

Tab 5

**VARNADORE PROPERTIES, LLC.  
ANNEXATION, PLAN AMENDMENT AND  
REZONE 2011-04  
VACATION OF UTILITY EASEMENT 2011-02**

**Staff Report**  
**Varnadore Properties**  
**700 & 702 17<sup>th</sup> Street W & 1703 7<sup>th</sup> Avenue W**  
**Annexation, Small Scale Plan Amendment, Rezoning and Utility Easement Vacation**  
**AN/PA/Z 2011-04**  
**VAC 2011-02**

**REQUEST:**

- To annex 3 parcels totaling 0.7 acres located at the northwest corner of 7<sup>th</sup> Avenue W and 17<sup>th</sup> Street W into the City of Palmetto;
- To change the Plan category of these annexed parcels from a County designation (ROR) to a City designation (GCOM);
- To rezone 3 parcels from GC in the County to CG in the City;
- To vacate a 10 foot utility easement between Lots 1 & 20, 2 & 19 and 3 & 18 of Orange Park Subdivision

**OWNERS:** Varnadore Properties, LLC

**ADDRESS/LOT/PARCEL NUMBER/SIZE OF SUBJECT PROPERTIES**

County Parcels:

1. 700 17<sup>st</sup> Street W/Lot 20/PID # 2428200006/0.18 acres (per Property Appraiser's)
  2. 702 17<sup>st</sup> Street W/Lot 1/PID # 2427100009/0.15 acres (per Property Appraiser's)
  3. 1703 7<sup>th</sup> Avenue W/Lot 18 & 19/PID # 2428110056/0.38 acres (per Property Appraiser's)
- Total Site: 0.7 acres**

City Parcels affected by the proposed utility easement vacation:

1. 1704 & 1706 8<sup>th</sup> Avenue W/ Lot 2 & 3/PID # 2427200007 & 2427300005/0.34 acres (per Property Appraiser's)

**PLAN/ZONING/EXISTING USE OF SUBJECT PROPERTIES**

County Parcel: ROR (Retail/Office/Residential)/GC (General Commercial)/vacant and single-family

City Parcel: General Commercial/CG (Commercial General)/used car/tire sales

**PLAN/ZONING/USES OF SURROUNDING AREA**

North: GCOM/CG/single-family residential and commercial  
South: GCOM/RM-6/multi-family residential and commercial  
East: GCOM/CG/commercial  
West: GCOM/CG/commercial

## BACKGROUND

The subject properties are located on the north side of 17<sup>th</sup> Street West between 7<sup>th</sup> and 8<sup>th</sup> Avenues W and make up most of an enclave of unincorporated Manatee County at this location. The general area is developed predominantly with general commercial uses along 8<sup>th</sup> Avenue W and 17<sup>th</sup> Street W with speckled residential units along 7<sup>th</sup> Avenue W and multi-family uses along 17<sup>th</sup> Street W.

The property owner is seeking to develop the subject 3 parcels consisting of Lots 1, 18, 19 & 20, Block 1 of Orange Park subdivision. The property has access onto 3 streets; 8<sup>th</sup> Avenue W, 17<sup>th</sup> Street W and 7<sup>th</sup> Avenue W. There are 3 property owners of Block 1 of Orange Park subdivision; Varnadore Properties, LLC owns Lots 1-6 and 18-20 on the south end, Manatee County owns Lots 7-14 (MCAT station) on the north end and Jack Ford owns Lots 15-17 mid block along 7<sup>th</sup> Avenue W.

This proposal was taken to the DRC on July 26, 2011 at which there were no concerns noted.

## COMPREHENSIVE PLAN ANALYSIS

This report covers 4 separate requests and public hearing items:

(1) the annexation of 0.7 acres into the City; (2) the small scale plan amendment of 0.7 acres from County ROR to City GCOM; (3) the rezoning from County GC to City CG; and (4) the vacation of a 10 foot utility easement between lots 1 & 20, 2 & 19 and 3 & 18 of Orange Park Subdivision. The proposed utility vacation affects Lots 2 and 3 which are not part of the properties subject to annexation, plan amendment and rezoning.

### 1. Annexation

The goal of the annexation application is to assemble four lots for redevelopment at the northwest corner of 17<sup>th</sup> Street W and 7<sup>th</sup> Avenue W.

This proposal will annex 4 lots within a 5 lot enclave at the subject location. Only one of the 4 lots is developed; it contains a single family house. The remaining lots are vacant and are located at a major intersection at an entryway into the City.

The proposed annexation eliminates most of an existing unincorporated Manatee County enclave consistent with Objective 1.12 of the Future Land Use Plan and the following Plan policy:

*Policy 1.12.1: The City shall balance the benefits of future annexations, i.e. to promote the orderly growth of the City with its ability to fulfill other established plans for the City.*

The annexation is consistent with the Palmetto 2030 Comprehensive Plan.

### 2. Plan Amendment

The proposed plan amendment from County ROR to City GCOM meets the requirements of a small scale plan amendment pursuant to Section 18 of Section 163.3187, Florida Statutes in that it is less than 10 acres and does not exceed 120 acres in a calendar year, does not involve a text change and is not located within an area of critical state concern. The change from ROR to GCOM is a comparable change in plan categories between the County's and City's Plans. They

both permit consideration of general commercial uses, office and residential uses. The proposed GCOM plan category is consistent with the surrounding plan categories in the area. The plan amendment is consistent with the Palmetto 2030 Comprehensive Plan.

