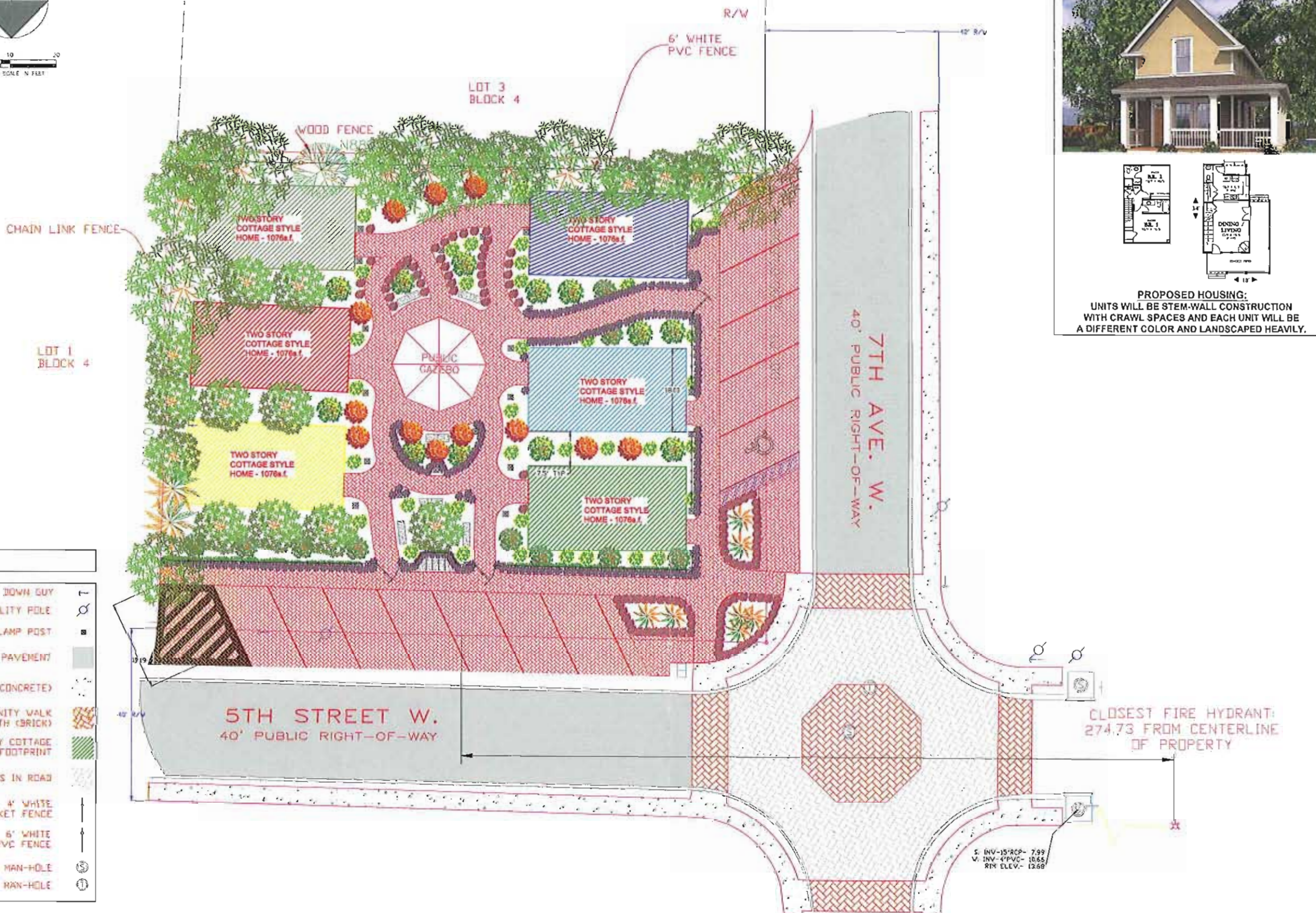
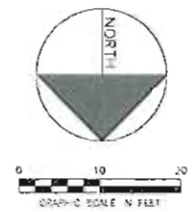
The Planning and Zoning Board shall recommend **APPROVAL, APPROVAL WITH CONDITIONS, or DENIAL** of the proposed conceptual/general plan.

CITY COMMISSION ACTION:

The City Commission shall **APPROVE, APPROVE WITH CONDITIONS or DENY** the proposed conceptual/general development plan.

