

## Tab 2

### **VILLA POR LA MARINA Z/GDP-2011-02 (Rezone/General Development Plan)**

- The proposed rezoning includes: PID# 2936300209 from PDH Planned Development Housing (Pelican Bay) to PDH.
- A 1.66± acre parcel located at 4009 11<sup>th</sup> St Ct W, (PID# 2936300209) Amended GDP is proposed for twelve single family detached dwelling units.

**Staff Report**  
**Villa Por La Marina**  
**4009 11<sup>th</sup> Street Court West**  
**Rezoning/ GDP 2011-02**

**REQUEST:**

- **To rezone 1.66 acres from PD-H (Ord. 06-911 approved for 18 condo units) to PD-H for 12 single family detached units;**
- **To amend the approved GDP (Ord. 06-911 approved for 18 condo units) by approving a new GDP for 12 single family detached units.**

**OWNER:** BMR Funding LLC

**LOCATION/PARCEL SIZE OF SUBJECT SITE**

Site: Generally located on the south side of 10th Street West, east of the Cut-off canal and along the Manatee River/1.66 acres

**PROPOSED USE/DENSITY**

12 single family detached units/7.2 du/ac.

The proposed single family detached units are 5 feet apart and share a common stairway. The living area is located on the 2<sup>nd</sup> floor with parking underneath. The site plan shows a height of 35 feet for each unit.

**PHASES**

This project shows 2 phases; the first phase consist of the westernmost 3 units facing the Manatee River and the second phase consists of the remaining 9 units. The applicant intends to continue using the existing MF buildings on the east side of the property while developing the project.

**PLAN/ZONING/EXISTING USES OF SUBJECT SITE & SURROUNDING AREA**

Site: PC (Planned Community)/PD-H (Planned Development-Housing)/apartments

North: GCOM/ CG/ Cut's Edge marina

South: PC/RS-1/vacant land and the Manatee River

East: PC and Conservation/PD-H/Riverbay Townhomes

West: COUNTY: RES-16/RMF-9/SF houses and Captain's Point Condos

**BACKGROUND**

This property was annexed into the City by Ordinance 05-850 and subsequently changed from the County Plan category of Residential-16 to the City's PD plan category (with a maximum density of 14 dwelling units) by Ordinance 05-865. On January 27, 2007 the subject property was rezoned from County RMF-9 to PD-H for 18 condo units at a density of 11 du/ac by Ordinance 06-911. The applicant applied for a density bonus of an additional unit identified in the Attainable Housing Ordinance as well as a setback variance. As a result, the ordinance which rezoned and approved the GDP contained the following stipulation:

*The development of 18 dwelling units shall be contingent upon the City's adoption of an amendment to the City of Palmetto 2010 Comprehensive Plan allowing greater density in*

*Coastal High Hazard Areas and permitting 18 dwelling units in the project. The City shall have no obligation to consider or adopt such an amendment. In the event that such an amendment is not adopted, the project shall contain and receive certificates of occupancy for no more than 16 dwelling units.*

The 2010 Comprehensive Plan, like the 2030 Comprehensive plan permits a maximum of 10 du/ac through a PD zoning district in the Coastal High Hazard Area. The maximum number of units permitted by the Comprehensive Plan on the subject site is 16.

## **COMPREHENSIVE PLAN ANALYSIS**

### Future Land Use Element

The subject property is designated Planned Community which permits up to 16 du/ac. However, densities in the Coastal High Hazard Area are limited to 10 du/ac. The density of the proposed project is 7.2 du/ac.

***Purpose of Planned Community category:** To designate areas where unique environmental conditions require conservation of coastal areas and other environmentally sensitive areas. It is also used to designate those areas where mixed or multi-use projects are proposed. Designated areas are determined to be appropriate for such uses due to existing development patterns, the availability of adequate public facilities, and market demands. The Planned Community land use category requires a planned development zoning.*

### Coastal Management Element

#### **Development in Coastal High Hazard Area**

***Objective 8.5:** The Coastal High Hazard Area shall be defined as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. The City shall ensure that development activities in the Coastal High Hazard Area are carried out in a manner that minimizes danger and/or damage to private and public property and human life. Development within high hazard areas shall be restricted and public funding for facilities within the Coastal High Hazard Area shall be limited.*

***Policy 8.5.1:** The City of Palmetto shall restrict development within the Coastal High Hazard Area and shall direct population concentrations out of the Coastal High Hazard Area.*

