

**MINUTES
CITY OF PALMETTO
PLANNING AND ZONING BOARD
OCTOBER 18TH, 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
JAMES PASTOR, Vice Chair
LEON KOTECKI - Absent

JON MOORE
CHARLIE UGARTE

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 18th day of October 2012 are truthful?”

ORDER OF BUSINESS:

1. **Approval of August 9, & September 20, 2012 Meeting Minutes** Tab 1

August 9 & September 20, 2012 Meeting Minutes

Mr. Urgarte moved to approve the August 9 and September 20, 2012 meeting minutes. Mr. Moore seconded. **MOTION CARRIED UNANIMOUSLY.**

2. **1st Baptist Church of Palmetto Site Plan Amendment** Tab 2

1st Baptist Church of Palmetto is requesting a 3 year extension of the site plan approval of 2 portable buildings on property owned by the church located at the SE corner of 6th St. W and 11th Ave. W.

Ms. Lyn spoke explaining the request for a three year extension of the site plan approval for two portable buildings on the property. The site plan allowing portables on church property was reviewed by the P&Z Board on January 21, 2010 and February 18, 2010 with the board voting four to two to recommend approval of the request for a period not to exceed three years. The site plan was approved by the City Commission on March 1, 2010 with six stipulations plus the removal after three years from the date of approval.

Staff received letter dated May 10, 2012 from Phillip Hamm, Senior Pastor requesting a three year extension of the approved site plan. The site plan extension was taken to the Staff Development Review (SDR) on August 14, 2012 where there was no opposition.

Mr. Bill Robey spoke on behalf of 1st Baptist Church explaining that he was here tonight to answer any questions that the Board may have.

Mr. Pastor disclosed he lives next to the church and works with Zirkelbach Construction that has done work on the property.

Mr. Moore disclosed that he worked with Zirkelbach Construction doing design work to bring the buildings up to code, for example, ADA ramp for the restrooms.

Mr. Rudacille felt that there were no voting conflicts.

Mr. Gilbert asked Mr. Robey what plans does the church have in mind for the property?

Mr. Robey replied that they still have desires to move forward with a permanent building, but the bad economy the last few years and the transition of the Senior Pastoral staff has set them back. Several church committees have been working on possibilities and working toward building a new facility and that the three year extension would be a comfortable time frame to complete a permanent youth facility. The portables could then be removed.

Mr. Jeff Burton Director of CRA handed out a letter from the Palmetto Historical Commission expressing their desire to purchase the property. See Attached Letter. Mr. Burton spoke to the Board explaining that the extension could add value to the property and if the City wants to extend the historic park to the west they are going to need that piece of property. He encouraged the Board to postpone the issue because the City did not want to add value to property that they are currently looking at to purchase. He continued that the Historical Commission is going to prepare an offer on the property and has asked the CRA to step in and assist them.

Mr. Rudacille explained that the P& Z Board should not consider the offer when making their decision and that the value of the property has nothing to do with the issues of what the Board is to consider tonight and beyond that, with the City being a potential purchaser, it becomes even more problematic.

Discussion continued to include the CRA and City Commission being separate political entities that the CRA never agreed to a three year extension, issues going to City Commission, parameters laid out in the code as to what to consider for tonight's meeting, expiration of site plan being March 2013, continuing the meeting, etc.

Mr. Rudacille read from the staff report the criteria that should be considered for a site plan approval: Section 4.1(d)1 f the City Code, which states that the intent of the Public (P) District is to identify and stabilize those geographic areas within the City of Palmetto that are appropriate for the development and maintenance of public and semipublic facilities. Such uses are to be individually reviewed and approved by City Council to ensure design and use compatibility with the surrounding area.

Discussion continued between the board members to include: Mr. Urgarte thought that this should be continued to the next meeting, especially after the news that they were just given from Mr. Burton, plus a possibility of reviewing a conceptual plan; economy affecting the community, possibility of changing the extension from three years to one year; knowing that the Historical Society/CRA wants the property, does it or does it not raise the value; having to move the portable units if the extension expires without a vote in March 2013, Mr. Burton attending site plan amendment meetings, public attending the meeting, sending notice to adjacent property owners regarding the extension and noticing the community of the next scheduled meeting and public input.

Mr. Urgarte moved to direct staff to send notices to the surrounding property owners and to hear public comment at the November 8th, 2012 P&Z meeting. Mr. Moore seconded. **MOTION CARRIED UNANIMOUSLY.**

Mr. Moore moved to continue the 1st Baptist Site Plan Approval to November 8th, 2012 at 5:30 p.m. Mr. Urgarte seconded. **MOTION CARRIED UNANIMOUSLY.**

Ms. Lyn spoke regarding the CU-2012-05 application containing four duplexes located at 401, 405, 409 & 413 6th Street West. This conditional use application is in response to the adoption of Ordinance 2012-07 which was adopted August 6, 2012 which allows existing farm worker housing units that are not zoned RM-5 or RM-6 to apply for a conditional use by October 31, 2012. These properties are zoned General Commercial (GC) and the plan category is GCOM. The Ordinance also established standards for conditional use approval for farm worker housing that requires both a CPTED review by the Police Department and a site plan/survey of the site. It also extends the timeframe that a nonconforming use can cease operations (from ½ year to 2 years) before having to conform to district regulations.