Attachments: Site Plan
Ariel
Ordinance

Exhibit "B"



PROPOSED HOUSING:
 UNITS WILL BE STEM-WALL CONSTRUCTION WITH CRAWL SPACES AND EACH UNIT WILL BE A DIFFERENT COLOR AND LANDSCAPED HEAVILY.

LEGEND:

DOWN GUY	○
UTILITY POLE	○
OLD FASHION LAMP POST	■
ASPHALT PAVEMENT	■
SIDEWALK (CONCRETE)	■
COMMUNITY WALK PATH (BRICK)	■
TWO STORY COTTAGE HOME FOOTPRINT	■
BRICKS IN ROAD	■
4' WHITE PICKET FENCE	—
6' WHITE PVC FENCE	—
SANITARY MAN-HOLE	⊙
STORM MAN-HOLE	⊙

Date of Field Survey:	
Field Book:	
Page:	
Project No.:	
Date:	9-22-08
Scale:	1" = 10'
Drawn By:	TCP
Checked By:	WJS
Cost File:	

Conceptual Plan
 FOR
 7th AVENUE
 COTTAGES

THIS IS NOT A SURVEY
 LOT 3, BLOCK 4
 WILLIS ADDITION TO PALMETTO AS RECORDED IN PLAT BOOK 1, PAGE 202A OF THE PUBLIC RECORDS OF MANATEE COUNTY FLORIDA



