

Tab 3

REVISED VILLA POR LA MARINA Z/GDP-REV-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 11th St Ct W, (PID# 2936300209) Amended GDP is proposed for ten single family detached dwelling units.

Staff Report
Villas por la Marina
4009 11th Street Court West
Rezoning/ Revised GDP 2011-02

HISTORY: This project was considered by the Planning and Zoning Board on March 17, 2011 and the City Commission on April 18, 2011 and approved for 12 units with a single access off 11th Street Court and 6 stipulations including:

- *The developer shall remove the middle unit fronting on 11th Street Court West and move the driveway for the northern units to the location of the unit being removed on 11th Street Court West.*

According to Section 8.8 (b)(12) of the Zoning Code, any change in a condition specifically required by the City Commission as part of the PD amendment constitutes a substantial deviation requiring a new application.

REQUEST:

- To rezone 1.66 acres from PD-H (Ord. 2011-8 approved for 12 SF detached units) to PD-H for 10 single family detached units;
- To amend the approved GDP (Ord. 2011-9 approved for 12 SF units) for 10 single family detached, waterfront units with a single access point off 11th Street Court.

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

10 single family detached units/6.0 du/ac.

The proposed single family detached units are 35 feet high, 5 feet apart and share a common stairway. The living area is located on the 2nd floor with parking underneath.

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 7 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.

The Villas por la Marina project was originally proposed for 12 units; 9 facing the river and 3 units in the back with access points off both 10th Street W and 11th Street Court W. The Planning and Zoning Board held its public hearing on March 17, 2011 and recommended approval of this project with the following stipulations:

1. The Planning and Zoning Board Perimeter landscape set-back shall be 35 ft;
2. The access road must be developed to City standard of 24 ft and be developed in phase 1;
3. A 4 ft high fence is the maximum height of the fence that will be allowed, measured from the existing grade;
4. If this site plan expires or the applicant elects not to utilize this site plan the property may be developed consistent with the requirement of RS-4 zoning district.

The City Commission held its public hearing on April 18, 2011 and approved this project subject to the following stipulations:

1. The minimum perimeter set-backs shall be 15 feet from the western property line, 15 feet from 10th Street West, and 20 feet from 11th Street Court West.
2. The access road must be developed to City standards, with a 22 foot paved roadway width, and be developed in Phase I.
3. All fences installed on the subject property shall be a maximum of four (4) foot in height, measured from the existing grade.
4. If the General Development Plan expires or the property owner elects not to utilize this General Development Plan, the property may be developed as single-family detached units consistent with the requirements of the RS-4 zoning district.
5. The units shall be constructed in substantial compliance with the front elevation submitted and identified at the April 18, 2011 public hearing, and attached hereto as Exhibit C.
6. The developer shall remove the middle unit fronting on 11th Street Court West and move the driveway for the northern units to the location of the unit being removed on 11th Street Court West.

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 6.0 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 potential 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 home sites to the west in unincorporated Manatee County = 9 du/ac (per zoning)
4. Captain's Point: 10 units/0.6477 acres = 15.4 du/ac (unincorporated County-1986)

Average density = $(7.3 + 2.9 + 9 + 15.4) / 4 = 8.65$ 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 15 feet from the westernmost unit to the property line of the adjacent single family house located in unincorporated Manatee County and 15.3 feet from the easternmost unit to the northern property line. The perimeter landscape setback requirement 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 10 single family detached units which are 5 feet apart.

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

The closest unit to the right-of-way is Unit 10 which is 15.3 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 11th 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 along public streets and differing adjacent uses per Sec. 7-219. - Landscape Standards. 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 shows a 15' landscape buffer on the western border and a 10' landscape buffer on the northern border along 10 St. W/CR 43.

Infrastructure

The initial DRC comments have been satisfied by the applicant.

Roadway/Access and Parking

The Code requires frontage and access on public streets. Access is provided from 11th Street Court West which is a Manatee County roadway. The applicant will be required to widen 11th Street Court West/Cut off Road from 14 feet to 22 feet as shown on the site plan. 10th Street West is classified as a local road for which there is no planned improvement in Manatee County's 2030 Future Traffic Circulation Plans.

STAFF RECOMMENDATION:

This is the third PD zoning request on this property in five years. Staff supports the decrease in the number of units (from 12 to 10) proposed 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 6.0 du/ac, the density of the proposed project is less than the average density in the area which was determined to be approximately 8.65 du/ac. The project is therefore considered compatible with the general area consisting of varying housing types although the single family detached units immediately to the west 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 would not be applicable to this development consisting of single family units albeit attached by the stairwells.

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-4 zoning district which provides for 5,000 square feet minimum lot sizes at a density of 6.2 du/ac in the event the approved site plan expires and there is remaining vacant land available for development.

Staff recommends approval with the following conditions:

1. There shall be no ingress or egress onto 10th Street W/CR43;
2. The access road (11th Street Court) must be developed to City standards, with a 22 foot paved roadway width, and be developed in Phase I.
3. The minimum perimeter set-backs shall be 15 feet from the western property line, 15 feet from 10th Street West, and 20 feet from 11th Street Court West.
4. All fences installed on the subject property shall be a maximum of four (4) foot in height, measured from the existing grade.
5. The units shall be constructed in substantial compliance with the front elevation attached hereto as Exhibit C.
6. If the General Development Plan expires or the property owner elects not to utilize this General Development Plan, the property may be developed as single-family detached units consistent with the requirements of the RS-4 zoning district.

**MINUTES
CITY OF PALMETTO
PLANNING AND ZONING BOARD
MARCH 17, 2011 – 5:30 P.M.**

516 8th Avenue West
Palmetto, FL 34221

www.palmettofl.org
941-723-4570

PLANNING AND ZONING BOARD MEMBERS


ERIC GILBERT, Chair
JAMES PASTOR, Vice Chair
BARBARA JENNINGS-Absent

JON MOORE
CHARLIE UGARTE

Staff

Mark Barnebey, City Attorney
Lorraine Lyn, City Planner
Linda Butler, Recording Secretary

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.

