

**CITY OF PALMETTO
CITY COMMISSION MEETING
February 27, 2017
7:00 PM**

Elected Officials Present:

Shirley Groover Bryant, Mayor
Brian Williams, Vice Mayor, Commissioner, Ward 3
Tamara Cornwell, Commissioner-at-Large 2
Jonathan Davis, Commissioner-at-Large 1
Harold Smith, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2

Staff Present:

Mark Barnebey, City Attorney
Jeff Burton, CRA Director
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Scott Tyler, Chief of Police
Amber Foley, Assistant City Clerk

Mayor Bryant called the meeting to order at 7:04 p.m., followed by a moment of silence and the Pledge of Allegiance.

All persons intending to address the City Commission were duly sworn.

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant asked that on agenda item 6, Ordinance 2017-03, Bonita Vista General Development Plan, be moved up first before all other agenda items and continued due to the Planner that prepared the information and has been handling this Plan had an emergency and was not able to be here to present the case to Commission. Attorney Barnebey agreed and stated that it would be best to continue the Public Hearing until the March 13th meeting.

Motion: Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the February 27, 2017 Agenda.

6. PUBLIC HEARING ORDINANCE 2017-03 BONITA VISTA GENERAL DEVELOPMENT PLAN

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A CONCEPTUAL/GENERAL DEVELOPMENT PLAN FOR AN 18-UNIT, THREE-STORY MULTI-FAMILY BUILDING ON A 0.90-ACRE SITE ZONED PD-H AND LOCATED GENERALLY AT THE SOUTHWEST CORNER OF 14TH AVENUE WEST AND 23RD STREET WEST, PALMETTO, FLORIDA; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

It was suggested that the Public Hearing be continued until March 13th. The Planner for the City was not able to be at the meeting and the attorney for the Terra Ceia Community Development District was not able to attend either. Kace King, applicant, met with the Planning and Zoning Board on February 16 to review the Plan. The Board made two other suggestions in addition to the stipulations as presented:

1. 38.5 feet setback from Terra Ceia Bay Boulevard
2. Enhanced landscaping to create additional opacity and separation along the rear and the front of the building.

He respectfully requested that the item not be continued until March 13th and gave a brief presentation.

Attorney Patricia Petruff, representing the Terra Ceia CDD on behalf of their attorney who could not attend, respectfully requested this item be continued until March 13th so that the CDD could have accurate representation. She noted that her law firm, Dye Dietrich and Petruff, is performing some research due to some conflicting information.

Commissioner Williams opined a continuance to March 13th was a good idea and would like to know if there were any members of the public present that wanted to speak on this item that would not be able to attend the March 13th meeting if this item gets continued to then.

Philip Smoak, City resident, is not in favor of this project and requested a traffic study be performed due to the layout of this building and how it fits with the high school and baseball fields.

Danny Contarino, Contarino Construction, for the applicant, respectfully requested this item not be continued.

Motion: Commissioner Williams moved, Commissioner Varnadore seconded, and the motion carried 5-0 to continue the Public Hearing on Ordinance 2017-03 to March 13, 2017 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers.

Mayor Bryant recessed the Commission meeting at 7:40 p.m. and resumed the meeting at 7:45 p.m.

2. PUBLIC COMMENT

Glenn Gibellina, 7110 28 Street East, Sarasota Florida, expressed ideas to enhance the City of Palmetto like a dog park and a community wide event on the Green Bridge.

Charles Smith, resident and County Commissioner, spoke regarding affordable housing in the City. He opined this is an issue that needs to be addressed in the City. He also spoke about a weigh station that is in the ward he lives in and opined having such an item in a residential area is dangerous and unfair to those living around it.

3. CONSENT AGENDA APPROVAL

A. Mayor's Office

1. Appointment of Bradley Bowermaster to Code Enforcement Board

B. Clerk's Office

1. January 9, 2017 Workshop Minutes
2. Resolution 2017-08 Florida Association of City Clerks 45 Anniversary
3. Special Function Permits:
 - a. DeSoto Society Seafood Festival 3/24/2017 to 3/26/2017
 - b. Palmetto High Booster Fishing Tournament 4/8/2017
 - c. First Baptist Church FAN Day 9/10/2017

C. Police Department

1. SCRIVENER'S ERROR Resolution 2017-07 Byrne Grant
2. New Copier Lease

D. Public Works

1. FPL Solar Lease Amendment
2. New Copier Lease
3. Special Fence Permit 2017-01

Commissioner Smith requested the removal of item 3.B.3.a. DeSoto Society Seafood Festival Special Function Permit. Commissioner Cornwell requested the removal of item 3.D.3. Special Fence Permit 2017-01. Commissioner Williams requested the removal of item 3.B.3.c. for comments.

