

Tab 1

APPROVAL OF THE JANUARY 12, 2009
P&Z MEETING MINUTES

CITY OF PALMETTO
PLANNING AND ZONING BOARD
516 8TH Avenue West
Palmetto, Florida 34221

MEETING MINUTES
JANUARY 12, 2009 – 6:15 P.M.

BOARD MEMBERS PRESENT

Barbara Jennings
Charlie Ugarte
Ed Bennett
Jon Moore

Robert Smith
Michael Burton

BOARD MEMBER ABSENT

Christopher Moquin

ALTERNATE BOARD MEMBERS PRESENT

Eric Gilbert
Jim Pastor

SCHOOL BOARD APPOINTEE ABSENT

Mike Pendley

STAFF AND OTHERS PRESENT

Tom McCollum, Interim City Planner
Ken Hawkins
Linda Butler
Scott Rudacille

Andrew Allison
David Bailey
John Cucci

The regular meeting of the Palmetto Planning and Zoning Board was called to order by Chair Jennings, in the Palmetto City Hall Commission Chambers, 516 8th Ave. W., Palmetto, Florida at 6:15 p.m. pursuant to notice being sent to the public and the Board members in accordance with Palmetto's City Code.

Staff, applicants and members of the public wishing to address the Board were sworn in.

ORDER OF BUSINESS

1. Election of 2009 Officers

a. Election of Chair

Mr. Ugarte moved to nominate Mr. Burton, Mr. Bennett seconded, Mr. Burton accepted. **MOTION CARRIED UNANIMOUSLY.**

b. Election of Vice-Chair

Ms. Jennings moved to nominate Mr. Smith, Mr. Burton seconded, Mr. Smith accepted. **MOTION CARRIED UNANIMOUSLY.**

2. Approval of Minutes for the November 10, 2008 meeting.

MOTION: Mr. Moore moved and Mr. Ugarte seconded the motion to approve the November 10, 2008 meeting minutes. **MOTION CARRIED UNANIMOUSLY.**

3. Manatee School for the Arts GDP-08-07

Chair Burton opened the public hearings.

Chair Burton stated for the record Mr. Moore is recused from this agenda item.

Mr. McCollum introduced himself, congratulated the new officers and gave an overview of the staff report, highlighting the four phases of the proposed project.

- **Phase 1:** Additional Administrative Building – 9,400 square feet (2009)
- **Phase 2:** Physical Education Building – 20,000 square feet 2-story building (2009)
- **Phase 2A:** Physical Education Covered Pavilion – 6,500 square feet (2009)
- **Phase 3:** Remove existing classroom building (9,600 square feet) and add a 3-story classroom building – 20,400 square feet (2012)

- **Phase 4:** Remove existing building and add new theater – 12,000 square feet and construct 36 parking spaces on a pervious surface (2014)

Mr. Moore introduced Dr. Bill Jones and explained the phases of the proposed project. Mr. Moore stated phase 1 is needed to handle the staff expansion.

Ms. Jennings asked if the student population going to change. Dr. Jones stated phase 1 and 2 may or may not increase the student population at all. Phase 1 and 2 is needed to more adequately accommodate what is on hand now. If all the phases are done there is no huge increase anticipated in student population or staff.

Chair Burton asked how stormwater treatment is going to be addressed, whether there is a proposed reduction in open space and how the school proposes to meet the City's open space requirements. Dr. Jones stated that a meeting was held with Southwest Florida Water Management District (SWFWMD) regarding stormwater. Staff from SWFWMD suggested the entire retention area is not needed and are ok with the plans. MSA is waiting to receive written confirmation from SWFWMD. Mr. Moore stated that initially his belief was that the open space requirement was met, but he is unclear of what the calculations incorporated. Staff requested that the applicant's meeting both SWFWMD and open space requirements be a condition for the approval of phase 4.

Mr. McCollum stated the Board may want to consider the issue of height. The plan shows a 50 ft maximum height. If we are going to consider a building of that height there should be stipulations stating that the applicant meet code requirements for the setback. Mr. Moore stated he believes they meet the requirements.