### **3. Rezoning**

The purpose of the proposed rezoning to CG is to consolidate three parcels into a unified, buildable lot for commercial redevelopment. The proposed CG zoning is compatible with existing development on this block including a used car/tire lot and the MCAT station. In addition, these lots have access to 8<sup>th</sup> Avenue W, 17<sup>th</sup> Street W and 7<sup>th</sup> Avenue W. Since the rezoning is to a standard zoning district CG, applicable setbacks will be met with the submittal of a construction/commercial site plan.

The rezoning is consistent with the Palmetto 2030 Comprehensive Plan.

### **4. Vacation**

The applicant is seeking the vacation of a 10 foot utility easement that runs north-south between three lots facing 8<sup>th</sup> Avenue W. and three lots facing 7<sup>th</sup> Avenue W. The purpose of the vacation is to assemble a unified, building lot including the existing 10' utility easement.

The Code defines Easement as any strip of land created for public or private utilities, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude. When an easement is vacated, the right to use land owned by another for utilities is removed. The property owner would no longer be restricted from making improvements in an easement area.

Florida Power and Light, Peace River Electric Cooperative Inc., Bright House, Verizon and North River Fire District have no objections to the proposed utility vacation. Based on the information provided, there are no existing public facilities or utilities within the easement which is not needed in the short or long term. A utility easement for the rest of the block will remain including that portion between Lots 4-6 (owned by the applicant) and Lots 15-17 (owned by Jack Ford). In the event a utility easement is required by future development, a development application may propose a new easement. The public and surrounding properties within 300 feet of the easement have been notified of the proposed vacation and are not expected to be negatively impacted by the vacation.

### Future Land Use Element

The subject properties are designated Retail/Office/Residential (ROR) on the County's Plan in which a general range of potential uses includes Neighborhood Retail Uses, Community Serving Retail Uses, and Regional Retail Uses, Office Uses, Residential Uses, Hotel/Motel, Recreational Facilities at a FAR of 0.35 and residential uses at a Maximum Gross Density of 9.0 du/ac and a net density of 20 du/ac. The City's GCOM category permits general/light commercial, office, residential, mixed use at a maximum 3.0 FAR and 10 du/ac.

The proposed applications are consistent with the following Plan objective which encourages infill development of vacant enclaves within the City's service area.

*Objective 1.8: Discourage the proliferation of urban sprawl by encouraging active redevelopment of the City's Downtown Commercial Core and the in-fill development of vacant enclaves within the City's service area.*

Infrastructure

The City of Palmetto has adequate capacity for water and sanitary sewer, and the availability of reclaimed water at this location.

**STAFF RECOMMENDATION:**

The proposed applications are intended to assemble a buildable lot for redevelopment. The owners have inquired about including the subject property into the CRA boundaries.

Staff recommends APPROVAL of the annexation, small scale plan amendment to GCOM, rezoning to CG and the proposed vacation of a 10' utility easement to promote the redevelopment of this property.

**PLANNING AND ZONING BOARD RECOMMENDATION**

The Planning and Zoning Board shall recommend APPROVAL, APPROVAL WITH CONDITIONS or DENIAL of the proposed items:

- 1 Annexation of parcels located at 700 17<sup>st</sup> Street W, 702 17<sup>st</sup> Street W and 1703 7<sup>th</sup> Avenue W;
- 2 Small scale plan amendment of parcel located at 700 17<sup>st</sup> Street W, 702 17<sup>st</sup> Street W and 1703 7<sup>th</sup> Avenue W;
- 3 Rezoning from GC (County) to CG (City);
- 4 Vacation of 10 foot utility easement between Lots 1 & 20, 2 & 19 and 3 & 18 of Orange Park Subdivision

# AERIAL PHOTOGRAPH



# CITY OF PALMETTO LAND USE PLAN MAP



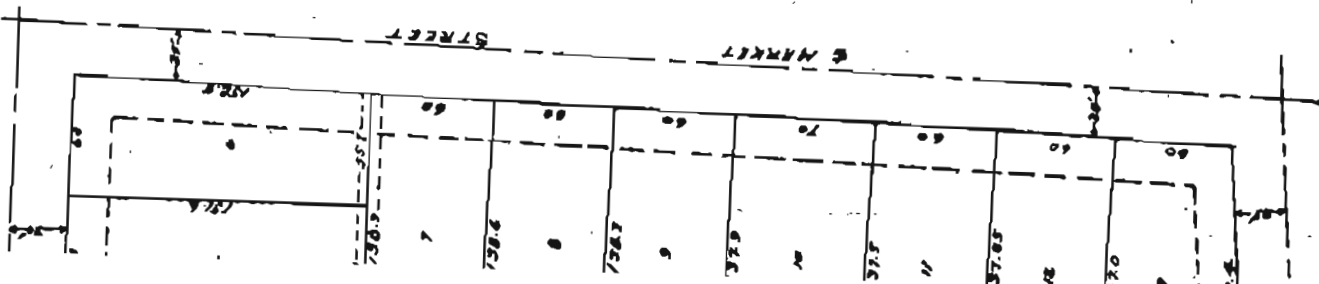
# CITY OF PALMETTO ZONING MAP



This is to certify that the above and foregoing is a true and correct copy filed for record March 4, 1915, recorded March 4, 1915.

CHAS. H. COLEMAN

VAC-2011-02



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GIVEN FOR RECORD  
ON MARCH 4, 1915



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SECTION 11, TOWNSHIP 5 NORTH, RANGE 7 WEST

W. A. WOOD  
Civil Engineer  
Memphis, Tenn.

SECTION 11, TOWNSHIP 5 NORTH, RANGE 7 WEST

10 FT. UTILITY EASEMENT

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