***Policy 8.5.7:** Density in the Coastal High Hazard Area (CHHA) shall be limited to 4 du/ac in all applicable zoning districts within the RES-4 land use category and 6 du/ac within the RES-6 land use category. For all other Plan categories permitting residential uses within the CHHA, a density of up to 10.0 du/ac may be considered subject to the approval of a Planned Development (PD) zoning district meeting the following criteria used to determine the appropriate density:*

- 1. Review and consideration of compatibility between the existing and proposed developments and the availability of adequate infrastructure including suitable access to enable timely evacuation in the event of a hurricane;*

2. *Density shall be determined by averaging the densities of adjacent properties. For purposes of this document, adjacent properties shall include those properties an equal dimensional distance to the north, south, east and west of the subject property. For example, if the subject property is 250-feet wide by 287-feet deep with the width running east/west and the depth running north/south, all properties 250-feet east and west of the subject property and all properties 287-feet north and south of the subject property shall be included in the averaging formula. Any rights-of-way included in an adjacent property shall be excluded from the averaging but the size of the adjacent property shall be extended an amount equal to the size of the public/private rights-of-way.*
3. *The averaging formula shall be done as follows:*
  - a) *If the adjacent property is developed or is controlled by an approved site plan, the existing zoning district or approved site plan shall be used to determine the maximum density. For example, if the zoning is RS-3, the maximum density shall be 6 du/ac (43,560 square feet divided by 7,250 square feet [minimum lot size]).*
  - b) *If the adjacent property is vacant, the average value within the CHHA shall be 4 du/ac; the average value outside of the CHHA shall be 10 du/ac. This information shall be provided by the applicant for staff review and approval by the appropriate governing bodies.*

*Planned development (PD) zoning districts located within the CHHA and approved for residential development after the adoption of this Plan Element shall contain a provision or condition that allows for development of single family detached units at 4 du/ac in the Res-4 land use category and 6 du/ac in the Res-6 land use category in the event the approved site plan has expired.*

The surrounding densities include the following:

1. Riverbay Townhomes to the east = 7.3 du/ac (per PD approval)
2. Area south of 10th Street West to the southeast = 2.9 du/ac (per zoning)
3. 5 SF homesites to the west in unincorporated Manatee County = 9 du/ac (per zoning)
4. Captain's Point: 13 units/0.6477 acres = 20 du/ac (unincorporated County)

Average density =  $(7.3 + 2.9 + 9 + 20) / 4 = 9.8$  du/ac

***Policy 8.4.1:*** *Development orders shall be evaluated for their impacts on traffic circulation, evacuation routes, critical locations, on-site shelter provisions, and proximity to off-site shelter facilities within the Coastal High Hazard Area.*

***Policy 8.2.1:*** *The City shall ensure that no point sources shall be permitted to discharge directly into the Manatee River or Terra Ceia Bay that result in the reduction of estuarine water quality.*

***Policy 8.5.1:*** *The City of Palmetto shall restrict development within the Coastal High Hazard Area and shall direct population concentrations out of the Coastal High Hazard Area.*

## CODE REQUIREMENTS AND COMPLIANCE

The proposed site plan shows a distance of 8 feet from the most western unit to the property line of the adjacent single family house located in unincorporated Manatee County. The perimeter landscape setback is 35 feet.

*Sec. 8.5. - Development guidelines.*

(1) *Minimum setbacks require:*

\* *Perimeter landscaped setbacks: thirty-five feet between the walls of all structures and the perimeter of the district.*

The proposed project consists of 12 single family detached units which are 5 feet apart.

(2) *Building setback: twenty-five (25) feet from wall-to-wall between structures.*

Unit 12 is 26.2 feet from 10th Street West/CR 43.

(3) *Public or private right-of-way setback: thirty-five (35) feet from any structure to right-of-way.*

This project's usable open space is located on the riverfront, across 11<sup>th</sup> Street Court West containing a pool, deck area, cabana, shuffleboard court and common area. The project's open space is approximately 0.30 acres or 18% of the project site.

(i) *Minimum common open space and recreation areas: Twenty-five (25) percent of the gross site acreage shall be delineated as tracts for common open space and recreation areas.*

### Landscaped Buffers

The code requires a 10 foot width of landscaped buffers per Sec. 7-219. - Landscape standards as the subject site is adjacent to single family residential uses on the west which is developed at 3.7 du/ac although the zoning permits 9 du/ac. The site plan maintains a 10' landscape buffer on the northern half of the site but fails to do so on the southern half as the building (unit 1) is 8' from the property line.

