

Tab 1

APPROVAL OF THE AUGUST 19, 2010
MEETING MINUTES

**DRAFT MINUTES
CITY OF PALMETTO
PLANNING AND ZONING BOARD
AUGUST 19, 2010 – 6:15 P.M.**

516 8th Avenue West
Palmetto, FL 34221

www.palmettofl.org
941-723-4570

PLANNING AND ZONING BOARD MEMBERS

BARBARA JENNINGS, Vice Chair
CHRISTOPHER MOQUIN
CHARLIE UGARTE
JON MOORE

ERIC GILBERT-**Absent**

School Board Appointee (Non-voting)

MIKE PENDLEY, **Absent**

Staff

Lorraine Lyn, City Planner
Linda Butler, Recording Secretary

Scott Rudacille, City Counsel
Allen Tusing, Public Works Dir.

Anyone wishing to speak before the Planning and Zoning Board must sign in prior to the meeting, stating name, address and topic to address. All comments will be limited to two minutes.

 **Swearing in of all persons speaking to the Board:**

“Do you swear or affirm that the evidence or factual representations that you are about to give or present to the Planning and Zoning Board on this 19th day of August 2010 are truthful?”

ORDER OF BUSINESS:

 **Introduction of Planner:**

Mr. Tusing introduced Lorraine Lyn, City Planner and stated her credential is very fitting for the City and he believes the Board will enjoy working with Ms. Lyn. Mrs. Jennings welcomed Ms. Lyn.

 1. **Election of 2010 Officers**

Tab 1

a. Election of Chair:

Mr. Ugarte nominated Mrs. Jennings as the chair and Mr. Moore as the vice chair. Mr. Moquin seconded.

Mr. Moore nominated Mr. Moquin as vice chair, Mr. Moquin respectfully declined due to pending surgery.

Nominations closed.

Mrs. Jennings accepted the nomination as chair. Mr. Moore accepted to accept the nomination as vice chair.

MOTION CARRIED UNANIMOUSLY.



2. **Approval of May 20, 2010 Meeting Minutes**

Tab 2

Mr. Ugarte moved to approve the May 20, 2010 meeting minutes, Mr. Moore seconded. **MOTION CARRIED UNANIMOUSLY.**



3. **Verizon Wireless Conditional Use 2010-04**

Tab 3

Ms. Lyn reviewed the staff report for the conditional use request. Verizon Wireless is a cellular (cell) communication provider applying for a 154 foot "stealth" communication tower (designed to be a flagpole) and accessory equipment. Ms. Lyn also pointed out that currently there are no suitable existing towers or structures in or near the Verizon Wireless 87017 designed search area.

The applicant met with City staff months prior to the submittal of the application and with the DRC on June 9, 2010. Staff recommends approval of this conditional use application. The applicant is present to address any questions and or concerns.

Chair Jennings opened the public hearing.

Ms. Laura Belflower, agent for Verizon Wireless stated Ms. Lyn covered her presentation well and is open for any questions.

Chair Jennings questioned the purpose of the flag pole folding onto itself by 40 feet. Ms. Belflower explained the pole is built to meet the

wind code requirement, in case of high winds; if the pole falls it will fall within the leased area.

Chair Jennings asked who will be responsible for replacing the flag when necessary. Ms. Belflower stated Verizon will be responsible for the flag.

Chair Jennings closed the public hearing.

 Action Request: Mr. Moquin moved to request approval of Verizon Wireless Conditional Use 2010-04, seconded by Mr. Mr. Ugarte Charlie. **MOTION CARRIED UNANIMOUSLY.**

 4. **Palmetto Warehouse Company, LLC. VAR-2010-03** Tab 4

Ms. Lyn reviewed the staff report for the Palmetto Warehouse Variance request. The applicant is requesting a front set-back variance from the required 20 foot setback from 6th Street West. The existing building is setback 9 feet from 6th Street West. This lot is a corner lot with two front yards facing 7th Avenue West and 6th Street West. The property is located at 600 7th Avenue West, currently zoned General Commercial and is being occupied by a Daycare Center.

The applicant is proposing to expand the daycare center by approximately 475 square feet to accommodate an additional 15 children. The applicant is present to address any questions and or concerns.

Mr. Ugarte inquired whether the Land Development Code (LDC) restricts expanding a non conformity. Ms. Lyn answered yes. Following a discussion on nonconformities, Mr. Rudacille stated that the daycare center is a nonconforming structure.

