

**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 property was rezoned from County RMF-9 to PD-H for 18 condo units.

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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 wine, a conditional use where the specific location can be evaluated on a case by case basis.

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Mr. Ugarte stated he would prefer having criteria for making a decision on granting a conditional use permit. Mr. Barnebey suggested that the Board could develop such criteria.

- c. Mr. Barnebey requested the Board grant the Chair authorization to sign an order granting partial approval of variance and denial of remainder of the variance application (Variance of Future Plan, LLC. VAR-2010-04).

Mr. Ugarte moved to approve the authorization of the Chair to sign the order granting partial approval of variance and denial of remainder of the variance application (Variance of Future Plan, LLC. VAR-2010-04). Mr. Moore seconded. MOTION CARRIED UNANIMOUSLY.

Discussion ensued regarding possibly changing/revising the language for variances.

- d. Sign Ordinance: Discussion of proposed changes

Mr. Barnebey stated McDonalds took down their sign to inspect it for structural purposes. Our code states that any signs that do not meet code should be removed within a reasonable period. McDonalds sign exceeded the current code by 65 ft. Higher signs height can be permitted by conditional use. The draft ordinance will affect all properties fronting on 10th Street West eastward between 3rd Avenue West and Haben Boulevard.

Currently the sign height is 30 ft unless there is a conditional use permit. The draft provides a different sign height in specific areas. McDonalds sign was 95 ft, Wendy's is 85ft, Burger King's is 55 ft., Wal-mart and Long John Silver's are at the appropriate sign height.

This draft ordinance will not require you to have pole signs in the 10th Street area but a monolithic sign instead.

Chair Gilbert asked the purpose of the monolithic design. Mr. Barnebey stated you will not have a pole per say but a unified design all the way up. It is the opinion of most that it looks more attractive. Chair Gilbert stated that depending upon the height of the sign, the effect on the wind load and engineering will require a larger foundation taking up more of the parking lot. From the point of construction and service, it

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will be harder with two columns on each side compared to a single pole.

Mr. Moore stated the pole signs in many case goes away at the street level.

Mr. Ugarte stated the Board discussed this previously when Mr. McCollum was Interim Planner and it was agreed upon to make this location (10th street to Haben area) a special district, allowing the pole sign and taking the largest or tallest sign in that location and using it as the criteria. It is suggested that this location is a special district. It has been there for many years, make it a special criteria area, specially zoned district for signs.

Mr. Ugarte recommended making 85 ft the maximum height for that district. Chair Gilbert agreed estimating that a sign 85 ft. in height would need to be at least 120 square feet in size.

Mr. Pastor asked why those signs that are non-conforming couldn't be grandfathered in. Do we need a 95 ft high sign or even 85 ft?

Chair Gilbert explained how Burger King and Wendy's determined the heights of their signs. A crane is used with something hanging from it which goes to the other side of the over-pass and someone documents the height at which you can see the item hanging from the crane.

Ms. Lyn commented that the City has been operating under this current code for some time. With the removal of McDonald's sign there are only two non-conforming signs remaining. She stated that she can understand justifying sign heights based on the width of the street, but to cull out an area and not allow for the remainder of 10th street the same height does not seem fair. Heading north of US 301 over the ramp, you cannot see any of the signs until you are close to the highest point of the over-pass because of the angle of the ramp. By that point, you would have already passed the exit and would have to go to the next street and turn around.

Ms. Hillary Egleson asked planning staff if there are any reasons behind not wanting the signs to be more than 85 ft other than non-conformity, is it because of aesthetics or safety. Ms. Lyn stated it is more aesthetics.

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Ms. Lyn asked the Board their opinion of the yellow district along 10th Street, adjacent to the green area. Mr. Barnebey stated that we are addressing what is labeled as the green zone only. He summarized the discussion; 85 ft sign height maximum, allowing free standing signs, all properties fronting on 10th Street West from 3rd Avenue West eastward to Haben Boulevard.

Mr. Pastor asked staff for a recommendation. Ms. Lyn stated she recommends 60 ft as the CG and CC zoning districts have a maximum height of 60 ft. Chair Gilbert commented that the sign should be above the height of the building. Ms. Lyn stated that buildings along 10th Street are not 60 feet high.

It was the consensus of the Board to recommend 85 ft sign height maximum, allow free standing signs in the green zone to encompass all properties fronting on 10th Street West from 3rd Avenue West eastward to Haben Boulevard (including corner lots fronting 10th St. and Haben Blvd.).

4. New Business
 - a. None

5. Adjournment; 8:00 pm