### Infrastructure

The DRC comments have been satisfied by the applicant.

### Roadway/Access and Parking

The applicant will be required to widen 11<sup>th</sup> Street Court West/Cut off Road from 14 feet to 22 feet as shown on the site plan.

The Code requires frontage and access on public streets. Access is provided from 10<sup>th</sup> Street West/CR 43 and 11th Street Court West which are Manatee County roadways. 10<sup>th</sup> Street West is classified as a local road on which there are no planned improvements on Manatee County's 2030 Future Traffic Circulation Plans. The Code requires 2 parking spaces per dwelling unit which should be shown on the site plan.

## STAFF RECOMMENDATION:

This is the second PD zoning request on this property in five years. Staff supports the decrease in

the number of units (from 18 to 12) proposed as well as the change in housing type (from multi-family to single-family) on the subject property which is located in the coastal high hazard area consistent with the aforementioned policies of the City's 2030 Comprehensive Plan. At 7.2 du/ac, the density of the proposed project is less than the average density in the area which was determined to be approximately 9.8 du/ac. The project is therefore considered compatible with the general area although there are single family detached units immediately to the west which are developed at 3.7 du/ac. Considering that the standard single family zoning district requires a minimum side setback of 7 foot, it is staff's opinion that the required 35 foot perimeter landscape buffer may not be applicable in this situation.

Pursuant to the following provision, staff recommends that a condition be included to allow without amending the GDP, the development of single family detached units per the RS-3 zoning district which provides for 7,500 square feet minimum lot sizes at a density of 5.8 du/ac in the event the approved site plan expires and there is remaining vacant land available for development.

*Planned development (PD) zoning districts located within the CHHA and approved for residential development after the adoption of this Plan Element shall contain a provision or condition that allows for development of single family detached units at 4 du/ac in the Res-4 land use category and 6 du/ac in the Res-6 land use category in the event the approved site plan has expired.*

Staff recommends approval of the proposed project subject to the aforementioned condition.

#### **PLANNING AND ZONING BOARD RECOMMENDATION**

The Planning and Zoning Board shall APPROVE, APPROVE WITH CONDITIONS or DENY the proposed rezoning to PD-H (Ordinance 2011-08) and GDP (Ordinance 2011-09).

#### **CITY COMMISSION ACTION**

The City Commission shall APPROVE, APPROVE WITH CONDITIONS or DENY the proposed rezoning to PD-H (Ordinance 2011-08) and GDP (Ordinance 2011-09).



**Palmetto Sea, Lake,  
and Overland Surges  
from Hurricanes  
(SLOSH) Flood Map**



Parcel ID:  
2936300209

New



GRAPHIC SCALE 1" = 50'

- LEGEND**
- = EXISTING FIRE HYDRANT
  - = CENTERLINE
  - = RIGHT-OF-WAY
  - = FLORIDA DEPARTMENT OF TRANSPORTATION
  - = EXISTING ASPHALT
  - = EXISTING CONCRETE
  - = PROPOSED ASPHALT
  - = PROPOSED BUILDING



PREPARED FOR:  
**VILLA POR LA MARINA, INC.**  
 PO BOX 282  
 PALMETTO, FL 34221

**M MORRIS ENGINEERING AND CONSULTING, LLC**  
 Civil Engineering and Land Development Consulting  
 1307 4TH AVENUE EAST, SUITE 100, PALMETTO, FL 34221 TEL: 813-941-1111 FAX: 813-941-1112

DATE: 12/20/19	DESIGNED: JOP	CHECKED: KAN
PROJECT: VILLA POR LA MARINA	SCALE: AS SHOWN	
DRAWN: JOP		
DATE: 12/20/19	DESIGNED: JOP	CHECKED: KAN
PROJECT: VILLA POR LA MARINA	SCALE: AS SHOWN	
DRAWN: JOP		
DATE: 12/20/19	DESIGNED: JOP	CHECKED: KAN
PROJECT: VILLA POR LA MARINA	SCALE: AS SHOWN	
DRAWN: JOP		