 **“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 17th day of March 2011 are truthful?”**

ORDER OF BUSINESS:

 **1. Approval of February 17, 2011 Meeting Minutes** Tab 1

February 17, 2011 Meeting Minutes

Mr. Ugarte moved to approve the February 17, 2011 meeting minutes.
Mr. Moore seconded. MOTION CARRIED UNANIMOUSLY.

 **2. Villas Por La Marina - Z/GDP-2011-02** Tab 2

Ms. Lyn reported that the 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. In 2007 the subject

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property was rezoned from County RMF-9 to PD-H for 18 condo units. 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) as this development is located in the CHHA.

The applicant will be required to widen 11th 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 10th Street West/CR 43 and 11th Street Court West which are Manatee County roadways. 10th 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 project is considered compatible with the general area. Since 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 setback may not be applicable in this situation. 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.

Mr. Ugarte asked if the lots are individual lots and stated that the site plan doesn't show the individual lot. He also inquired if the DRC reviewed the proposed plan and if Mr. Titus had any concerns? Ms. Lyn responded that the lots are individual lots and Mr. Titus will require a fire wall because the units are less than 6 feet apart.

Mr. Pastor asked if the stairs connects the units and are they the doorway. Ms. Lyn said the doors are off a patio area at the top of stairs connecting the units.

 Open public hearing

Mr. Matt Morris, Morris Engineering, Engineer for applicant, clarified some of the concerns regarding the proposed project, stating the intent is to have a condo plat on the units rather than a fee simple regular subdivision plat. Fire walls are required along the side of the homes which are 5 ft apart with no windows.

Mr. Ugarte asked why not do away with the 5 ft distance and join the units. Mr. Morris stated the intent is to give it the single family look and not a massive building. The building will be elevated with the living quarters upstairs and the carport underneath. The stairwell will likely be a common area.

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Mr. Carl Miller, President of Captain Point Condominiums Association voiced concerns with the road, stating he had not reviewed the plans and asked if any changes are proposed for the road. In the past NFRD have had problem getting in and out of the road, the road should be expanded to two lanes. Mr. Miller stated the density the applicant is asking for is too much.

Ms. Amy Griswold, owner, voiced the same concerns as Mr. Miller regarding the road, and stated she has concerns because her property abuts the project on the west side. Ms. Griswold stated a visual of the proposed project would have been helpful.

Mr. Barnebey asked if the road is a one or two lane road. Ms. Griswold stated it is a two lane road, just not wide enough. Ms. Lyn stated the road is currently 14 ft wide and the plan depicts the road will be widen to a 22ft. road.

Mr. Moore asked Ms. Griswold if she has an easement to use the road. Ms. Griswold stated there is an easement.

An aerial of the road and easement was reviewed on the overhead for clarification purposes.

Mr. Moore asked the width of the right-of-way. Ms. Lyn stated the R-O-W is 50ft. Mr. Moore commented that the City standard is 24 ft. as well as the County standard. Mr. Ugarte stated the road will have to be built to County standards if it is a county road. Ms. Lyn stated the applicant is aware of the road issues.

Mr. Moore asked staff to explain for the record how they arrived at the 8 ft set-back adjacent to the property owner, when the minimum set-backs are 35 ft. and would like to understand the guidelines or building set-back of 25 ft. between structures and the recommendation of 5 ft. Ms. Lyn stated staff has to look at the approved plan, what is proposed, what the adjacent uses are, the density and the housing type in formulating a recommendation.

Mr. Moore stated for clarification, the Board is being asked to approve a GDP as shown and approve a single family in a RES-4 or RES-6. Mr. Barnebey stated the Board is being asked to approve a multi family development with detached units. Under PD guidelines Section 8.5, City Commission has the ability to deviate from what is required if so desired. If the plan expires, applicant may redevelop this project without a new plan but consistent with the RES-4 category. Also we currently do not have an affidavit from the owner, applicant is aware that this cannot go any further without an affidavit.

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Mr. Jeff Stevenson stated he has no issues with the proposed project but has some questions. Mr. Stevenson noted he had not seen the staff report, so these issues may be covered in the report. The questions are the road, the architectural review, elevation guideline on the pool, the dumpster the landscape and are there any restrictions on the project.

Ms. Griswold stated for the record she is not opposed to the area being developed she just has concerns because she is the closest to the project. Mr. Ugarte asked if she had problems with the previous approved plan. Ms. Griswold stated she did not.

Mr. Miller also clarified he does not oppose to the development, just the single lane road.

 Applicant rebuttal

Mr. Morris stated the plan calls for widening the road to 22 ft, and they have spoken to NFRD and they are ok with it. Density has been addressed, currently 16 units on the site, previously approval was for 18 units and is now proposed for 12 units. Landscape buffer plans have been provided to staff. The dumpsters have been addressed; each unit will wheel out their garbage cans to 11th street for pick-up. The pool issue will have to be brought back.

Discussion ensued regarding height.

Mr. Barnebey requested to have the current plan placed on the overhead for review. Mr. Barnebey requested a survey be provided to staff before the project go before City Commission. The definition of height was read from the code.

Mr. Moore had concerns regarding the pool and fence and how the public amenities will be maintained. Mr. Morris is not sure how public facilities will be handled at this time. The proposal is for a pool with a cabana with restrooms. It is not the intent to have an elevated pool, a public pool or a 6 ft fence around the pool.

Mr. Glen Heath, Captains Point, voiced concerns regarding space, congestion, changes in the area.

 Chair Gilbert closed the public hearing

Discussion


Chair Gilbert asked for clarification, whether the proposed units are single family units or condo. Ms. Lyn stated there different styles of single family,

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these units are not the norm; they are detached units that share a common stairwell.

Mr. Barnebey stated this will be under one ownership, condominium wise. This is a multi-family development but will look like single family development; there is no minimum lot line and no set-backs.

Mr. Ugarte stated he would like to see the overall layout of what the development will look like (elevation drawings) and has no problem with the density.

