

CITY OF PALMETTO
PLANNING AND ZONING BOARD MEETING
JANUARY 5, 2017 – 5:30 PM

Planning and Zoning Board Members Present:

Randy Iaboni, Chair
Jon Moore, Vice Chair
Sharon Tarman
Eve Joy
William Price, III

Staff Present:

Mark Barnebey, City Attorney
Allen Tusing, Director of Public Works
Kera Hill, Planning Technician

Chair Iaboni called the meeting to order at 5:40 PM.

All persons intending to address Planning and Zoning Board were duly sworn.

ORDER OF BUSINESS:

1. PLANNING & ZONING BOARD AGENDA APPROVAL

Motion: **Mr. Price moved, Mrs. Tarman seconded, and the motion carried 5-0 to approve the January 5, 2017 Agenda.**



2. APPROVAL OF MEETING MINUTES

(TAB 1)

Motion: **Ms. Joy moved, Mr. Price seconded, and the motion carried 5-0 to approve the December 15, 2016 Minutes.**

3. PUBLIC COMMENT

None

4. CU 2016-04 Slow Foods Kitchen, Felicia Tappan

(TAB 2)

Conditional Use request (CU 2016-04) by the applicant, Felicia Tappan for a home based business located at 1499 17th Street West, Palmetto, FL.

This item is a continuance from the December 15, 2016 Planning and Zoning Board meeting.



Allen Tusing, Director of Public Works

Mr. Tusing stated that Ms. Tappan's business, Slow Foods Kitchen dehydrates raw foods that they make and then sell it at street markets.

The home was built in 1975, Ms. Tappan purchased the home in 2013 and the most recent inquire to Manatee County Property Appraiser's website lists the property as a duplex. Mr. Tusing noted that a duplex is not an allowed use in the RS-1 zoning district. The business will be located within the garage, and will consist of 968 square feet. There have been modifications to the garage to support the business and that have been permitted through the building department. Ms. Tappan had a previous business tax license under Terra Foods at the subject location in 2013 and appears the business has been successful and has expanded into the garage where it can accommodate making foods in a dehydrator.

Mr. Tusing explained some of the requirements for a home occupation and discussion ensued regarding the business being conducted in an accessory structure. Staff's interpretation is that since the RS-1 district requires 2 parking spaces for the home that the garage would not be considered an accessory structure because it's a requirement in that zoning district.

Mr. Tusing stated that according to the past survey it indicated that the garage in question (where the business will be located in) was at one time listed as a residential dwelling unit. It's unsure whether the additional dwelling unit was legally conforming and received proper approval by city staff, as no permits were found to support such. Mr. Tusing stated that the home occupation has to be within a single family residence, multi-family would not be allowed. Attorney Barnebey stated the conditional use approval would terminate any past grandfathering as a duplex and if property wasn't maintained as a single family residence, that would violate and cause the Conditional Use permit to be canceled.

As noted in the staff report, the neighboring Church on the Rock has agreed to allow larger delivers at the church. Mrs. Tarman inquired if there is a document in writing supporting that agreement. Mr. Tusing stated that staff has not received any agreements between Mrs. Tappan and Church on the Rock.

Mr. Tusing discussed some of the code enforcement citations on the property. They included Conditional Use approval for home based business, duplex in a single-family district (with two mailboxes on site) and too large of signs for the business.

Ms. Joy had concerns with the possibility that there may be a higher volume of traffic then what may be appeared. She also inquired about the option of having a signed agreement from the church on file. Attorney Barnebey stated that it's not necessary for the agreement and that that no delivers by semi-truck shall be made on the property, only conventional postal service.

Ms. Tappan had a previous home based business license for this property, under Terra Foods. Mr. Tusing stated an interpretation was being used at that time that granting the home occupation through the business tax license, that certain types of businesses would not require a conditional use permit and were administratively approved. Mr. Tusing informed the Board the City Code clearly states that all home based businesses require a conditional use and there is a possibility this will be reviewed for a code update in the future.

Felicia Tappan

Ms. Tappan explained that there appears to be a lot of misunderstandings about the business their trying to conduct at their home, inside their garage. The foods they make are raw and consist from nuts, seeds and vegetables. They mix these ingredients up and then place them in dehydrators. The dehydrators are about 15' tall and 15' wide in size. Ms. Tappan stated there have been a lot of discussions about deliveries and she stated that they only have one or two a month, because they buy a lot of their products in bulk at a time.

Discussion ensued regarding the recently constructed window at the property that is being described as a drive up window. Ms. Tappan states that the new window is where a previous garage door was installed and that they do not

want people coming up to their home; that they're simply making products and then delivering them to their customers. Their plans are to outgrow this business location and move onto another location.