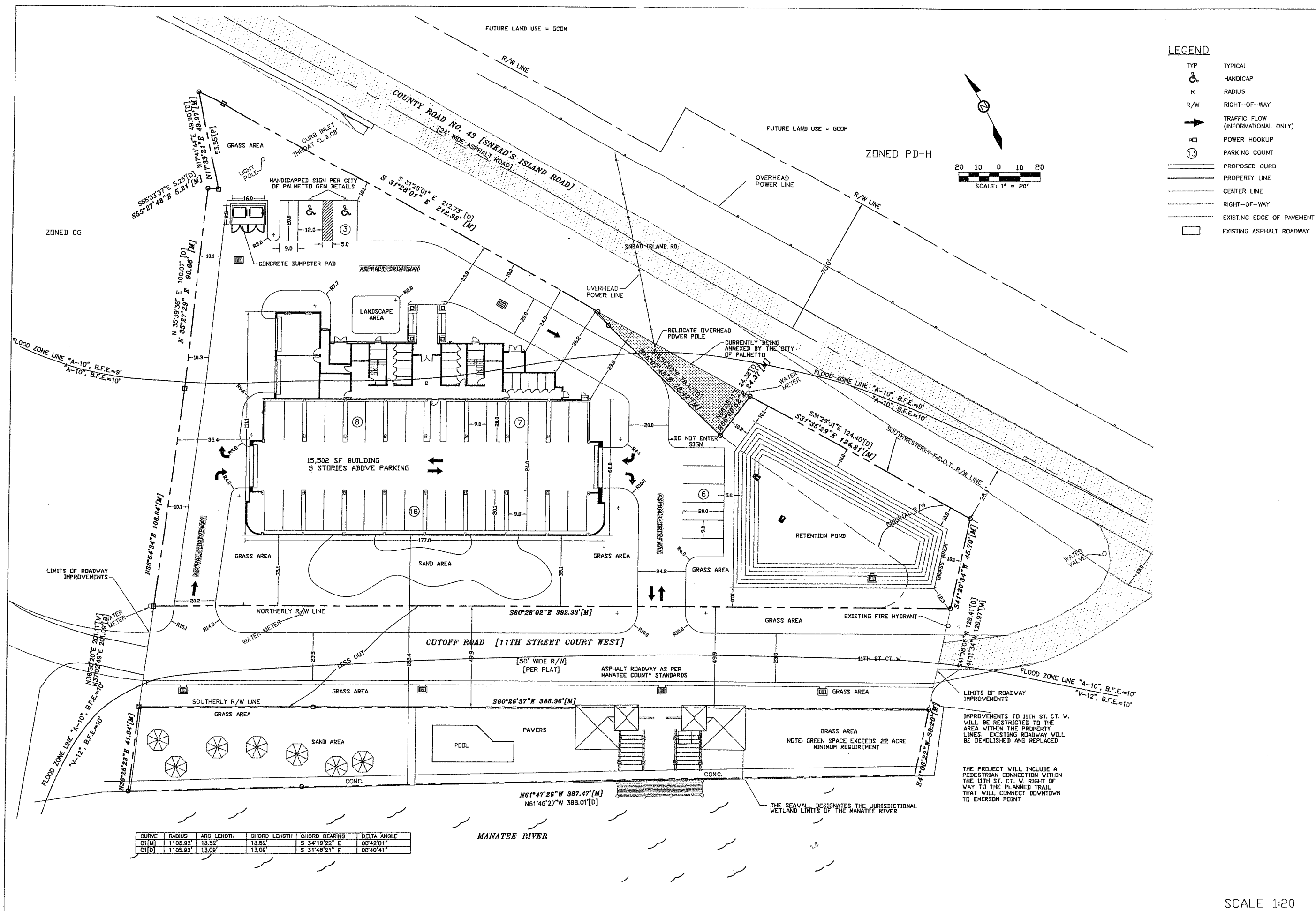
GENERAL DEVELOPMENT PLAN  
**VILLA POR LA MARINA**  
 PALMETTO, FLORIDA

SHEET NO.	
19-20-19	
SHEET	OF
2	3





old



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1[M]	1105.92'	13.52'	13.52'	S 34°19'22" E	0°42'01"
C1[D]	1105.92'	13.09'	13.09'	S 31°48'21" E	0°40'41"