 Mr. Moore moved to recommend approval of Z/GDP-2011-02(Rezone/General Development Plan) with the following stipulations:

1. Perimeter landscape setback shall be 35 ft
2. The access road shall be developed to City standards of 24 ft and shall be developed in phase 1
3. A 4 ft high fence is the maximum height of the fence that will be allowed, measured from the existing grade
4. If this site plan expires or the applicant elects not to utilize this site plan the property may be developed consistently with the requirement of RS-4 zoning district.

Motion seconded by Mr. Ugarte. MOTION CARRIED UNANIMOUSLY.

Mr. Moore also suggested that staff request elevation studies in the future.

 3. Old Business

a. Article VIII, Fences: Discussion of proposed changes

Mr. Moore stated as long as he can remember the City has been allowing 6 ft fences without going to City Commission for approval. Ms. Lyn stated it is an interpretation issue. The language needs to be clearer.

Mr. Barnebey read Section 7-185 subsection (a) of the code, and stated the Board and staff can look at cleaning up the language.

b. Ms. Lyn commented on the alcohol beverage regulations and recommended removing the language that speaks to the distance of 300 ft from a church or school, and suggested making all alcoholic beverage licenses except for beer and

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to schedule a public hearing for Ordinance No. 2011-12 for April 18, 2011.

5. PUBLIC HEARING: ORDINANCE NO. 2011-12

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE SIGN CODE, ARTICLE III OF CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO, ESTABLISHING NEW SIGN REGULATIONS FOR THE INTERCHANGE INTERSECTION ON 10TH STREET IN AND AROUND THE US 41/301 INTERSECTION BETWEEN APPROXIMATELY THIRD AVENUE AND HABEN BOULEVARD; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded to continue the public hearing for Ordinance No. 2011-12 to May 2, 2011 at 7:00 p.m., or as soon thereafter as the issue may be heard.

Discussion: Attorney Barnebey explained that the City has advertised that it is proposing to change the sign ordinance. If there is a significant change to the ordinance as written, i.e. should Commission lower the proposed 85-foot sign height maximum to lower than 60-feet or raise it to 100-feet, then the ordinance would have to be re-advertised. If the ordinance is not approved then the maximum sign height would be 30 feet.

Motion on the floor carried 5-0.

6. 2nd READ AND PUBLIC HEARING: ORDINANCE NO. 2011-08

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING AND AMENDING THE ZONING TO THE PLANNED DEVELOPMENT HOUSING (PDH) ZONING DISTRICT FOR APPROXIMATELY 1.66 ACRES OF PROPERTY GENERALLY LOCATED AT 4009 11th STREET COURT WEST, PALMETTO; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Applicant: BMR Funding LLC, approximately 1.66 acres)

7. 2ND READ AND PUBLIC HEARING. ORDINANCE NO. 2011-09

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 06-911 TO APPROVE AN AMENDED GENERAL DEVELOPMENT PLAN FOR TWELVE SINGLE-FAMILY DETACHED DWELLING UNITS GENERALLY LOCATED AT 4009 11th STREET COURT WEST, PALMETTO, AND LOCATED IN THE PDH (PLANNED DEVELOPMENT – HOUSING) ZONING DISTRICT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Applicant: BMR Funding LLC, approximately 1.66 acres)

Mayor Bryant opened the public hearings for Ordinance 2011-08 and Ordinance 2011-09.

Ms. Lyn explained the project is a rezoning and an amendment of the development plan of the old Pelican Bay site approved in 2006. The proposed project is for 12 single-family detached units with a Density 7.2 du/ac. The project is within CHHA, and the density meets the recommendations. The units are 35 feet high and 5 feet apart and are detached under common ownership.

Ms. Lyn read the stipulations recommended by the P& Z Board.

1. Perimeter landscape set-back shall be 35 feet
2. Access road must be developed to City standards of 24 feet and be developed in phase 1
3. A 4 foot high fence is the maximum height that will be allowed, measured from the existing grade
4. If this site plan expires or the applicant elects not to utilize this site plan, the property may be developed consistent with the requirements of RS-4 zoning district

The petitioner has amended the site plan to reflect a set-back of 15 feet from the neighbor's property vs. the original eight feet.

Ms. Lyn confirmed that if the perimeter set-back remains at 35 feet that one unit in the project will be lost. Discussion ensued on the proposed stipulation regarding the perimeter set-back.

Commissioner Zirkelbach commented on the number of driveways being so close together when coming off the bridge, together with the trees along 10th Street that may affect visibility.

Discussion ensued on the width of 11th St. Ct. and emergency and sanitation truck access. Matt Morris, engineer for the project, identified the sidewalk that will allow access to 11th St. Ct. W., where all garbage will be picked up. Mr. Tusing confirmed that the garbage trucks do not traverse internal streets.

Bill Manful, the developer of the project discussed the original development plan vs. the proposed project, which reduces the density to 12 from 18 and replaces a five-story elevated structure. He also stated that currently there are nine units that use the existing driveway off of 10th Street, which is being reduced to three. Commissioner Williams requested a copy of the old general development plan. Ms. Lyn informed Commission that the old general development plan has expired.

Mr. Manful confirmed that he had submitted the Affidavit of Ownership/Agent Authorization, testifying that Mr. Fogel is authorized to sign on behalf of BMR Funding. He also confirmed that he is willing to stipulate that he will build substantially consistent with the information [building elevation] distributed to Commission prior to the meeting.

Commission again discussed the 35 foot perimeter set-back stipulation. Mr. Morris stated the developer opposes it, stating the only development option for the property would be a multi-story condominium if the stipulation remains in place.

Mr. Morris confirmed it is still the intent of the developer to do a condominium plat for the development. Model units will be constructed first and then the common elements, which will be maintained by the condominium association.

Mr. Morris stated the site plan was adjusted after the P&Z Board review and after conversation with the adjacent property owner to reflect a 15 foot set-back to the adjacent property vs. the original eight foot set-back. The set-back for villa #9 (the northeasterly corner of the building to the right-of-way) is at 23.1 feet.

Amy Griswold, adjacent property owner, spoke in support of the project with the 15 foot set-back, but stated she has concerns about the drainage onto her property and she does not want the view of the Manatee River blocked by garbage cans, fences or common elements.

