

TAB 1

AUGUST 9TH, 2012 MEETING MINUTES

**MINUTES
CITY OF PALMETTO
PLANNING AND ZONING BOARD
AUGUST 9, 2012 – 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 absent
JAMES PASTOR, Vice Chair absent
LEON KOTECKI

JON MOORE
CHARLIE UGARTE

Staff

Lorraine Lyn, City Planner
Scott Rudacille, Asst. City Attorney
Char Patterson, Planning Tech

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 9th day of August 2012 are truthful?”

ORDER OF BUSINESS:

1.  **Approval of July 19, 2012 Meeting Minutes** Tab1
Mr. Ugarte chaired the meeting in the absence of Chair Gilbert and Vice Chair Pastor.

Mr. Moore moved to approve the July 19, 2012 meeting minutes. Mr. Kotecki seconded.
MOTION CARRIED UNANIMOUSLY.

2.  **Roy Family Ranches Development Agreement DA 2012-01** Tab 2

CONTINUED FROM JULY 19, 2012

This is a Development Agreement for 8.0+ acres of land located at 2007 and 2011 21st Street W, on which 6 single family homes are approved. SWFWMD approved a master drainage Permit which defers the construction of drainage facilities until each of the remaining residence is constructed.

Ms. Lyn stated that this is a development agreement with the city which was continued from the last Planning and Zoning meeting on July 19, 2012. Since then there have been two changes:

1. Changes to reflect Charles Roy and Pamela Roy Revocable Trust; and a
2. Change made by the City Attorney's Office. Ms. Lyn read the change to the 6th paragraph into the record: The preliminary plat, general development plan and other stipulations between the City and Applicant provide that each home when constructed will connect directly into the City's water and sewer systems, and the parties acknowledge that obligations including connection and impact fees must be part of the application for a building permit in accordance with the City's building requirements.

Mr. UGARTE OPENED THE PUBLIC HEARING.

Mr. Leo Mills spoke and thanked the Board for changing the meeting date to this evening.

Mr. Peter Harlee spoke in opposition of the project stating his concerns of the possibility of his property flooding; confusion with development agreement and the SWFWMD permit. Mr. Rudacille explained that what the Board was considering tonight is the agreement which provides for the installation of the draining improvements to be delayed until the time of development as opposed to now. He indicated that the City's Code defers to SWFWMD so

the City is not involved in the process as far as what SWFWMD approves and how they approve the drainage at the site.

Mr. Tim Lewis, a business owner and resident and property owner of 1611 and 1706 21st West spoke in favor of the project and thought this should move forward to put more taxes in town and put people to work.

Mr. Mills provided an aerial site plan for the Board to review. He continued to explain how the drainage would be built according to the SWFWMD standards resulting in improvements of both water quality of Lake Rowlette as well as drainage of the surrounding parcels. The Board is charged with reviewing the Development Agreement and not the technical aspects of the drainage plan.

Mr. Mills answered several questions posed by Mr. Harllee and the Board continued their discussion which included water quality improvements, flooding improvements, swales, piping, elevation, each building permit to be signed off by SWFWMD before a CO (Certificate of Occupancy) would be granted.

Mr. Hugh McGuire representing the Roy Family explained that they already had the SWFWMD permits in hand and that they were just waiting for the Development Agreement to be okayed and asked the Board to approve the agreement tonight. Mr. Ugarte indicated that he was satisfied after reviewing the construction plans provided by Mr. Mills.

MR. UGARTE CLOSED THE PUBLIC HEARING

Mr. Kotecki moved to approve the proposed development agreement DA-2012-01 as presented to the Planning and Zoning on August 9th, 2012. Mr. Ugarte seconded. **MOTION CARRIED UNANIMOUSLY.**

3. **LKC Properties, LLC Project CU-2012-04**

Tab 3

This is a request for a Conditional Use Permit Application (CU2012-04) by LKC Properties, LLC, located at 923 4th Street W. for a child care center within the Commercial Core (CC) zoning district.

Ms. Lyn indicated that the conditional use permit application is for a child care center at 923 4th Street West on property owned by LKC Properties. It is proposed in a vacant building that was occupied by Island Yachting Centre.

She described the surrounding land uses and indicated that FDCF (Florida Department of Children and Families) regulates child care facilities and will require a playground. The State will determine the number of children allowed as part of its licensing process. The applicant has applied for a permit but has not received it.