CPTED recommendations are staff's recommendation, providing for lighting, workable locks and hardware, wide angle peep hole viewers, installation of video surveillance being strongly encouraged and the farm worker housing units may be occupied in accordance with the permit issued by the Florida Department of Health.

Ms. Petruff spoke regarding the deadline for application submittal being October 31, 2012. All properties owned by her client, Jay Taylor, have made application for a conditional use. CPTED's have been done on all of the properties before you tonight and my client has no objections to the requirements. She would like to add one more recommendation that the property owner shall have 60 days from the date of approval of the Conditional Use permit to complete required site improvements.

CHAIRMAN GILBERT OPENED THE PUBLIC HEARING FOR CU-2012-05

No public hearing.

CHAIRMAN GILBERT CLOSED THE PUBLIC HEARING FOR CU-2012-05

Discussion continued with Mr. Moore inquiring about the flood plain elevations which is category C; non-conforming use and rebuilding, Ordinance 2012-07, damage being more than 50 percent then they would have to rezone to an RM-5 or RM-6 to rebuild.

Motion by Mr. Urgarte to approve Conditional Use Permit 2012-05 with the following stipulations, Mr. Moore seconded. MOTION CARRIED UNANIMOUSLY.

1. **The property owner shall insure that the wooden fence in the rear is in good repair.**
2. **The property owner shall maintain doors and windows in good working order with locking hardware (locks and pry guards) window screens that fit securely and are not torn.**
3. **Install and maintain wide-angle peep hole viewers in all doors.**
4. **The property owner shall replace the doors to the enclosures (with water heater) at 411 and 413 6th Street West; maintain enclosure doors in good repair and insure that they are secure with good locking hardware.**
5. **The property shall insure that existing lights at the front and rear doors of the units are in good working condition.**
6. **Install and maintain dusk to dawn security lighting in the fenced area at the rear of the units to include either free standing pole lights or wall mounted security lights.**
7. **Provide and maintain motion activated security lights between buildings to illuminate high traffic areas from dusk to dawn.**
8. **The property owner shall secure existing electrical boxes on the exterior of the units or remove them.**
9. **The property owner shall install unit numbers along 6th Street West per City ordinance.**

10. Installation of video surveillance is strongly encouraged for parking areas, front and rear of the buildings and open area in the back for the protection of the residents and to aid the protective efforts of the Police Department.
11. The farm worker housing units may be occupied in accordance with the permit issued by the Florida Department of Health.
12. The property owner shall have 60 days from the date of approval of the Conditional Use permit to complete required site improvements.

4. **Old Florida Investments, Inc. CU 2012-07**

Tab 4

Ms. Lyn spoke regarding the CU-2012-07 for 4 duplexes located at 415 9th Street West and 804, 806 & 808 5th Avenue W which are designated GCOM: 415 9th Street West & 808 5th Avenue W, PID #2793600004 are zoned RS-4 and 804 & 806 5th Avenue West PID#2793700002 are zoned CN. The CPTED requirements have the standard requirements, providing for lighting, workable locks and hardware, wide angle peep hole viewers, installation of video surveillance being strongly encouraged and the farm worker housing units may be occupied in accordance with the permit issued by the Florida Department of Health.

Ms. Petruff spoke that she had no objections to the CPTED or staff recommendations and respectfully asked the Board for approval.

CHAIRMAN GILBERT OPENED THE PUBLIC HEARING FOR CU-2012-07

No public hearing.

CHAIRMAN GILBERT CLOSED THE PUBLIC HEARING CU-2012-07

Motion by Mr. Moore to approve Conditional Use Permit 2012-07 with the following stipulations, Mr. Urgarte seconded. MOTION CARRIED UNANIMOUSLY.

1. The property owner shall maintain doors and windows in good working order with locking hardware (locks and pry guards) and window screens that fit securely and are not torn.
2. The property owner shall insure that air conditioner units are securely installed to prevent removal and unauthorized entry.
3. Install and maintain wide-angle peep hole viewers in all doors.
4. The property shall insure that existing lights at the front and rear doors of the units are in good working condition.
5. Install and maintain dusk to dawn security lighting in the fenced area at the rear of the units to include either free standing pole lights or wall mounted security lights.
6. Provide and maintain motion activated security lights between buildings to illuminate high traffic areas from dusk to dawn.
7. The property owner shall secure existing electrical boxes on the exterior of the units or remove them.
8. The property owner shall install unit numbers along the street (9th Street W & 5th Avenue W) per Sec. 25-39 of the City Code.
9. Installation of video surveillance is strongly encouraged for parking areas, front and rear of the buildings, and open area in the back for the protection of the residents and to aid the protective efforts of the Police Department.
10. The farm worker housing units may be occupied in accordance with the permit issued by the Florida Department of Health.
11. The property owner shall have 60 days from the date of approval of the Conditional Use permit to complete required site improvements.