Commissioner Zirkelbach stated he still has concerns with all the driveways [on 10th Street]. He suggested that an internal drive could be considered, but a unit would be lost, or possibly a unit could be rotated.

Mr. Manful stated he belief Ms. Griswold agrees with 15 foot set-back at the rear corner of the property. He stated his belief the garbage can placement can be resolved. He commented on the reduction in the

number of units [using the driveway into the project]. Discussion again ensued on the number of driveways accessing 10th Street.

Mayor Bryant closed the public hearing for Ordinance No. 2011-08.

Attorney Barnebey recommended that if Commission plans to allow the modified plan, the stipulations would read:

1. The minimum perimeter set-back shall be 15 feet from the west property line, 23.1 feet from 10th Street West and 20 feet from 11th Street Court West.
2. The access road must be developed to City standards of a minimum of 24 feet in width and be developed in phase 1.
3. A four foot high fence is the maximum height of the fence that will be allowed, measured from the existing grade.
4. If this site plan expires or the applicant elects not to utilize this site plan, the property may be developed consistent with the requirement of the RS-4 zoning district.

Attorney Barnebey also recommended an additional stipulation, as follows:

5. The units shall be constructed in substantial compliance with the front elevation submitted and identified at the April 18, 2011 public hearing.

Discussion ensued on stipulation #4. Ms. Lyn explained RS-4 would require a larger lot (10,000 square feet) than currently proposed with a density of four units per acre, and would be a permitted use; Commission approval would not be required. Discussion ensued on removing the stipulation, because Commission would not see any amended plan should it expire. Attorney Barnebey stated that if the plan expires, there will be a RS-4 use placed on the property; a multi-family in one building would require Commission approval.

Regarding 11th Street Court West, Mr. Tusing stated the minimum standards are 22 feet wide, City standards are 24 feet wide.

Mr. Tusing reviewed what had been discussed regarding the closure of the driveway closest to the bridge. One option was to eliminate one unit, which would resolve the garbage can use. Mr. Manful agreed to the closure of the driveway. Commissioner Zirkelbach suggested he would be willing to reduce the set-back next to 10th Street West in exchange for the elimination of the driveway. Commissioner Zirkelbach offered a rendering showing the elimination of the unit at its present location, rotating it on the site in a different location. Mr. Tusing stated the proposed plan as drawn by Commissioner Zirkelbach would have to comply with all City and Fire Department requirements and be approved by all pertinent agencies.

Ms. Lyn read the correct lot dimensions for the RS-6, RS-4, RS-3 and RS-2 zoning categories.

MOTION: Commissioner Zirkelbach moved, Commissioner Varnadore seconded and motion carried 5-0 to approve Ordinance No. 2011-08.

Mayor Bryant closed the public hearing on Ordinance No. 2011-09.

MOTION: Commissioner Zirkelbach moved and Commissioner Cornwell seconded to approve Ordinance No. 2011-09 with the following stipulations:

1. The minimum perimeter set-back shall be 15 feet from the west property line, 15 feet from 10th Street West and 20 feet from 11th Street Court West.
2. The access road must be developed to City standards of a minimum of 22 feet in width and be developed in phase 1.
3. A four foot high fence is the maximum height of the fence that will be allowed, measured from the existing grade.

4. **If this site plan expires or the applicant elects not to utilize this site plan, the property may be developed as single-family detached units consistent with the requirements of the RES-4 zoning district.**
5. **The units shall be constructed in substantial compliance with the front elevation submitted and identified at the April 18, 2011 public hearing.**
6. **The developer shall remove the middle unit fronting on 11th Street Court West and move the driveway for the northern units to this location.**

Discussion ensued on the width of 11th Street Court West. Mr. Tusing stated the developer is only being asked to widen the street, it will not have curbs. Mr. Tusing stated the street is a county maintained road. The City can control the standards because the property being developed is in within the City limits. Manatee County has a rural road section allowing for a 22 foot road with no curb; minimum State standard for a road lane is 11 feet. Attorney Barnebey agreed that the City has control as to what the minimum should be. The developer will have to obtain a permit for the road's development from Manatee County.

Discussion ensued on Commission's direction in the past that no City street will be built without curbs. Should curbs be required there will be no treatment for the collected water. Mr. Tusing reiterated the road is in existence, the City is only requiring that the road be widened so two cars can pass without having to drive on the grass. Mr. Morris agreed that Manatee County owned the road and the proposed action would be consistent with what is allowed. He identified the collection boxes that will be constructed for the calculation of run off for the new section of the road.

Motion on the floor carried 4-1. Commissioner Williams voted no.

Vice Mayor Zirkelbach recessed the City Commission meeting to open the CRA Board meeting.

Mayor Bryant reopened the City Commission at 10:10 p.m.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to extend the meeting 15 minutes.

8. MARCH 2011 CHECK REGISTER (Information Only)

9. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

Mayor Bryant commented on her request to Attorney Barnebey to speak with the School Board about a location for storage for baseball equipment, possibly in the old Ag building.

10. ASR WELL UPDATE (A. Tusing)

No report.

12. DEPARTMENT HEADS' COMMENTS

No reports.

13. MAYOR'S REPORT

Mr. Freeman will forward the comments from the community meeting at Tropic Isles.

