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APPROVAL OF THE OCTOBER 21, 2010  
MEETING MINUTES

**DRAFT MINUTES  
CITY OF PALMETTO  
PLANNING AND ZONING BOARD  
OCTOBER 21, 2010 – 6:15 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

BARBARA JENNINGS, Chair  
JON MOORE, Vice Chair  
ERIC GILBERT  
CHARLIE UGARTE

CHRISTOPHER MOQUIN

School Board Appointee (Non-voting)

MIKE PENDLEY

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*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 21th day of October 2010 are truthful?”**

**ORDER OF BUSINESS:**

Mr. Burton, CRA Director, briefed the Board on the functions of the CRA and distributed the Draft Commercial Core Redevelopment Incentive Package.

Mr. Moquin referenced Ordinance 07-930, Downtown Design Guidelines (DDG) suggesting the need to change the name to Downtown Design Ordinance or Plan. The term “guidelines” was discussed; although the intent was to use this document as a guideline, the DDG was adopted by ordinance and is more regulatory than the term “guidelines” suggest. The item will be discussed under new business.

1. Approval of September 16, 2010 Meeting Minutes

Tab 1

It was brought to the Board's attention that there was an oversight on the minutes which should have included a comment made by Mr. Moquin which read "Mr. Moquin indicated that it is part of the Board's due diligence responsibility to visit the site. "

Action request: Mr. Ugarte moved to approve the amended September 16, 2010 minutes. Mr. Moquin seconded. **MOTION CARRIED UNANIMOUSLY.**

2. Amending Attainable Housing Requirements Ord. 2010-17 Tab 2

ORDINANCE NO. 2010-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 17, ARTICLE III, OF THE CODE OF ORDINANCES, TO REVISE THE REQUIREMENTS RELATED TO THE PROVISION OF ATTAINABLE HOUSING; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Barnebey apologized for the late documentation on amending the attainable housing requirements and reviewed the ordinance.

Earlier this year, the City Commission requested bringing forward an amendment to the Attainable Housing Ordinance to clarify the applicability of the vested rights provision of the Ordinance. It was noted that the City is currently considered under "Voluntary " status pursuant to the Ordinance.

The vested rights provisions contained in Section 17-55 of the Palmetto Code of Ordinances are being amended to clarify that the Ordinance only applies to projects that were applied for or approved after July 31, 2006.

The other recommended change is to clarify when the vested status of a project would terminate. The current Ordinance grants an significant amount of leeway to the Planning Director to make that determination.

The proposed revision would clarify that a major modification is increasing the number of residential units within a project by 10 units. At that point, the Ordinance requires that the entire project would have to comply with the Attainable Housing Ordinance.

Staff recommends adoption of Ordinance 2010-17, amending the vested rights provisions relating to Attainable Housing contained in Section 17-55 of the Palmetto Code of Ordinances.

Chair Jennings opened public hearing

Mr. Jason Henbest, Grimes Goebel, expressed support for the proposed ordinance.

Close Jennings closed the public hearing.

Discussion ensued.

Action request: Mr. Ugarte moved to recommend adoption of ORDINANCE NO.2010-17. Mr. Moquin seconded. **MOTION CARRIED UNANIMOUSLY.**

**3. Sanctuary Cove Amending GDP 05-03 REV II (2010) - Ord. 2010-18**

Tab 3

ORDINANCE NO. 2010-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 08-972 TO APPROVE AN AMENDED GENERAL DEVELOPMENT PLAN FOR THE PROPERTIES DESCRIBED IN THE ATTACHED EXHIBIT "A", LOCATED IN THE PDMU (PLANNED DEVELOPMENT – MIXED-USE) ZONING DISTRICT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 05-03 Rev. II (2010) approx. 225.22 acres).

Ms. Lyn reviewed the staff report, stating that the request is from the new owners of Sanctuary Cove to amend the existing development order to eliminate the conditions of approval requiring the Project to be developed in compliance with the City's Attainable Housing Ordinance and eliminate the requirement of constructing a boardwalk along the perimeter of the property fronting on the Manatee River that was supposed to tie in with the proposed Manatee Riverwalk. In addition, this request would amend the Planned Development (PD) General Development Plan (GDP) to eliminate reference of "Future City of Palmetto Boardwalk Pending Permitting Approval". Staff supported both requests based on the findings of a housing study conducted in January, 2010 indicating that there was sufficient attainable housing in the City for the first request. Secondly, that the plan to connect public walkways that was in effect in 2008 no longer included the City of Palmetto and the design of the project was not

pedestrian friendly.

Chair Jennings open public hearing

Mr. Henbest, Grimes Goebel, stated the proposal is exactly as Ms. Lyn presented. The Boardwalk is not a useable boardwalk and the project is now a standalone project

Mr. Ugarte asked if the GDP was like the previous one submitted. Mr. Henbest responded it is the same, minus the boardwalk.