Chair Jennings opened the public hearing.

Mr. Curtis Root, agent for Palmetto Warehouse, thanked Ms. Lyn and staff for work on the variance request. Mr. Root stated due to the capacity being met by the daycare, they are looking to expand. Mr. Root stated that the rear expansion was not feasible because of the trees and the children's safety.

Mr. Root addressed Ms. Lyn concerns regarding parking, stating currently there are six parking spaces, along 6th Street. He indicated

that there is an existing curb cut along 7th Ave, which would allow additional parking, with the revising of the chain link fence.

Mr. Moore asked staff if shell parking is allowed in the city. Mr. Tusing stated the code does not allow shell parking, only a dustless surface.

Mr. Root stated the CRA has shell parking. Mr. Tusing stated for the record that staff is aware of shell parking at that location but it has been there ever since the structure was a residence.

Mr. Ugarte stated the variance is a set-back variance; the building is a legal non conforming structure, the code says you cannot expand a non conforming use or structure and because no hardship have been presented, he cannot support the variance request.

Mr. Moquin stated he agrees with Mr. Ugarte. There does not appear to be a hardship; the expansion can be accomplished by expanding in the rear of the building.

Chair Jennings stated she also agrees with Mr. Ugarte and Mr. Moquin.

Mr. Moore stated there are conditions peculiar to the land, corner properties are a hardship just by definition, so much of the property is required to be unusable and in light of the City's focus on becoming greener, suggests that the Commission consider the fact that the use of the land that we already have in our developed area is the greenest thing we can do. Given that, he would support the variance.

Mr. Moore also asked whether the variance request should have included shell parking.


Mr. Rudacille stated the only issue the Board has to consider is the set-back request, if the variance is approved everything else will have to comply with code.

Mr. Tusing clarified that staff was not referring to the existing parking but the new area proposed, which the applicant stated is a grassy area.

Mr. Moore asked if there are any South West Florida Water Management District (SWFWMD) requirements. Mr. Tusing stated he don't foresee it being a problem. The applicant will have to go through the process to obtain all other permits through SWFWMD if needed.

Chair Jennings closed the public hearing.

Action Request: Mr. Ugarte moved to deny the Variance Request for Palmetto Warehouse VAR-2010-03. Mr. Moquin seconded. **MOTION CARRIED.**

 Opposed 3 to 1, Mr. Moore supported the variance request.

 5. **Old Business**

- a. Department of Community Affairs Objections, Recommendations and Comments Report (ORC).

Ms. Lyn stated she is addressing the ORC report of DCA, and would welcome comments and suggestions from the Board. The intention is to bring back recommendations and seek direction from the Board.

Chair Jennings asked why the Water Supply Plan was not filed. Mr. Tusing stated unfortunately it was before he returned to the City, it was not until staff was reviewing the submittal when it was discovered the plan had not been submitted. It was also discovered that the map series and other supporting document was not submitted. Staff is working on the Water Supply Plan at this time.

Mr. Ugarte stated he is surprised and discouraged at DCA comment on density and FAR. Mr. Tusing stated we must have supporting documents for what is being submitted.

Mr. Moore asked what the process is at this point, will it have to go back through the process of workshop and public hearing. Mr. Tusing stated it will come back to the P&Z for a public hearing and to the City Commission. Mr. Tusing also noted if the P&Z and City Commission want to keep the density and FAR at what was submitted, it will require a lot of work and research.

Ms. Lyn stated she will work closely with DCA and bring the recommendations back.

Mr. Tusing clarified off-street parking for the Board, citing in the Code of Ordinance, Division 2. Off-Street Parking, Section 28-75 "All off-street parking facilities, including aisles, travel lanes, and driveways, shall be constructed and maintained in accordance with city standards, but at a minimum shall be constructed of asphalt, concrete, brick, or paver block".

Mr. Ugarte inquired of the City's water treatment plant and water supply. Mr. Tusing updated the board on the history and status of the wastewater treatment plant.



6. **New Business**

- a. Discussion on amendment to Zoning Code to allow a daycare center as a permitted or an accessory use in the Commercial Core (CC) zoning district.

Ms. Lyn stated our current zoning code does not allow a daycare in the CC zoning district.

Mr. Ugarte stated a daycare should be a permitted use.

It was the direction of the Board to proceed with the amendment change to the CC zoning district to allow a daycare as a permitted use.

6.



Adjournment: 7:55