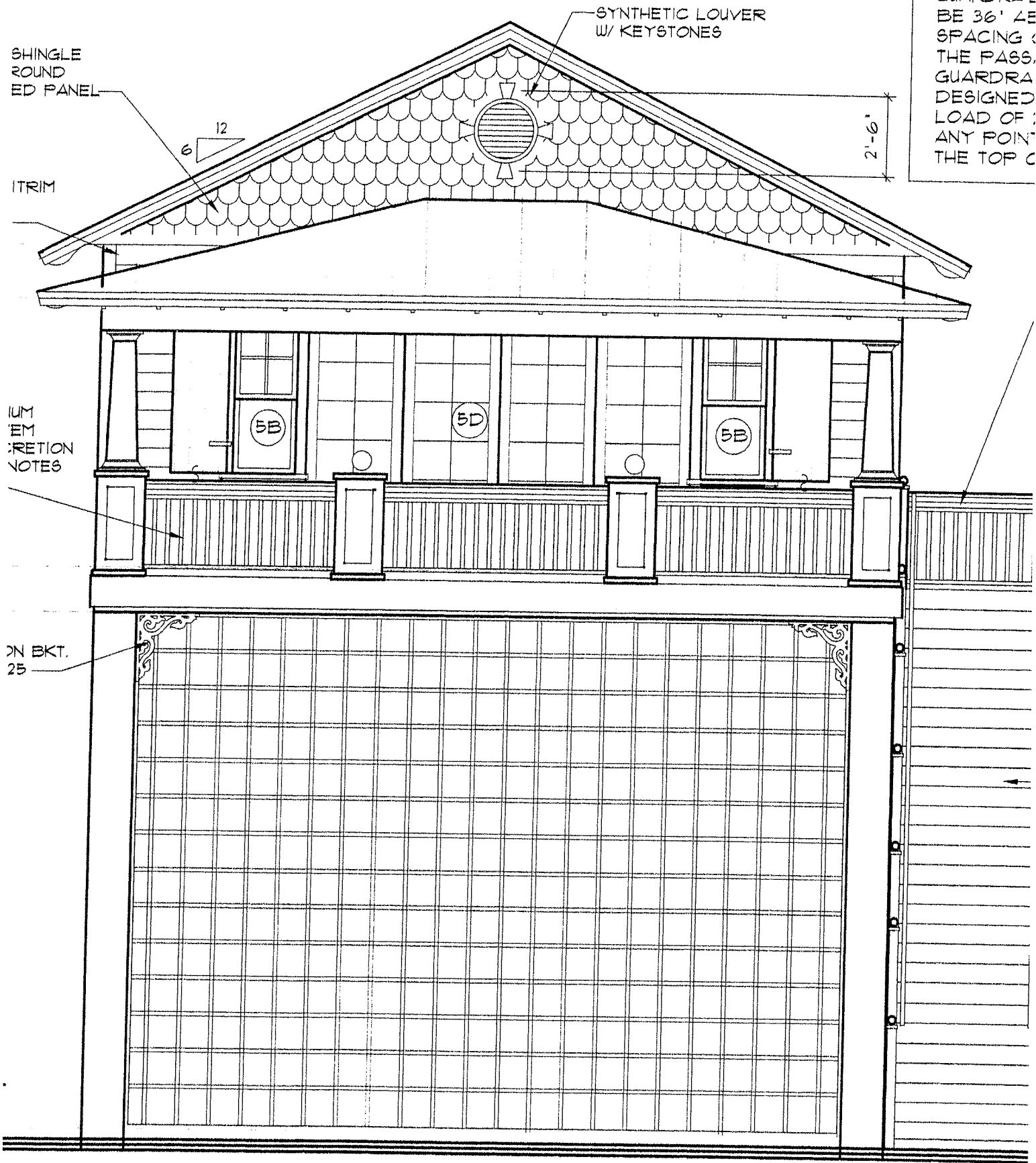
The next community meeting is Tuesday, April 26 at Riviera Dunes. Because of the wild dog issues the community is experiencing, Commissioner Gallen has been invited to attend.

APPROVED STIPULATIONS FOR VILLA POR LA MARINA
ORD # 2011-09 APPROVED 4/18/2011

Section 2. Plan Approval. The proposed Amended General Development Plan is hereby approved with the following stipulations:

- A. The minimum perimeter set-backs shall be 15 feet from the western property line, 15 feet from 10th Street West, and 20 feet from 11th Street Court West.
- B. The access road must be developed to City standards, with a 22 foot paved roadway width, and be developed in Phase 1.
- C. All fences installed on the subject property shall be a maximum of four (4) foot in height, measured from the existing grade.
- D. If the General Development Plan expires or the property owner elects not to utilize this General Development Plan, the property may be developed as single-family detached units consistent with the requirements of the RS-4 zoning district.
- E. The units shall be constructed in substantial compliance with the front elevation submitted and identified at the April 18, 2011 public hearing, and attached hereto as **Exhibit C**.
- F. The developer shall remove the middle unit fronting on 11th Street Court West and move the driveway for the northern units to the location of the unit being removed on 11th Street Court West.

Exhibit C



HANDRA
TOP OF -2'
LEADING E:
GUARDRA
BE 36' LE
SPACING <
THE PASS,
GUARDRA
DESIGNED
LOAD OF :
ANY POINT
THE TOP C

FRONT ELEVATION

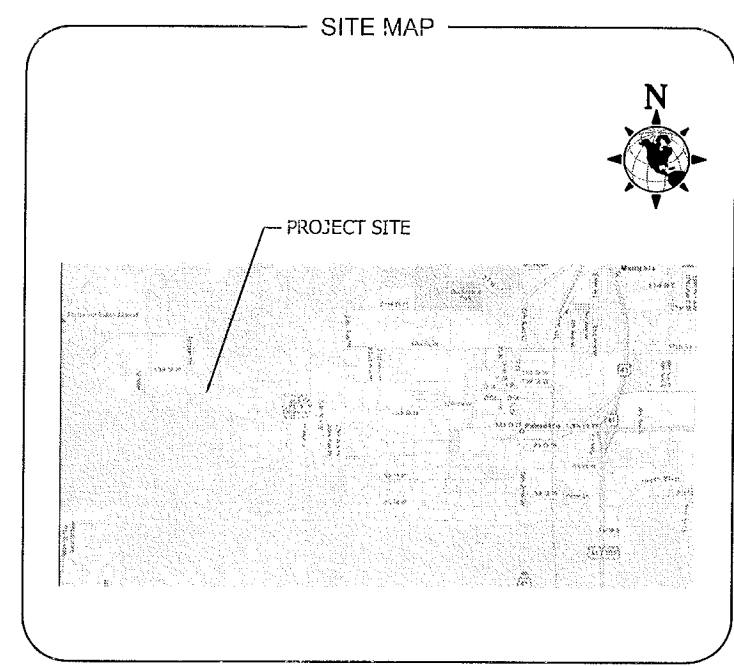
SCALE = 1/4" = 1'-0"

