

**CITY OF PALMETTO
PLANNING AND ZONING BOARD MEETING
October 12, 2017 – 5:30 PM**

Planning and Zoning Board Members Present:

Randy Iaboni, Chair
Jon Moore, Vice Chair
EVE Joy,
William Price, III, Esq.

Planning and Zoning Members Absent:

Sharon Tarman

Staff Present:

Scott Rudacille, Assistant City Attorney
Karla Owens, Development Services Director
Kera Hill, Planning Analyst

Chair Iaboni called the meeting to order at 5:34 PM, followed by a moment of silence, Pledge of Allegiance and opening comments.

Roll call was called, showing Sharon Tarman was absent from the meeting.

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

1. PLANNING & ZONING BOARD AGENDA APPROVAL

Motion: **Ms. Joy moved, Mr. Price seconded, and the motion carried 4-0 to approve with modifications the October 12, 2017 Agenda. Item # 4 was withdrawn from the agenda.**

2. APPROVAL OF MEETING MINUTES

(TAB 1)

Motion: **Ms. Joy moved, Mr. Price seconded, and the motion carried 4-0 to approve the September 21, 2017 Minutes.**

3. PUBLIC COMMENT

None

4. Development Proposal 904 11th St W (N.Tremblay)

(TAB 2)

This item was withdrawn from the agenda.

5. Ordinance 2017-12 (M. Barnebey)

(TAB 3)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, REGARDING THE REGULATION OF MEDICAL MARIJUANA TREATMENT CENTERS; AMENDING THE ZONING CODE (APPENDIX B OF THE CODE OF ORDINANCES); PROVIDING FOR DEFINITIONS; PROHIBITING THE ESTABLISHMENT OF MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES IN THE CITY; ESTABLISHING LIMITATIONS ON THE LOCATION OF MEDICAL MARIJUANA TREATMENT CENTER CULTIVATING AND PROCESSING FACILITIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Assistant City Attorney, Scott Rudacille

Attorney Rudacille stated that the legislators gave two choices for dispensing facilities for medical marijuana: 1. Either ban them entirely, or 2. If allowed, they would have to be treated the same as a pharmacy. There are separation requirements from schools, but other than that they would be still treated the same as a pharmacy under the zoning code. This issue was workshopped with City Commission, and the Commission requested an ordinance to prohibit the facilities. They're currently allowed in Manatee County, but City of Bradenton and City of Anna Maria have not yet prohibited medical dispensaries.

Ms. Joy inquired what cultivating means. Attorney Rudacille explained that there is a medical marijuana treatment center, which involves all of the components, including growing. Attorney Rudacille explained that we're only dealing with the dispensing facilities in the ordinance at hand.

Chair laboni opinioned that the dispensaries he's observed were set up comparable to a pharmacy. Chair laboni stated he was not comfortable that we previously allowed this but required people to drive out to the industrial districts. Chair laboni opinioned that the citizens would have to drive a far distance to receive their medication. Mrs. Owens explained that a large area of the City is made up of CG (General Commercial) which allows pharmacies.

Mrs. Owens

A recent inquiry for a growing/cultivating proposal was received. The proposed project is located within the CHI (Heavy Commercial and Light Industrial) zoning district. Everything associated with medical marijuana is preempted to the state, except for the dispensaries. In addition, all the medical marijuana components are required to be at least 500 feet from a private or public school, and can be in any zoning district. The City is not regulating the growing/cultivation, and Ordinance 2017-12 would repeal the existing ordinance that is in place. The only thing that will not be allowed in the City will be the storefront location to receive the medical marijuana. The cultivating, manufacturing, processing etc. will be allowed in the City, as those uses are preempted to the state. The proposed ordinance will no longer allow the dispensaries in any zoning district within the city. Unincorporated Manatee County has recently adopted an Ordinance to allow dispensaries.

Chair laboni inquired if the ordinance could be amended to allow dispensaries in the City, wherever pharmacies are permitted. Attorney Rudacille explained, that could be a recommendation, but we would have to check with our noticing requirements regarding amending the title of the Ordinance at this point in the public hearing process.

Motion: **Mr. Price moved, Ms. Joy seconded, and the motion carried 4-0 that based upon the evidence presented, and finding the request is inconsistent with the Comprehensive Plan and the Code of Ordinances, the Planning and Zoning Board recommends denial of Ordinance 2017-12.**

Mr. Price added a recommendation to City Commission to pass an ordinance that would allow the City of Palmetto residents who are prescribed medical marijuana, to fill their prescription in the City limits of Palmetto.

6. CU 2017-01 Sixth Street West, LLC (K.Owens) (TAB 4)

Conditional Use request (CU 2017-01) has been submitted by the applicant, Sixth Street West, LLC, to allow the existing commercial building located at 604 and 606 6th Street West, Palmetto, Florida, to additionally be used for residential purposes. Ms. Joy declared a conflict of interest as she is the owner of the subject property.

Karla Owens

The subject property has four (4) units, and each has 613 square feet total. The property owner would like to have the option to use the units either for residential or commercial purposes, and not be limited to just commercial as it's been difficult keeping all units rented consistently. The property is zoned CG (Business and Light Commercial) which does not allow single-family, but allows multi-family residential by conditional use. The definition for multi-family per City code is three (3) or more units. Applicant plans to remodel the existing building for the residential units. One unit will always have to remain as commercial, to retain the required floor area ratio in the GCOM future land use designation. Staff recommends approval, as the surrounding area contains multi-family residential and this is a good transitional area for this type of use.

Eve Joy

Ms. Joy spoke as a citizen and stated that she has owned the property for three years and has had trouble keeping the units rented. She's requesting the conditional use permit for the alternative use as residential, as she hopes this will help with keep the units rented regularly.

William Gray

Mr. Gray owns a multi-family building around the corner from the subject property. Has had a great success in keeping his building rented. Doesn't feel there is enough affordable housing in this area and transportation is also limited. Feels the allowance for residential on the subject property would be good for the public.

Motion: **Mr. Price moved, Mr. Moore second, and the motion carried that based upon the evidence presented, and finding the request to be consistent with the Comprehensive Plan and the Code of Ordinances, the Planning and Zoning Board recommends approval for CU 2017-01 with modifications as discussed. Stipulations were modified to include that a minimum of 25% of gross floor area must be maintained for non-residential use.**

7. Old Business

The Downtown Code changes may be sent electronically soon, but will not come to the Board until at least January for formal presentation.

8. New Business

None

9. Adjournment

Chair Iaboni adjourned the meeting at 6:38 PM

Minutes approved: January 18, 2018

Randy Iaboni

Randy Iaboni
Planning and Zoning Board Chair