NO.	REVISION	DATE

DOVE ENGINEERING AND CONSULTING, LC
 CERT. 27262

P.O. BOX 14631
 BRADENTON, FLORIDA 34280-4631
 CELL: 941-400-6044
 E-MAIL: TIM.D@DOVE-ENGINEERING.COM

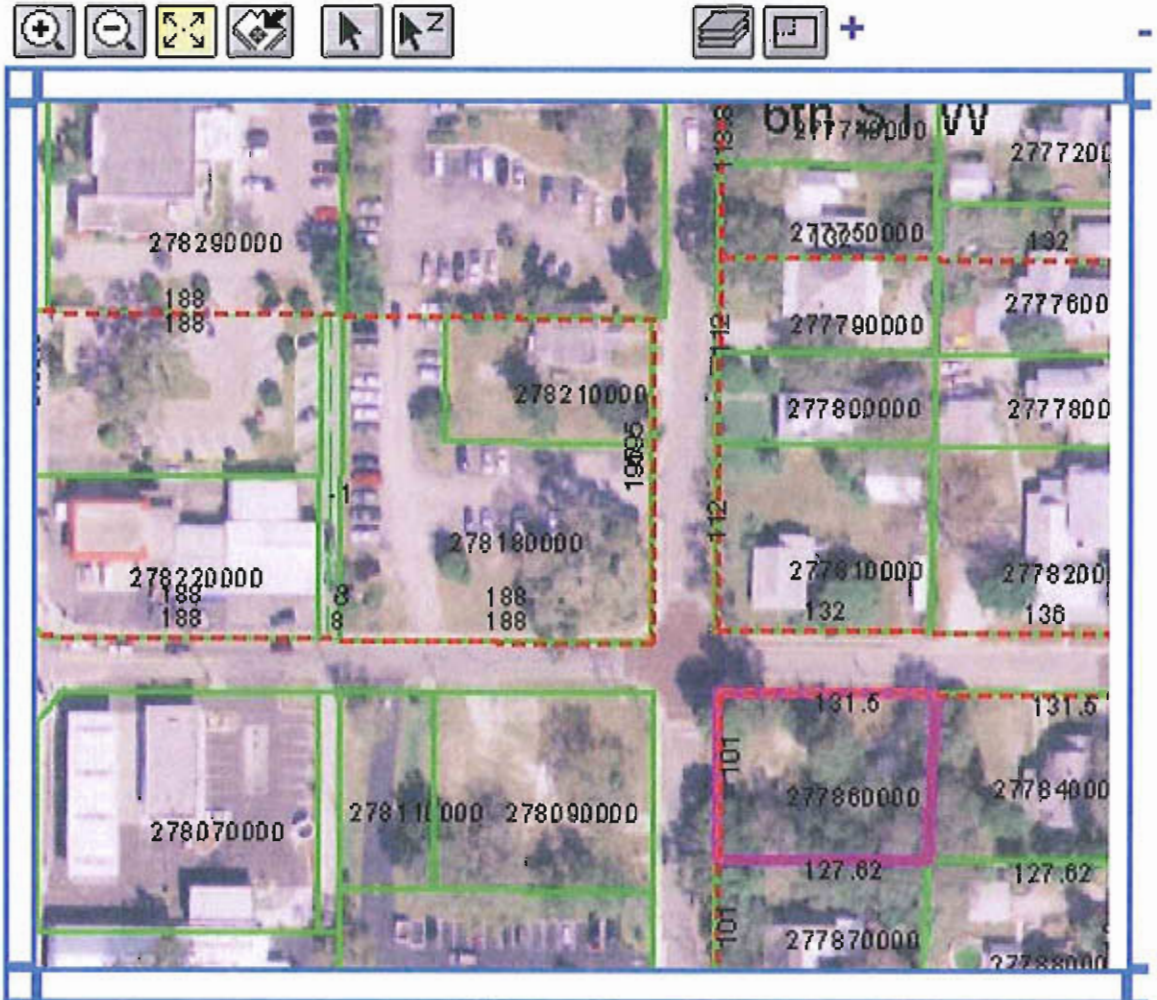
Main **Property Search**

Owner Address Account Advanced Map S

PARID: 277860003
WHITECAP PROPERTIES LLC

615 5TH S

- Profile
- Values
- Sales
- Residential
- Commercial
- Out Buildings
- Permits
- Land
- Agriculture
- Sketch
- Exemptions
- Full Legal
- Map



Manatee County
Last GIS Data Update: 1-Sep-2008

Data Copyright Manatee County Property Appraiser's Office [Disclaimer] [Privacy Policy]



Site Design Copyright 1999-2007 Akanda Group LLC. All rights reserved.

**CITY OF PALMETTO, FLORIDA
ORDINANCE NO. 08-**

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-14 (RESIDENTIAL 14 UNIT PER ACRE) TO PD (PLANNED DEVELOPMENT); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA-08-05 Charles Palmer and Jonathan Shute, PID # 2778600003, approx. 0.3+/-acres).

WHEREAS, Article VIII, Section 2, Constitution of the State of Florida, provides for and establishes municipalities and grants to those municipalities governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services and authorizes said municipalities to exercise any power for municipal purposes, except as otherwise provided by law; and,

WHEREAS, Chapter 166, Florida Statutes, The Municipal Home Rule Powers Act, implements by general law the authority and jurisdiction granted to municipalities by the Florida Constitution and establishes home rule for said municipalities; and,

WHEREAS, Chapter 163, Florida Statutes, Part II, known as the Local Government Comprehensive Planning and Land Development Regulation Act, requires, authorizes and empowers municipalities to plan for their future development and growth by adopting and amending comprehensive plans, implementing those plans through appropriate land development regulations, and establishing and maintaining procedures to carry out the provisions and purposes of said Act; and,

WHEREAS, the owners of the property legally described in **Exhibit A**, attached hereto and incorporated herein, have requested that the future land use designation for said property be changed from RES-14 (Residential 14 units per acre) to PD (Planned Development).

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides that local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan; and

WHEREAS, the City's Planning and Zoning Board, acting as the Local Planning Agency (LPA) for the City of Palmetto, and City Commission have determined that the proposed Comprehensive Plan Amendment constitutes a Small Scale Development Amendment pursuant to Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, in preparation and consideration of the proposed Small Scale Development Amendment, the LPA and the City Commission have performed or caused to be performed, the necessary studies and surveys, the collection of appropriate data, the holding of such public hearings, work shops and meetings, as necessary, and have effectively provided for public participation, notice, opportunity for oral or written comments; and,

WHEREAS, pursuant to Section 163.3184 and Section 163.3187(1)(c), Florida Statutes, the LPA held the required public hearing on the proposed Small Scale Development Amendment on October 13, 2008 providing proper public notice; and,

WHEREAS, the LPA, having reviewed and considered all comments received during said hearing and provided for necessary revisions, has recommended the proposed Comprehensive Plan Amendment to the City Commission for approval; and,

WHEREAS, based on the matters of record received by the City Commission at the required public hearing pursuant to Section 163.3187(1)(c), Florida Statutes, held on _____, after proper public notice, the City Commission, in the exercise of its home rule and statutory authority, has determined it necessary and desirable, in order to protect the public health, safety and welfare, to adopt the proposed Small Scale Development Amendment to the Comprehensive Plan.