CDDP/Z Rev 2011-02

GENERAL DEVELOPMENT PLANS FOR VILLA POR LA MARINA

RECEIVED
MAY 25 2011
City of Palmetto
Planning Department

A DEVELOPMENT BY
Villa Por La Marina, Inc.
PO BOX 262
ANNA MARIA, FL 34216



SECTION 16, TOWNSHIP 34 SOUTH, RANGE 17 EAST,
PALMETTO, FLORIDA

INDEX OF SHEETS

SHEET	TITLE
1	COVER SHEET
2	AERIAL SITE MAP
3	APPROVED GENERAL DEVELOPMENT PLAN
4	REVISED GENERAL DEVELOPMENT PLAN
L1	LANDSCAPE PLAN

UTILITY SERVICE PROVIDERS
 POTABLE WATER: CITY OF PALMETTO UTILITIES
 516 8TH AVE W
 PALMETTO, FL 34221
 SANITARY SEWER: CITY OF PALMETTO UTILITIES
 516 8TH AVE W
 PALMETTO, FL 34221

PROJECT CONTACTS
 ENGINEER: MATTHEW J. MORRIS P.E.
 MORRIS ENGINEERING AND CONSULTING, LLC
 15608 29TH STREET EAST
 PARRISH, FLORIDA 34219
 941-228-4729
 www.morrisengineering.net
 SURVEYOR: LEO MILLS AND ASSOCIATES
 620 8TH AVE W
 PALMETTO, FL 34221
 DEVELOPER: VILLA POR LA MARINA, INC.
 PO BOX 262
 ANNA MARIA, FL 34216

PREPARED BY

MORRIS ENGINEERING AND CONSULTING, LLC
 Civil Engineering and Land Development Consulting
 15608 29th Street East, Parrish, Florida 34219 C.A. 28780 941-228-4729 www.morrisengineering.net

DRC MEMBER	OK	SIGNATURE	DATE
DEPUTY DIRECTOR OF OPERATIONS			
CITY PLANNER			
FIRE MARSHALL			
CITY ENGINEER			
DRC COORDINATOR			
STIPULATIONS			
DIRECTOR OF PUBLIC WORKS		SIGNATURE	DATE

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	5/18/11	REVISED LAYOUT	DES

MATTHEW J. MORRIS
FL LICENSE NO. 68434



0 50 100 150
 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 260
 ARMA MARSH, FL 32218

M MORRIS ENGINEERING AND CONSULTING, LLC
 Civil Engineering and Land Development Consulting
 13000 13th Street East, Fort Lauderdale, FL 33324 TEL: 561-533-4170 www.morriseng.com

NO.	DATE	REVISION DESCRIPTION	BY
1	12/27/18	ISSUE FOR PERMITS	MJM

DATE: 12/27/18
 PROJECT: VILLA POR LA MARINA
 DRAWN: DJM
 CHECKED: MAM

GENERAL DEVELOPMENT PLAN
VILLA POR LA MARINA
 PALMETTO, FLORIDA

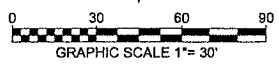
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SEC. 1709 - 1710, 1711, 1712	
SHEET: 2	OF: 4