Chair Burton asked if we can stipulate at this time that the open space requirements must be attained with standard of the City of Palmetto Code of Ordinances. Mr. McCollum stated as long as it is stated, prior to the development or construction plan approval of phase 4, the applicant must meet the requirement for open space.

Ms. Jennings commented on one of the stipulations, stating it requires a traffic impact statement, but asked whether that stipulation should be listed if there is not going to be an increase in staff or student population. Mr. McCollum stated that he spoke with the applicant about the traffic impact statement and, per Mr. Dick Clarke, as a standard requirement of

the City, there should be a statement and this should remain in the stipulations.

Chair Burton closed the public hearing.

MOTION: Mr. Bennett moved to recommend approval of Manatee School for the Arts GDP-08-0 with stipulations to City Commission.

Mr. Rudacille commented on the stipulations and stated a 5th stipulation regarding the projects height and setback requirements should be added if the Board wishes to do so. He also recommended the removal of the paragraph stating "In addition, staff recommends approval of the two LDC modification requests. There are no health, safety or welfare detriments to these requests. Approval of these LDC modifications will maintain compatibility and consistency with the development of the surrounding area."

The applicant and staff concurred with changes to the stipulations.

The motion was amended to read: Motion to recommend approval of the Manatee School for the Arts GDP-08-0 subject to the 4 stipulations in the staff report and to add a 5th stipulation that the project will comply with the City code of height and setback requirements at construction plan approval stage.

Mr. Bennett accepted the amended motion. Mr. Smith seconded.
MOTION CARRIED UNANIMOUSLY.

4. C&D Migrant Housing Variance VAR-08-02 (Board of Adjustment)

Chair Burton opened the Public Hearing.

Mr. Rudacille stated for the record his law firm has a conflict with this item and will have to recuse himself. If the Board wishes to have legal counsel they will have to table the hearing until counsel can be provided.

Chair Burton consulted with the Board. The Board wishes to proceed.

Mr. McCollum stated the Board is the deciding body in this matter; it will not go before City Commission. Mr. McCollum referenced and reviewed the duties when acting as the Board of Adjustment.

Mr. McCollum stated the applicant is requesting a variance of 10 feet on the rear yard to construct a 9-unit building 10 feet from the rear yard and lot line. Staff is recommending denial for the following reasons:

- A viable land use exists on the site; therefore, there is no undue hardship involved.
- There are no special conditions peculiar to the land. The owner purchased the land in its current physical configuration.
- The required 20-foot rear yard setback is a reasonable and standard setback in this zoning district.
- The applicant has failed to show that there is some unique economic hardship that necessitates this variance.

Mr. Allison, Allison Engineering, introduced the owner, Mr. John Cucci and Mr. David Bailey, contractor. Mr. Allison reviewed the site plans.

Chair Burton questioned the location of the variance request and asked whether this plan was presented in the conditional use application as a 10 ft or 20 ft set back. Mr. Allison stated it was shown as a 10 ft set back. It was discovered that a variance request should have been applied for at the time of the conditional use application.

Mr. Allison rebutted the four reasons listed by staff for denial. Additionally, he opined that one of the benefits to the City will be approximately \$20,000 improvement to the sewer infrastructure, by moving the building back and allowing the utilities to be moved to the front. The applicant would cover most of the cost, with the City providing the pipes.

Mr. Ugarte asked if the proposed building a 1 or 2 story building. Mr. Allison stated it is a 1 story building.

- Mr. Bruce Varnadore, citizen, opposed, and stated the process needs to start over from the beginning. It was stated the property is a migrant camp, and to his knowledge it was a motel. The information staff gave was flawed.
- Mr. Raymond Varnadore, citizen, opposed, and stated in order to have a migrant labor camp you must have a conditional use permit. The city was unable to provide a copy of a permit. A copy of the

letter was provided. A lot of issues to be resolved before moving forward.