She explained that a child care center is permitted in all commercial districts within the City except the CC zoning district which requires a Conditional Use permit. Child care centers are a necessity in the community and the existing FAR of the proposed site is 0.18. She stated that parking will be the critical criterion of this application as the Code requires one parking space per employee and two parking spaces for patron use. The number of children will determine the number of employees which in turn will determine the number of parking spaces. She believes the site is appropriate in the downtown core and recommends the following conditions:

1. The child care center shall meet the parking requirements of Zoning Ordinance.
2. The child care center shall provide a safe and orderly drop off and pick up point for children attending this facility
3. If the child care center provides an outdoor play area adjacent to the residential uses, its use as an outdoor play area shall be limited to the hours between 8:00 a.m. and 7:00 p.m.

MR. UGARTE OPENED THE PUBLIC HEARING

Ms. Higdon discussed parking spaces with the Board. There are currently twelve parking spaces and she expected a minimum of ten employees. However, she estimated that the maximum employees that would be there at any given period would be six. She stated that they anticipated seventy two children and the required staff would be determined by the age range of the children. For example twelve infants would require three staff members, fifteen three year olds would require one staff member and twenty four years olds require one staff member.

Mr. Kotecki asked how they anticipated the delivery and pick up of the children.

Ms. Fredrick, Director of the child care center spoke to the delivery and pick up of the children. She indicated that drop off and pick up times would be staggered and most parents had multiple children. They anticipated using the side door for pickup and delivery as per the site plan unless it needed to be changed. The Board discussed a possible circular drive, parallel parking on the street with possible pickup and delivery and fencing playground area being mandated by the State;

Mr. Ugarte asked Ms. Lyn if the drop could be at the street with parallel parking or should there be a circular drive. She replied that she thought the circular would be necessary because of the number of children and that if the Board feels that street drop off/pick up was adequate then the Board could make that recommendation. Mr. Ugarte requested that this technical item be handled/determined by staff.

Mr. Kotecki asked if this is approved as a child care center then proceeded to State for the license; Fire Department; Health Department, etc., does the Board get to review the site plan again?

Mr. Rudacille said that the Board could ask to see the plan again or it could be moved on to the commission meeting with recommendation for staff approval of the site plan.

Mr. Kotecki said he visited the site and inquired about the fencing, sprinkler systems and contents of the garage.

Susan Chandler representing LKC Properties, LLC questioned how the City is currently handling delivery and drop off of other day care centers in the area. She would like the Board to approve the Conditional Use today and the owners would be happy to come back with a revised site plan as they are open to any design change suggestions required by the City.

Discussion continued regarding the safety of the drop off location; being on the street versus parking lot/driveway.

Ms. Higdon stated that the State mandates that the parent walk the child into the day care center and sign them in and the same procedure is required when the children are picked up. The parent must park and get out of their vehicle to sign for their children and it is at that point the children are released to their parent.

MR. UGARTE CLOSED THE PUBLIC HEARING

Mr. Moore motioned to approve CU-2012-04 the request by LKC Properties, LLC with the following recommendations:

1. The child care center shall meet the parking requirements of Zoning Ordinance.
2. The child care center shall provide a safe and orderly drop off and pick up point for children attending this facility
3. If the child care center provides an outdoor play area adjacent to the residential uses, its use as an outdoor play area shall be limited to the hours between 8:00 a.m. and 7:00 p.m.

Mr. Kotecki seconded. **MOTION CARRIED UNANIMOUSLY.**

4. Old Business

- a. Mr. Urgate welcomed Mr. Kotecki the newest member of the Board.
- b. Ms. Lyn provided the Board with request letter from First Baptist Church at 1020 4th Street West for the extension of a site plan to allow portables on their property that the Board would

need to review again and send its recommendation to the City Commission. The site plan approval does not expire until March 2013 but Mr. Hamm would like to resolve the issue beforehand in case he has to make other arrangements for the children that are currently using the portables.

Mr. Rudacille explained because it is in the Public Zoning but it is privately owned property. The public zoning district says City Commission shall approve the use of the site. The process that we used last time was a site plan approval and it was brought forward through the Planning & Zoning Board and the City Commission who granted a temporary use. It will come back as an application and be treated as a formal agenda item without a public hearing.

5. New Business
a. None

6. The meeting adjourned at 6:45 p.m.