5. This is a request for a Conditional Use Permit, Application CU 2012-06 by Peerless Manatee, Inc. located at 408 8th Street W and 712 & 716 5th Avenue W. pursuant to City Ordinance 2012-07 on Farm Worker Housing.

Ms. Lyn spoke regarding CU-2012-06 located at 712 & 716 5th Ave W and 408 8th St W. having two duplexes and a single-family house. Properties located on 5th Ave W are duplexes and a single family unit is on 8th St W. 712 & 716 5th Avenue West are zoned CG and 408 8th Street W is zoned RS-4.

Ms. Lyn stated that staff recommended approval of CU-2012-06 Conditional Use Permit and the CPTED recommendations.

Ms. Petruff spoke that she received the CPTED this morning and respectfully request the approval of the application.

CHAIRMAN GILBERT OPENED THE PUBLIC HEARING FOR CU-2012-06

No public hearing.

CHAIRMAN GILBERT CLOSED THE PUBLIC HEARING CU-2012-06

Motion by Mr. Urgarte to approve Conditional Use Permit CU-2012-06 with the following stipulations, Mr. Moore seconded. MOTION CARRIED UNANIMOUSLY.

**CPTED CONDITIONS FOR 712 & 716 5TH Ave W
CU-2012-06**

1. The property owner shall maintain doors and windows in good working order with locking hardware (locks and pry guards) and window screens that fit securely and are not torn.
2. The property owner shall insure that air conditioner units are securely installed to prevent removal and unauthorized entry.
3. Install and maintain wide-angle peep hole viewers in all doors.
4. The property owner shall install and maintain lights at each door, activated by an inside switch.
5. Install and maintain dusk to dawn security lighting at the rear of the units (east side) to include either free standing pole lights or wall mounted security lights on the east end of the units.
6. Provide and maintain motion activated security lights between buildings to illuminate high traffic areas from dusk to dawn.
7. The farm worker housing units may be occupied in accordance with the permit issued by the Florida Department of Health.
8. The property owner shall have 60 days from the date of approval of the Conditional Use permit to complete required site improvements.

**CPTED CONDITIONS FOR 408 8TH ST W
CU-2012-06**

1. The property owner shall maintain doors and windows in good working order with locking hardware (locks and pry guards) and window screens that fit securely and are not torn.
2. Install and maintain wide-angle peep hole viewers in all doors.
3. Install and maintain dusk to dawn security lighting on the west and south sides of the unit to include either free standing pole lights or wall mounted security lights on the west and south sides of the unit to illuminate the front door and parking area.
4. The farm worker housing units may be occupied in accordance with the permit issued by the Florida Department of Health.
5. The property owner shall have 60 days from the date of approval of the Conditional Use permit to complete required site improvements.

6. **Pacific Tomato Growers, LTD. CU 2012-12**

Tab 6

Ms Lyn spoke that staff is requesting continuance because there are some issues that need to be worked out regarding the parking/bus parking.

Discussion continued.

CHAIRMAN GILBERT OPENED THE PUBLIC HEARING FOR CU-2012-12

No public hearing.

MR. PASTOR MOVED TO CONTINUE THE PUBLIC HEARING FOR CU-2012-12 UNTIL NOVEMBER 8TH, 2012. MR. URGARTE SECONDED. MOTION CARRIED UNANIMOUSLY.

7. Old Business

- a. None

8. New Business

- a. Ms Lyn spoke regarding a previous Conditional Use Permit No.CU-2012-04 owned by LKC Properties, requesting a child care center (R&D Academy) located at 923 4th Street West in the CC zoning district. She indicated that this petition was denied by City Commission because the existing site contained substandard driveway width and access aisles to permit convenient maneuvering of cars and it was deemed inconsistent with the Downtown Development Guidelines as proposed parking was located in front of the building.

- b. New Items for the Board's consideration:

1. Amend zoning code to prohibit outdoor hydraulic lifts for automobiles. Other code amendments directed by the Board included the definition of Building height and to permit duplexes in the RM6 zoning.

Discussion of outdoor hydraulic lifts continued with possible safety and aesthetic issues, existing lifts being grandfathered in, new lift requirements of indoor bays, adding electric lifts, whether all work can be conducted indoors, needing much more research and clarification on what outdoor means, the inclusion of marina's, docks, open air lifts, outdoor lifts being limited to the rear of properties and not being allowed in the City Gateway, etc.

Mr. Moore asked that staff contact the business owners that will be affected if this issue comes forward.

2. Application for an annexation, rezone and plan amendment for Art Rentals, Inc. at 529 20th Street West will be coming to the next P&Z meeting on November 8th, 2012.
3. There are three more farm worker conditional use applications to come forward for the boards review, (2) two from Old Florida Investments and (1) one from Oakridge Apartments.

9. Adjournment 7:11 p.m.