Discussion ensued regarding Ms. Tappan's possible large deliveries. Ms. Tappan stated that if they ever had large deliveries that it would consist of 25lbs of almonds, 10lbs of flaxseed, 5lbs of syrup, etc. and that these items would be delivered through FEDEX and if the delivery was dropped off at the church, she would pick up supplies in her personal vehicle to bring back to her home.

Ms. Tappan stated that there would be no pickups of the products onsite. Ms. Tappan and her daughter are the only employees of the business.

Mr. Price discussed the pictures and letter that was submitted for the record from a nearby neighbor. Ms. Tappan stated there was a misunderstanding on some of the information in regards to the business being a restaurant; she stated they are not a restaurant.

Ruth Mathews is Ms. Tappan's neighbor and also the Pastor's wife at Church on the Rock. Ms. Mathews mentioned that the window in question would not be feasible to us as drive through. There has been no disturbance with her being a neighbor.

Discussion ensued regarding the cars and persons residing at the property. Ms. Tappan mentioned that her and her daughter have acquired a few extra cars and that she's hopeful to have garage doors fixed soon to accommodate the storage of them. Mrs. Tappan stated that herself, her daughter, son in law, her husband, caregivers and older boys are among those that reside at the property.

Mr. Price mentioned he would like to put expiration on the Conditional Use to be valid for one year and to waive the reapplication fee.

Mrs. Tarman opinioned having Conditional use Permit valid for two years and waive the reapplication fee.

Motion: **Based upon the evidence presented and finding the request to be consistent with the Comprehensive Plan and the Code of Ordinance, Ms. Joy moved, Mrs. Tarman seconded and the motion carried 4-1 to recommend approval with modifications of the request for CU 2016-04. Mr. Price voted no.**

Staff's recommendation #2 modified- The home occupation use for raw or organic food only production shall be limited to 968 square feet within the attached garage, as depicted on the site plan attached as Exhibit A.

Stipulation was added that no more than (2) (96) refuse garbage cans can be on site.

Stipulation was added that the approval would be valid for two years and the re-application fee would be waived.

5. Ordinance 2016-17

(TAB 3)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, REGARDING THE REGULATION OF VEHICLE REPAIR, MOTOR VEHICLE REPAIR USES, SERVICE STATIONS AND INDUSTRIAL USES; AMENDING APPENDIX B (THE ZONING CODE); AMENDING THE PALMETTO DOWNTOWN DESIGN CODE; DEFINING AND AMENDING THE DEFINITION OF CERTAIN TERMS; ESTABLISHING THE LIMITATIONS ON THE LOCATION OF VEHICLE REPAIR, MOTOR VEHICLE REPAIR, SERVICE STATIONS AND INDUSTRIAL USES; CREATING A "TENTH AVENUE/OLD MAIN" CHARACTER DISTRICT AREA; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION;

PROVIDING FOR SEVERABILITY; PROVIDING FOR TERMINATION OF THE MORATORIUM RELATED TO MOTOR VEHICLE REPAIR-MINOR AND MOTOR VEHICLE REPAIR-MAJOR AND SERVICE STATIONS (ADOPTED JUNE 2016); AND PROVIDING FOR AN EFFECTIVE DATE.

This item is a continuance from the December 15, 2016 Planning and Zoning Board meeting.

Mr. Tusing stated that CRA will be making changes in the near future. The current changes are connected to the moratorium to create more of complete streets and to limit the automotive shops. The Downtown Guideline changes had to be made to be consistent with this new ordinance. The Uptown District stopped at 10th Street West, but it didn't take into consideration the other two corners and staff has asked for the uptown district to be extended to 11th Street West so all four corners of 10th Street West and 10th Avenue West will consistently be within the Down District.

Chair Iaboni expressed some concerns with the Downtown Guidelines in regards to the color pallet and approval required from staff and the PZ Board; that it will make it very hard for development to occur in the city with these guidelines. He also mentioned that there should be more of a vision that works in connection to the guidelines.

Attorney Barnebey informed the Board that the changes before them are for the corridor not allowing the service stations on 10th Avenue West.

Mr. Tusing stated there is a vision in the main street corridor and that is the reasoning behind extending the Uptown District and staff would like to see more of a multi-corridor.

Chair Iaboni opinioned that when the future changes come for the Downtown District, that his recommendation would be to have discussions together prior to having a PZ meeting.

Mrs. Tarman requested for documentations of the vision that the city has for the Downtown District.

Motion: **Mrs. Tarman moved, Mr. Moore seconded, and the motion carried 5-0 that Based upon the evidence presented and finding the request to be consistent with the Comprehensive Plan and the Code of Ordinance, recommendation of approval of the request for Ordinance 2016-17.**

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6. Old Business

7. New Business

Design code to come back to the PZ Board and have workshops and discussion prior to recommendations coming before the board. (This was added at the request of the Planning Zoning Board)

Chair Iaboni adjourned the meeting at 7:15PM

Minutes were approved: February 16, 2017