Mr. Bjorn Svenson, representative for Sanctuary Cove, pointed out the original location of the previous proposed boardwalk, using the overhead projector.

Chair Jennings asked whether the reason for not constructing the boardwalk was because of the cost or that it is impractical. Mr. Svenson stated it is impractical and because of possible permit issues with SWFWMD along the mangrove in the river.

Chair Jennings closed the public hearing.

Discussion:

- Mr. Moquin asked if the changes satisfied staff. Ms. Lyn stated yes, she based her recommendation on the fact that the boardwalk will not be connected and there is poor pedestrian access within the project.
- Mr. Ugarte asked how this boardwalk is different from the Palms of Terra Ceia, they have a boardwalk along the mangroves. It is quite a feature that he would hate to have left out. Ms. Lyn said that the approved site plan indicated that the boardwalk was subject to Southwest Florida Water Management District (SWFWMD) approval and was not an outright approval.

Action request: Mr. Moquin moved to recommend approval of Ordinance 2010-18. Motion died for lack of second.

Mr. Ugarte moved to recommend approval of Ordinance 2010-18 with the exception of elimination of the boardwalk and allowing the elimination of the attainable housing. Mr. Gilbert seconded.

Mr. Barnebey stated for the record: the notebook ordinance 2010-18 under section 2, Plan Approval, lists the following 5 stipulations and the retention of the existing stipulation that is currently on the site plan GDP 05-03 REV relating to the construction of the boardwalk.

1. Construction drawings for the BOMA Parcel Addition and the Rogers Parcel Addition must be submitted and approved by the City.
2. An interface for Manatee County transit shall be established on the northernmost section of the property adjacent to US 301 and currently reserved for commercial/mixed use.
3. At time of construction plan approval, the Dock Plan must be approved consistent with the City of Palmetto Ordinance No. 07-946 (completed).
4. All infrastructure improvements must be complete and accepted by the City prior to issuance of any certificates of occupancy.
5. Any reference to the "Future City of Palmetto Boardwalk Pending Permitting Approval" on the site plan shall be considered deleted with the approval of this Ordinance.

AND # 6. To list the condition that is currently on the site plan GDP 05-03 REV relating to the construction of the boardwalk.

Mr. Ugarte amended the motion to approve the above listed stipulations  
Mr. Gilbert seconded the amended motion. **MOTION CARRIED UNANIMOUSLY.**

#### 4. Shared Parking Ord. 2010-19

Tab 4

##### ORDINANCE 2010-19

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES, SECTION 28-74, TO ADD PROVISIONS RELATED TO THE JOINT USE OF PARKING FACILITIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Lyn reviewed the following:

Cumulative parking requirements for joint use facilities may be reduced if the City planner determines that one or more of the following exists:

- Joint uses have different peak hours of operation or conversely, if they share the same patrons;
- Joint uses are located in a pedestrian oriented setting;

- Joint uses are complementary to each other where periods of usage of such buildings will not be simultaneous such as church buildings for example;
- Joint uses are located in the Commercial Core and meet the provisions of the Downtown Design Guidelines; or
- The City planner otherwise determines that such reduction is appropriate based on the facts of a particular joint use situation.

Mr. Barnebey recommended adding "the City Planner otherwise determines if such reduction is appropriate based on the availability of other parking to the public for the particular joint use situation to the last bullet point.

Mr. Gilbert voiced concerns regarding parking on another property, asking what happens if the property gets re-developed. Mr. Barnebey stated the City allows joint use parking even without this provision. We need to make sure there is adequate parking and we may have to limit the approval to the particular use approved.

Chair Jennings opened the public hearing.

No one from the public came forward to speak.

Chair Jennings closed the public hearing.

Action request: Mr. Ugarte motion to recommend approval of adoption of Ordinance 2010-19 with the revision of adding to the 5<sup>th</sup> bullet point of section 28-74 sub (a), "the City Planner otherwise determines if such reduction is appropriate based on the availability of other parking to the public for the particular joint use situation and adding a subsection (c), which reads "Joint parking facilities shall be evaluated based on the uses proposed and existing uses on adjoining properties and any such parking approval shall be limited to those uses subsequently approved by the City Planner. Mr. Gilbert seconded. **MOTION CARRIED UNANIMOUSLY.**

## 5. Old Business

### a. 2030 Comp Plan Update

Ms. Lyn reported on the workshop presented to the City Commission on Monday 10/18/10 and referenced the staff report in the notebook.

### b. Ordinance 2010-06 Planning & Zoning Board/Tree Board.

Mr. Barnebey stated the application has not been filed at this time to become a Tree City. Chair Jennings tabled the item for future meeting.

**6. New Business**

Mr. Moquin moved to recommend to the City Commission to change the name of the Downtown Development Guidelines, Ordinance 07-930 to Downtown Design Plan. Mr. Ugarte seconded. **MOTION CARRIED UNANIMOUSLY.**

**7. Adjournment: 8:25**