Chair Burton stated he was not aware that the project was not approved by the City Commission and asked for clarification from staff. Mr. McCollum stated the conditional use permit was tabled at the City Commission meeting until the variance was considered.

Mr. Bennett questioned if a variance was granted at the time the original building was constructed. Mr. McCollum stated no records have been found. We are assuming that at the time they were constructed they may have met the requirements, since then requirements and codes has changed.

- Mr. David Bailey stated they are cleaning up the area, new windows, shingles, paint and a privacy fence has been installed. Discussions with the Mayor to possible have this project as a guide for other migrant camp. Mr. Bailey stated he has met with the neighbors to get their input.
- Ms. Gladys Sailes-Houston, citizen, opposed the project. Ms. Houston stated she would like to see something done to stop the residents from trespassing on her property.
- Ms. Penny Layhew, citizen, no objection to variance or bias toward these people or culture. Ms. Layhew stated she has a problem with the actions of the people that live there and the project proposed.

Chair Burton closed the public hearing.

MOTION: Mr. Ugarte moved to deny the C&D Migrant Housing Variance VAR-08-02. Mr. Smith seconded. **MOTION CARRIED UNANIMOUSLY.**

5. Old Business:

- Mr. Ugarte questioned the status of the strobe lights at Walgreens store. Mr. Hawkins stated it is the emergency lights malfunctioning. Mr. McCollum stated he will investigate and will report back.

6. New Business

a. 2009 Planning and Zoning Calendar

Chair Burton informed the members to please notify staff if they are going to be absent from a scheduled meeting.

Mr. Bennett stated he would like the Board to write a letter of appreciation, for Chair Burton signature on behalf of the Board, recognizing Mr. Bob Schmitt for his service to the City and the Planning and Zoning Board.

MOTION: Mr. Bennett moved and Mr. Ugarte seconded. **MOTION CARRIED UNANIMOUSLY.**

Mr. Ugarte stated he would like to see the Land Development Code (LDC) revised. The height requirements it is not clear, has been a topic for some time. Mr. McCollum stated the LDC, School Concurrency, the DDG and the Sign Ordinance are all issues that will be discussed with the Mayor for her directions.

Mr. Moore asked if there was a way to make modification to the LDC as they come before the Board. Mr. McCollum stated that is possible.

Ms. Jennings encouraged the Members to volunteer to represent the City in the County Fair.

Chair Burton introduced the newest alternates to the P&Z Board and thanked them for serving. Mr. Eric Gilbert and Mr. Jim Pastor and allowed them to speak. Both members stated they are glad to be serving.

7. Adjournment: 8:05 pm

MOTION: the Board unanimously moved to adjourn the meeting. Next Planning and Zoning Board meeting will be held on February 9, 2009.

Michael Burton, Chairman

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME MOORE JON V	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PLANNING & ZONING BOARD
MAILING ADDRESS 706 RIVERSIDE DRIVE	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY COUNTY PALMETTO MANATEE	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED 1.12.09	NAME OF POLITICAL SUBDIVISION:
	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JON MOORE, hereby disclose that on JAN. 12, 20 09:

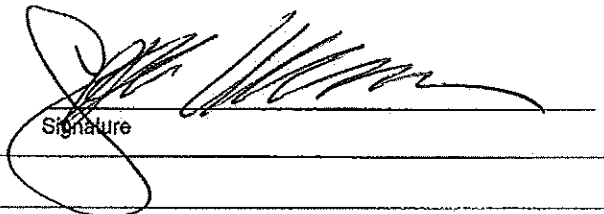
(a) A measure came or will come before my agency which (check one)

- Inured to my special private gain or loss;
- Inured to the special gain or loss of my business associate, _____;
- Inured to the special gain or loss of my relative, _____;
- Inured to the special gain or loss of MANATEE SCHOOL FOR THE ARTS, by whom I am retained; or
- Inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

ODP - 08-07
PLANNED UNIT DEVELOPMENT OF
MANATEE SCHOOL OF THE ARTS.

1.16.09
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.