



City of  
**PALMETTO**  
Florida

DRAFT MINUTES  
Planning and Zoning Board Meeting  
December 16, 2021 at 5:45 PM  
*Zoom Meeting Application Was Utilized for the Meeting*

City Hall Commission Chambers  
516 8<sup>th</sup> Avenue West  
Palmetto, FL 34221

Planning and Zoning Board Members Present

Randy Iaboni, Chairman  
Paul Marchese  
Jon Moore  
William Price, III  
Pamela Roberts

Staff Present

Kera Hill, Planning Analyst  
Marisa Powers, City Attorney  
Penny Johnston, Executive Assistant

Chairman Randy Iaboni called the meeting to order at 5:45 p.m., followed by a moment of silence and the Pledge of Allegiance. Roll call revealed all Board members were present. All persons intending to address the Planning & Zoning Board were duly sworn.

1. PLANNING & ZONING BOARD AGENDA APPROVAL

**MOTION:** Mr. Price moved, Mr. Marchese seconded, and the motion carried 5-0 to approve the December 16, 2021 Agenda with the modification of switching the order of items 4 & 5.

2. APPROVAL OF MEETING MINUTES

**MOTION:** Mr. Price moved, Mr. Moore seconded, and the motion carried 5-0 to approve the November 18, 2021 Minutes as written.

### 3. REZONE, ORDINANCE NO. 2021-11

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA REZONING APPROXIMATELY 1.989+/- ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHWEST INTERSECTION OF 17<sup>TH</sup> STREET WEST AND 24<sup>TH</sup> AVENUE WEST, PALMETTO, FLORIDA, FROM CITY ZONING PD-H (PLANNED DEVELOPMENT HOUSING) TO CITY ZONING E-R, (ESTATE RESIDENTIAL), AND AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE. (DONALD AND DEBORAH WOODRUFF)

Mrs. Hill, Development Services Director, stated the homeowner is seeking a rezoning on the property purchased from Manatee Fruit to build a single-family residence. The property was zoned to be a planned development, but the general development plan had expired.

Jose Estigarribia spoke on behalf of a concerned landowner in the same area. There was a discrepancy in the Metes and Bounds survey of a mangrove area. Ms. Hill said there could be a scrivener's error. The City would work with the legal description to determine if the small piece of property is included in the rezoning. The pages submitted were made a part of these minutes.

Mr. Price discussed that people can convert the zoning with mangroves, but mangroves are still protected by law.

**MOTION: Mr. Price moved, Mr. Marchese seconded, and based upon the staff report, the comments made at the public hearing, and finding the request to be consistent with the City of Palmetto Comprehensive Plan, the motion carried 5-0 to recommend adoption of Ordinance No. 2021-11 to the City Commission.**

### 4. REZONE, ORDINANCE NO. 2021-12

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA REZONING APPROXIMATELY 34.43+/- ACRES OF PROPERTY GENERALLY LOCATED ON 17<sup>TH</sup> STREET WEST, APPROXIMATELY 430 FEET WEST IF THE INTERSECTION OF 17<sup>TH</sup> STREET WEST AND 24<sup>TH</sup> AVENUE WEST, FLORIDA, FROM CITY ZONING PD-H (PLANNED DEVELOPMENT HOUSING) TO CITY ZONING E-R, (ESTATE RESIDENTIAL), AND AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE. (MANATEE FRUIT COMPANY)

This item was moved to follow Item #5. Property owner, Manatee Fruit Company wants to change zoning to E-R (Estate Residential) with lots at least one-acre in size.

Whiting Preston, spoke on behalf of Manatee Fruit Company. The Planned Development did not move forward as a result of the 2008 recession, subsequently the owner decided

development did not seem feasible. Don Woodruff wants to have a barn and horse area. Several surveys and deeds are available to support their request.

Jose Estigarribia spoke again reiterating the concern of the nearby mangrove area.

Jessica Jordan, neighbor, expressed concerns about increased traffic and the loss of trees and green space.

Avery Jordan White stated she was also concerned about losing the cow pastures.

A caller, Willow, asked how the owner was able to elevate the property 3-7 feet. Mrs. Hill stated the property owners submitted a grading plan to bring in fill dirt. Site plans and drainage plans would still be reviewed by the City of Palmetto.

**MOTION: Mr. Price moved, Mr. Marchese seconded and based upon the staff report, the comments made at the public hearing, and finding the request to be consistent with the City of Palmetto Comprehensive Plan, the motion carried 5-0 to recommend adoption of Ordinance No. 2021-12 to the City Commission.**

#### 5. CONDITIONAL USE PERMIT, CU 2021-02

To consider a Conditional Use Permit Application (CU-2021-02) by the applicant, Kali Building, Inc., to erect an electronic message sign located at 433 8<sup>th</sup> Avenue West, Palmetto, Florida. A conditional use permit is required pursuant to Section 3-70 of the Palmetto City Code.