Approved 04-18-11 Ord 2011-08 & 2011-09

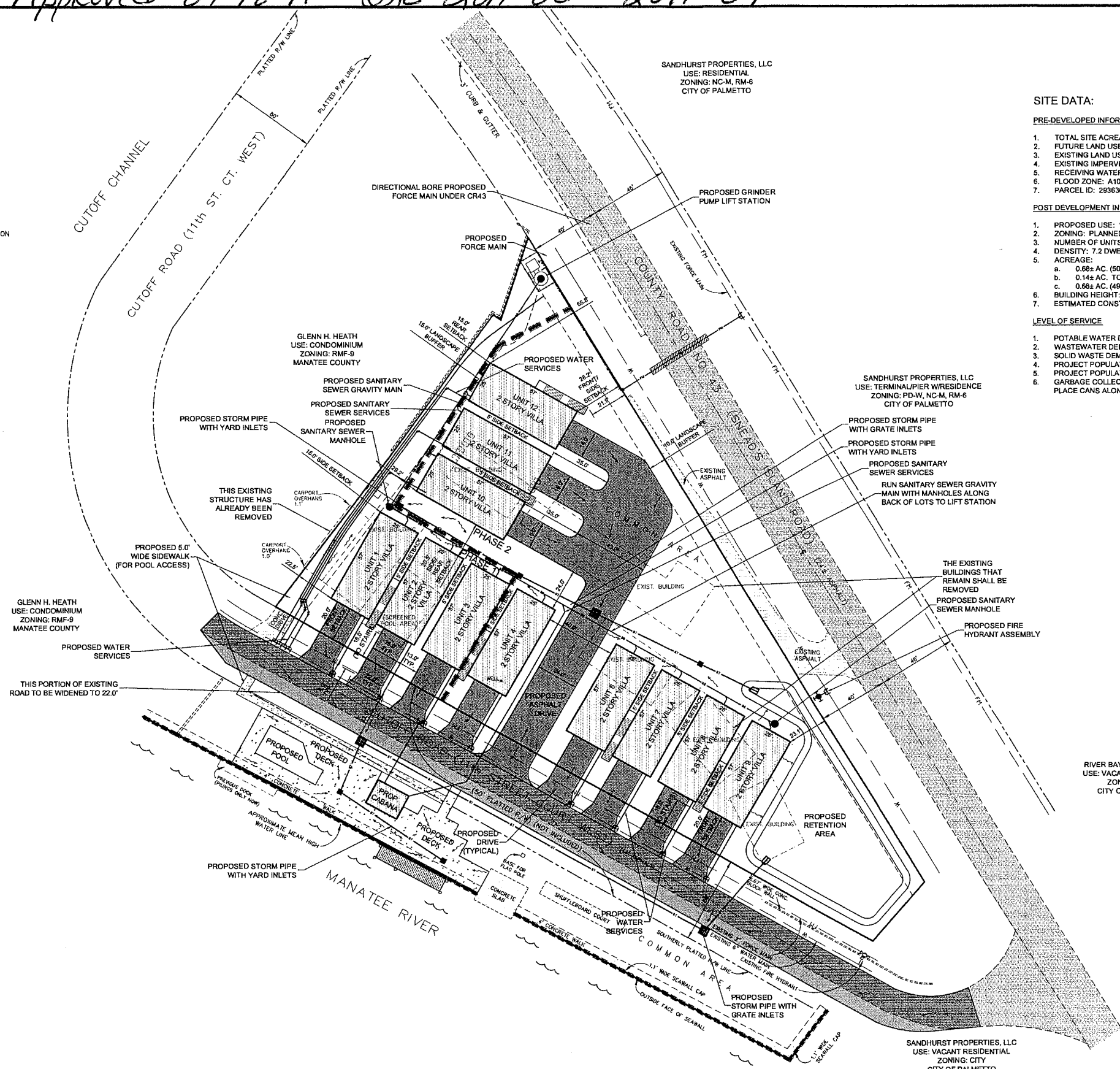
GDP/2 Rev 2011-02

RECEIVED
MAY 25 2011

City of Palmetto
Planning Department



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SITE DATA:

PRE-DEVELOPED INFORMATION:

1. TOTAL SITE ACREAGE: 1.66± AC.
2. FUTURE LAND USE: PLANNED COMMUNITY (PC)
3. EXISTING LAND USE: PD-H (GDP APPROVED BY ORD. 06-911)
4. EXISTING IMPERVIOUS AREA: 0.26± AC. (19.4%) TOTAL (BUILDINGS, CONCRETE & ASPHALT)
5. RECEIVING WATERS OR MUNICIPAL SEPARATE STORM WATER SYSTEM: TAMPA BAY AND MANATEE RIVER
6. FLOOD ZONE: A10 (EL. 9 & 10)
7. PARCEL ID: 2936300209

POST DEVELOPMENT INFORMATION:

1. PROPOSED USE: 12 SINGLE FAMILY DETACHED UNITS
2. ZONING: PLANNED DEVELOPMENT (PD)
3. NUMBER OF UNITS: 12
4. DENSITY: 7.2 DWELLING UNITS PER ACRE
5. ACREAGE:
 - a. 0.66± AC. (60.7%) TOTAL OPEN SPACE (INCLUDING RETENTION)
 - b. 0.14± AC. TOTAL RETENTION (20.8% OF OPEN SPACE)
 - c. 0.66± AC. (49.3%) TOTAL IMPERVIOUS AREAS (BUILDINGS, DECKS, CONCRETE, PAVERS)
6. BUILDING HEIGHT: 35 FT. MAXIMUM
7. ESTIMATED CONSTRUCTION SCHEDULE: JULY 2011 TO DECEMBER 2012

LEVEL OF SERVICE

1. POTABLE WATER DEMAND: 105 GAL. x 2.2 PERSONS PER HOUSEHOLD x 12 UNITS = 2,772 GPD
2. WASTEWATER DEMAND: 100 GAL. x 2.2 PERSONS PER HOUSEHOLD x 12 UNITS = 2,640 GPD
3. SOLID WASTE DEMAND: 7.1 LBS. x 2.2 PERSONS PER HOUSEHOLD x 12 UNITS = 187.44 LBS PER DAY
4. PROJECT POPULATION = 12 UNITS x 2.2 PERSONS PER HOUSEHOLD
5. PROJECT POPULATION PER LEVEL OF SERVICE = 26.4 x (4,3560 SF / 1,000) = 1,150 SF (0.026 AC)
6. GARBAGE COLLECTION SHALL BE BY INDIVIDUAL CAN PICK UP. UNITS 10, 11 AND 12 WILL BE REQUIRED TO PLACE CANS ALONG 11TH STREET COURT WEST FOR PICK UP.

PREPARED FOR:
VILLA POR LA MARINA, INC.
PO BOX 262
ANNA MARIA, FL 34216

M MORRIS ENGINEERING AND CONSULTING, LLC
Civil Engineering and Land Development Consulting
15608 29th Street East, Parrish, Florida 34219 C.A. 28780 941-228-4729 www.morrisengineering.net

NO.	DATE	REVISION DESCRIPTION	BY
4	3/23/11	SHIFTED BLDGS TO ALLOW FOR 15' L/S BUFFER	DES
3	3/10/11	REVISED PLAN PER CITY COMMENTS	DES
2	3/9/11	REVISED PLAN PER CITY COMMENTS	DES
1	2/22/11	REVISED PLAN PER CITY COMMENTS	DES

DATE: 12/27/10
PROJECT: VILLA POR LA MARINA
DRAWING: GDP
DRAWN: DES
CHECKED: MJM
BY: MATTHEW J. MORRIS
FL LICENSE NO. 68434