**HOWARD & SHAW CIVIL ENGINEERS**  
 6865 19TH Street South, St. Petersburg FL 33704  
 ph: (727) 490-1784 | fax: (727) 490-1787  
 No. Valid Unless Signed and Embossed by Registered Professional Engineer  
 Trevor D. Howard  
 Date: 03/03/06  
 Florida Registration No. 59354  
 (Vlfr, Seal)

**HSE**  
 REVISIONS  
 9-28-06\_CDP

**PELICAN BAY CONDOMINIUMS**  
 CITY OF PALMETTO  
 SITE PLAN

DATE: 03-03-06  
 JOB No: 06001  
 DRAWN BY: TH  
 CHECK BY: TH  
 SHEET 2

SCALE 1:20

## OLD BUSINESS

- a. ARTICLE VIII-FENCES
- b. SIGNS

CITY OF PALMETTO, FLORIDA  
ORDINANCE NO. 2011-\_\_

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE SIGN CODE, ARTICLE II OF CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO ESTABLISHING NEW SIGN REGULATIONS FOR THE INTERCHANGE INTERSECTION IN THE AREA IN AND AROUND 10<sup>TH</sup> STREET AND US 41/301, PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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,; and

WHEREAS,; and

WHEREAS,; and

WHEREAS,; and

WHEREAS, ; and

WHEREAS,; and

WHEREAS, ; and

WHEREAS, ; and

WHEREAS, .

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the City Commission of the City of Palmetto, Florida, as follows:

**Section 1. Amendment of Sign Ordinance** Article II of Chapter 3 of the Palmetto Code of Ordinances is hereby amended as follows:

- (A) In Section 3-36 is hereby amended to add a definition for the term "interchange intersection" to read as follows: Those properties with property fronting on 10<sup>th</sup> Street West eastward between Haben Boulevard and 3<sup>rd</sup> Avenue West.
- (B) All references to "Pole Sign" in Chapter 3 are hereby changed to "Freestanding Sign."
- (C) Section 3-54(e) shall be added which shall read as follows:
  - (e) Freestanding signs within an Interchange Intersection shall be subject to the following requirements:
    - (1) One (1) freestanding sign shall be permitted for each individual use, excluding commercial uses in an integrated commercial shopping center provided that it shall not:
      - a. Exceed forty (40) square feet in surface area;
      - b. Overhang any public right-of-way or interfere with a clear site triangle;
      - c. Exceed \_\_\_\_ feet (?) in height; and
      - d. Have a structure supporting or holding the sign which shall be narrower than the width of the sign at its narrowest point for the entire length of the structure. (Such structure shall be encased in an opaque, durable, decorative, non-reflective material, such as aluminum, brick or stone.)
    - (2) One (1) identification freestanding sign per street frontage for integrated commercial shopping centers shall be provided that it shall not:
      - a. Exceed one hundred and fifty (150) square feet in area;

- b. Overhang any public right-of-way or interfere in the clear site triangle;
  - c. Exceed thirty (30) feet in height above the average grade of the site; and
  - d. Have a structure supporting or holding the sign that is narrower than the minimum of the width of the sign at its narrowest point for the entire length of the structure. (Such structure shall be encased in an opaque, durable, decorative, non-reflective material, such as aluminum, stone, or brick.)
- (3) Freestanding signs for individual commercial uses within integrated commercial shopping centers are prohibited.
- (4) All non-conforming signs, except as to non-conformities due to height, shall be removed or altered within seven (7) years of the effective date of the ordinance. All non-conforming signs as to height were required to become conforming as of 1994 pursuant to City Ordinance 273 and thus shall be required to be brought into conformity as to height with this Code immediately upon adoption.

**Section 2. 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 3. 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 \_\_\_\_\_, 2011.

First Reading:  
Publication:

Second Reading and  
Public Hearing:

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

By:

\_\_\_\_\_  
MAYOR

SHIRLEY GROOVER BRYANT,

ATTEST: James R. Freeman  
City Clerk

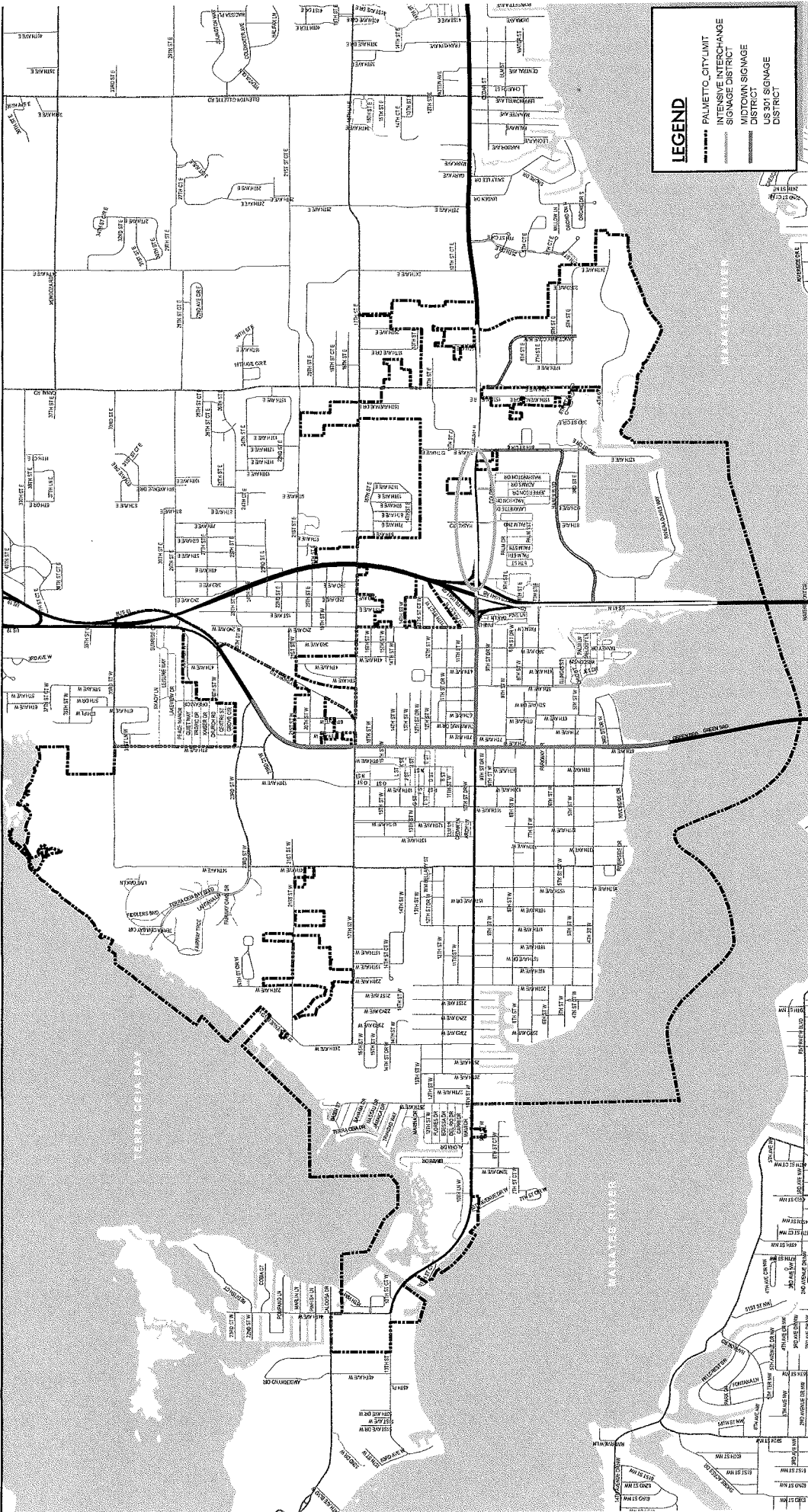
Ordinance No. 2011-\_\_\_\_  
Page 5

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

G:\DOCUMENT\MPB\CITY OF PALMETTO 2008 -\Ordinances\Sign Ord 2010\Interchange Intersection\Draft ordinance for Interchange Intersection.doc



**SIGN EXCEPTION DISTRICTS MAP**



**ZNS ENGINEERING**  
2000 W. PALMETTO AVENUE, SUITE 200  
PALMETTO, FLORIDA 34651  
PHONE: 813-967-1234  
WWW.ZNS-ENGINEERING.COM

**CITY OF PALMETTO**  
SCALE: 1" = 500'  
SOURCE: MANATEE COUNTY & CITY OF PALMETTO

**ZNS ENGINEERING**  
2000 W. PALMETTO AVENUE, SUITE 200  
PALMETTO, FLORIDA 34651  
PHONE: 813-967-1234  
WWW.ZNS-ENGINEERING.COM

## NEW BUSINESS