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” clauses are adopted herein as findings of fact.

Section 2. Amendment. The City of Palmetto 2010 Comprehensive Plan Future Land Use Element / Future Land Use Map is hereby amended by changing the future land use designation for the property legally described in **Exhibit A**, attached hereto and incorporated herein, from RES-14 (Residential 14 units per acre) to PD (Planned Development).

Section 3. Applicability. The applicability and effect of the City of Palmetto 2010 Comprehensive Plan shall be as provided by the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and this Ordinance. Except to the extent as amended hereby, the Comprehensive Plan is hereby ratified, confirmed and remains in full force and effect.

Section 4. Severability. In the event any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 5. Effective Date. This Ordinance shall not become effective, as provided by law, pursuant to Section 163.3187(3)(c), F.S., until thirty-one (31) days after adoption. If challenged, within thirty (30) days after adoption, this Small Scale Development Amendment shall not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a final order determining the adopted Small Scale Development Amendment is in compliance.

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, this

_____.

First Reading: _____

Publication: _____ and

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 2, Block 4, Willis Addition to Palmetto as recorded in Plat Book 1, page 202A,
Public Records of Manatee County Florida.**

**CITY OF PALMETTO
ORDINANCE NO. 08-**

AN ORDINANCE OF THE CITY OF FLORIDA, PALMETTO FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED HEREIN FROM RM-6 – RESIDENTIAL MULTI-FAMILY TO PDH – PLANNED DEVELOPMENT HOUSING; APPROVING A CONCEPTUAL/GENERAL DEVELOPMENT PLAN FOR A SINGLE FAMILY RESIDENTIAL PROJECT DEPICTING SIX (6) UNITS. PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-GDP-08-05 Charles Palmer and Jonathan Shute, PID # 2778600003, approx. 0.3+/- 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, said Comprehensive Plan Amendment requires a change of zoning to conform to the zoning categories established in the City of Palmetto Code of Ordinances; and,

WHEREAS, the owner of the property described in **Exhibit A** has submitted a request for approval of a Conceptual/General development plan depicting six (6) single family residential units with said change in zoning; and

WHEREAS, the City’s Planning and Zoning Board held a hearing on October 13, 2008 after providing proper public notice; and,

WHEREAS, the City Commission has considered the recommendation of the Planning and Zoning Board; and,

WHEREAS, the City Commission held a public hearing on _____ regarding said proposed change of zoning and proposed Conceptual/General development plan, after providing proper public notice; 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.

- A. The above-referenced “WHEREAS” clauses are adopted herein as findings of fact.
- B. The Planning and Zoning Board, acting as the Local Planning Agency, has recommended approval of the proposed Zoning Atlas Amendment and Conceptual/General Development Plan. A copy of said Plan is attached hereto and incorporated herein as **Exhibit B**.
- C. The proposed Zoning Atlas Amendment, and Conceptual/General Development Plan are consistent with the City of Palmetto’s Comprehensive Plan.
- D. The proposed Zoning Atlas Amendment and Conceptual/General Development Plan are compatible with adjacent land uses and comply with all pertinent provisions of the City of Palmetto’s Zoning Code.

Section 2. Zoning Amendment. The zoning for the real property described in **Exhibit A** is hereby changed from RM-6 – Residential Multi-family to PDH – Planned Development Housing.

Section 3. GDP Approval. The submitted Conceptual/General Development Plan, a copy of which is attached hereto and incorporated herein as **Exhibit B**, is hereby approved with the following stipulations:

- A. Construction drawings must be submitted and approved by the City.
- B. No Certificate of Occupancy shall be issued for any units within the Project unless and until all applicable requirements of Chapter 17, Article III, Division 1, Sections 17-47 through 17-97 of the City of Palmetto Code of Ordinances, pertaining to the provision of attainable housing, have been satisfied.
- C. Approved variances for the lands within this Conceptual/General Development Plan shall be as set forth on **Exhibit B**.
- D. Setbacks shall be as described on the approved Conceptual/General Development Plan as further set forth on **Exhibit B**.
- E. Development must be consistent with the Downtown Design Guidelines.

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 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 _____ day of _____, 2008

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 2, Block 4, Willis Addition to Palmetto as recorded in Plat Book 1, page 202A,
Public Records of Manatee County Florida.**

OLD BUSINESS

NEW BUSINESS