GENERAL DEVELOPMENT PLAN
VILLA POR LA MARINA
PALMETTO, FLORIDA

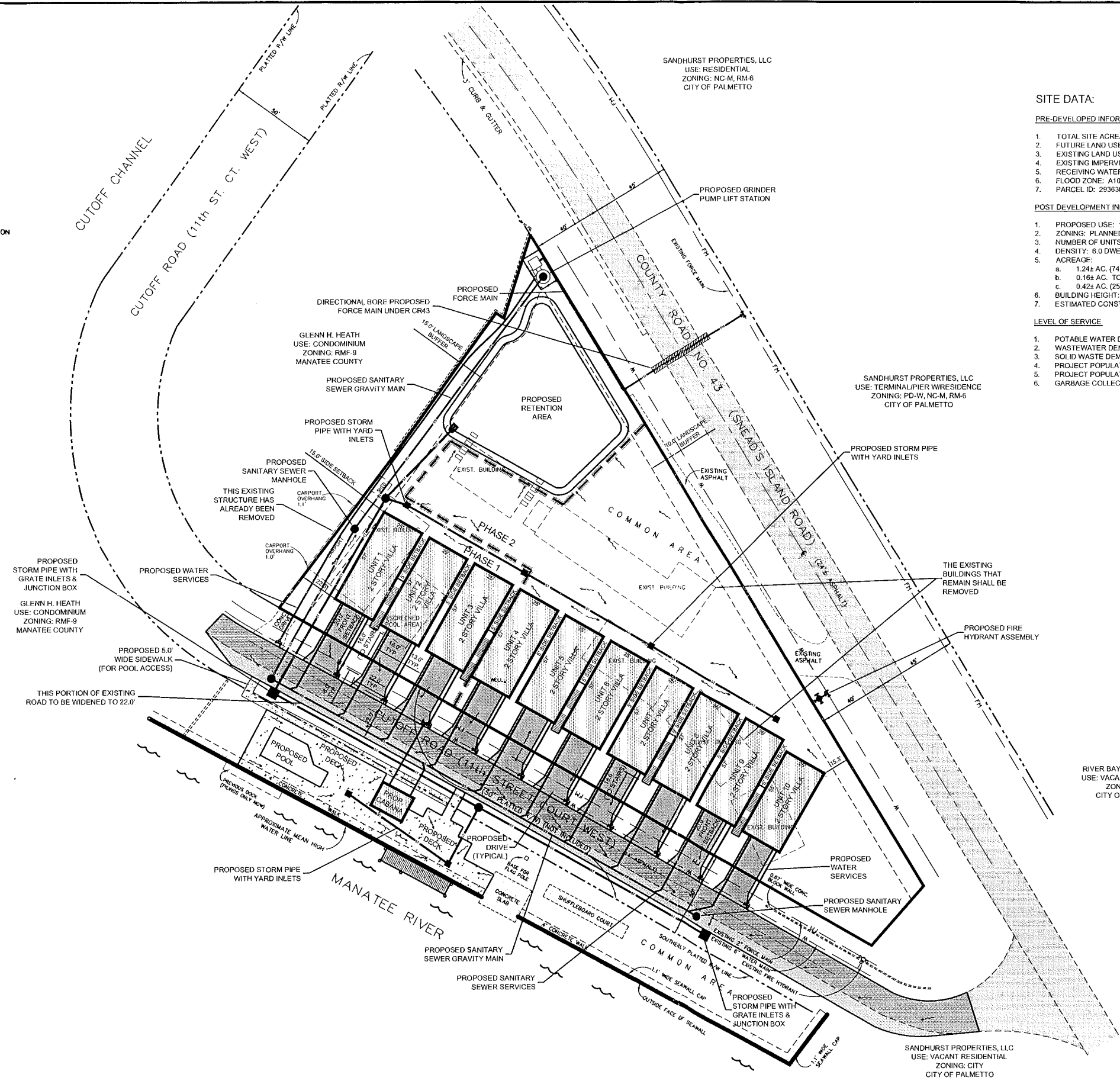
SCALE: 1"=30'
SEC. - TSP. - RING. 16-345-17E

SHEET	OF
3	3



LEGEND

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



SITE DATA:

PRE-DEVELOPED INFORMATION:

1. TOTAL SITE ACREAGE: 1.69+ AC.
2. FUTURE LAND USE: PLANNED COMMUNITY (PC)
3. EXISTING LAND USE: PD-H (GDP APPROVED BY ORD. 06-911)
4. EXISTING IMPERVIOUS AREA: 0.26+ AC. (15.7% TOTAL (BUILDINGS, CONCRETE & ASPHALT))
5. RECEIVING WATERS OR MUNICIPAL SEPARATE STORM WATER SYSTEM: TAMPA BAY AND MANATEE RIVER
6. FLOOD ZONE: A10 (EL. 9 & 10)
7. PARCEL ID: 2936300209

POST DEVELOPMENT INFORMATION:

1. PROPOSED USE: 10 SINGLE FAMILY DETACHED UNITS
2. ZONING: PLANNED DEVELOPMENT (PD)
3. NUMBER OF UNITS: 10
4. DENSITY: 6.0 DWELLING UNITS PER ACRE
5. ACREAGE:
 - a. 1.24+ AC. (74.7%) TOTAL OPEN SPACE (INCLUDING RETENTION)
 - b. 0.16+ AC. TOTAL RETENTION (12.9% OF OPEN SPACE)
 - c. 0.42+ AC. (25.3%) TOTAL IMPERVIOUS AREAS (BUILDINGS, DECKS, CONCRETE, PAVERS)
6. BUILDING HEIGHT: 35 FT. MAXIMUM
7. ESTIMATED CONSTRUCTION SCHEDULE: JULY 2011 TO DECEMBER 2012

LEVEL OF SERVICE:

1. POTABLE WATER DEMAND: 105 GAL. x 2.2 PERSONS PER HOUSEHOLD x 10 UNITS = 2,310 GPD
2. WASTEWATER DEMAND: 100 GAL. x 2.2 PERSONS PER HOUSEHOLD x 10 UNITS = 2,200 GPD
3. SOLID WASTE DEMAND: 7.1 LBS. x 2.2 PERSONS PER HOUSEHOLD x 10 UNITS = 156.2 LBS PER DAY
4. PROJECT POPULATION = 10 UNITS x 2.2 PERSONS PER HOUSEHOLD
5. PROJECT POPULATION PER LEVEL OF SERVICE = 22 x (4,3560 SF / 1,000) = 958.32 SF (0.022 AC)
6. GARBAGE COLLECTION SHALL BE BY INDIVIDUAL CAN PICK UP.

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DATE	12/27/10
PROJECT	VILLA POR LA MARINA
DRAWING	GDP
DRAWN	DES
CHECKED	MJM

REVISIONS:
DATE: 12/27/10
PROJECT: VILLA POR LA MARINA
DRAWING: GDP
DRAWN: DES
CHECKED: MJM

REVISED GENERAL DEVELOPMENT PLAN
VILLA POR LA MARINA
PALMETTO, FLORIDA

SCALE 1"=30'	
SEC. - TSP - RING. 16-345-17E	
SHEET	OF
4	4

MATTHEW J. MORRIS
FL LICENSE NO. 68434

OLD BUSINESS

a. Fence Regulations

NEW BUSINESS