This item was moved to go before Item # 4. Mrs. Hill, Development Services Supervisor stated this request is for the conditional use of an electronic sign, remembering that there is an electronic sign to the north, east and south of this property along US-41.

Park Chrisp, with Magee Sign Service, described the sign as a 9 mm, double sided, full-color message center that will not flash, blink, or scroll. The sign brightness is controlled by password and will go from 5000 nits by day to 500 nits at night.

Melton Little, property owner of Palmetto Com Center said he currently has six tenants. Some businesses are required by law to have an exterior sign. Mr. Little is trying to bring minority, small-business owners to the area. He opined the current Hardball Law sign will no longer be illuminated at night.

**MOTION: Mr. Price moved, Ms. Roberts seconded, and the motion carried 5-0 to recommend approval of Conditional Use No. 2021-02 with recommended conditions by Staff to the City Commission.**

## 6. ADMINISTRATIVE APPEAL, AA 2021-03

Mr. Jon Moore recused himself from the Board for this item. This is a request for Administrative Appeal (2021-03) of the district requirements set forth in Appendix B, Article IV, and Section 4.3 for the construction of a single-family residence within the RM-6 zoning district. The request is from Jon and Vicki Moore, property owners of the property located at 704 Riverside Drive, Palmetto, FL 34221.

The applicant, Mrs. Moore, had a presentation which was made a part of these minutes. Mrs. Moore cited a previous appeal that was granted in November 2021 to Betsy Benac with Habitat for Humanity with similar relevant circumstances. Mrs. Moore stated their lot was platted in 1897, plat book 1, page 135. They have spent considerable time and money to design and engineer the plans of their new home, based on the plat, RS4 setbacks, footnote 8 of the ordinance and the staff's verbal approval last year, along with meeting with Karla Owens, Development Services Director in December 2020. Mrs. Hill said staff was not allowing any permits in RM6 with RS4 setbacks until the language in Footnote 8 could be clarified. Mrs. Moore stated their land attorney Ed Vogler interpreted Footnote 8 with the first sentence being the most simple explanation of the intent of the ordinance. Mrs. Moore shared diagrams revealing the effect of the RS4 versus the RM6 setbacks, showing they would lose about 25% of their buildable lot by building to RM6. Mrs. Moore continued only two (2) of the eleven (11) other neighbors on Riverside Drive would meet the dimensional requirements of the RM6 zoning district. Nine (9) of the properties would be considered non-conforming.

Thomas J. Thomas, 614 Riverside Drive stated the RM6 setback would affect him drastically. He requested the City should allow the entire street the RS4 setback.

Bruce Bell, neighbor. Waterfront property is usually built very close because property is desirable.

David Berry in support of Jon and Vicki. Footnote 8 clearly states any lots created before 2006.

Mrs. Hill, Development Services Supervisor, said Commission was presented with four (4) options but Commission asked for more time to decide. The issue is coming back before Commission in January. Staff agrees the Ordinance needs to be corrected, but this is the second appeal.

RM6 & RM5 areas reclassified in the 1980's. Footnote was intended to handle single and multifamily housing. RM6 zoning would allow larger height and more density stipulations. Current language requires interpretation of footnote 8. Commission needs to repeal, amend, revise, or deny. Commission is aware we have received multiple appeal requests.

Mr. Price opined the property owner should be allowed to build the bigger footprint on their property. Mr. Laboni feels the intent of footnote 8 is conforming. Mrs. Roberts added the rules should apply to the entire street.

**MOTION: Mr. Price moved, Mr. Marchese seconded, and based upon the evidence and documentations presented in the record and at the public hearing, the motion carried 3-1 to approve Administrative Appeal 2021-03.**

Pam Roberts voted no, and Jon Moore had previously recused himself from the vote.

7. FINAL ORDER GRANTING APPROVAL OF AA 2021-01

The Planning and Zoning Board approved Administrative Appeal, AA 2021-01, Habitat for Humanity, located at 221 11<sup>th</sup> Street West and 1020 3<sup>rd</sup> Avenue West at the November 18, 2021 meeting.

**MOTION: Mr. Price moved, Mr. Marchese seconded, and the motion carried 5-0 to approve Final Order Approving AA 2021-01 and allow Chairman Randy Iaboni to execute.**

8. FINAL ORDER GRANTING APPROVAL OF AA 2021-02

The Planning and Zoning Board approved Administrative Appeal, AA 2021-02, Riverside Small Engine Repair, located at 900 4<sup>th</sup> Street West, Unit B at the November 18, 2021 meeting.

**MOTION: Mr. Price moved, Mr. Marchese seconded, and the motion carried 5-0 to approve Final Order Approving AA 2021-02.**

9. NEW BUSINESS

None

Mr. Iaboni adjourned the meeting at 6:58 p.m.