Motion: **Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the February 27, 2017 Consent Agenda with the removal of the three above stated items for discussion.**

3.B.3.a. DeSoto Society Seafood Festival Special Function Permit Discussion:

Commissioner Smith questioned who their musical act was going to be this year. Ms. Foley stated that at the time of taking the application they did not release that information. Mr. Burton stated that 38 Special was listed as the headliner on DeSoto's event website. Commissioner Varnadore requested this item be recessed until that applicant can be in attendance later or staff speaks with him on the phone to confirm who the musical act(s) will be this year.

Commissioner Williams requested that Commission be notified when a Permit is submitted, before it goes on the agenda, if it did not meet the 30 or 60 day deadline.

3.D.3. Special Fence Permit 2017-01 Discussion:

Mr. Tusing explained the applicant is putting a fence up along the perimeter of their house; their neighbor has a fence so their fence will tie into the neighbor's existing fence.

3.B.3.c. First Baptist Church FAN Day Special Function Permit Discussion:

Staff explained that First Baptist Church did not know we had two different applications, therefore they only turned in the Permit A form. Ms. Foley said it was acceptable due to the nature of the event and informed them to use Permit B in the future for events they predict will have more than 300 attendees.

Motion: **Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried to approve items 3.D.3. and 3.B.3.c.**

4. PUBLIC HEARING ORDINANCE 2017-01 HABEN BOULEVARD REZONE

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; REZONING APPROXIMATELY 24.61 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF U.S. 41 N AND HABEN BOULEVARD, PALMETTO, FROM PUBLIC (P) TO PLANNED DEVELOPMENT – MULTIPLE USE (PD-MU); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

Attorney Barnebey reminded Commission that the Planner that prepared tonight's Planning and Zoning items was unable to make the meeting due to an emergency. There is another Planner here tonight in his absence that can present the remaining Planning items on the agenda.

Amanda Warner, Consulting Planner from Wade Trim, addressed this item as well as the General Development Plan Ordinance for the same property (the next item on the agenda) that this request is for a proposed seven story, 250 room, full service hotel, parking lot and temporary event space. The current request is to rezone the 24 acres from the existing zoning designations of P (Public) and PD-MU (Planned Development Mixed Use) to PD-MU.

She corrected the staff report that indicates this project is requesting a zero foot set back from the right-of-way; that is not correct. The project is requesting a zero foot set back between the structures (Convention Center and Hotel) to provide a walkway between the buildings.

Ms. Warner noted that the positive aspects are that this project is an important economic development opportunity and will provide the first full service hotel in the Palmetto area, this project will enhance opportunities at the Convention Center, and this project will provide enhanced landscaping buffers along US 41/301 and along the north and east side of the project site where no buffer currently exists.

Staff reviewed this project and determined that it is in compliance based on the fact that it furthers the goals of the Comprehensive Plan. It is required for the development of a hotel site as part of the overall Convention Center Complex. The availability of other land with the PD-MU zoning is not applicable since it is not related to or adjacent to the Convention Center. Ms. Warner stated that in the surrounding area of the project there are multi-family and mobile-home residential uses with the primary impact to the surrounding area being increased activity at the Convention Center. As part of this project, it will be required to buffer adjacent to the residential areas and the right-of-way will be dedicated for the extension of 7th Street.

Staff recommends approval of this Ordinance for the rezone and the following Ordinance for the General Development Plan with the following stipulations:

- The approval shall expire if the final General Development Plan is not submitted within one year of approval of this conceptual General Development Plan. Two one year extensions may be granted by the City Commission. This conceptual General Development Plan may be amended by the City Commission.
- Development of the project shall be substantially consistent with the Conceptual General Development Plan and elevations presented at the public hearing.
- Signage will be approved with the final site plan.
- The 7th Street extension shall be constructed and completed prior to the issuance of a final Certificate of Occupancy for the hotel. Final design will be approved by the Public Works Director and may include a roundabout at Haben Boulevard and 7th Street.
- The permanent parking lot shall be constructed and completed prior to the issuance of a final Certificate of Occupancy for the opening of the hotel. Final design shall be approved by the Public Works Director. The Developer may construct a temporary parking lot during the wetland permitting which shall be designed and approved by the Public Works Director.
- A full landscape/buffering plan shall be submitted with the final General Development Plan to provide buffering along the northern and eastern boundary of the project site and along the frontage of US 41/301.

Ms. Warner informed Commission that the Planning and Zoning Board approved these two Ordinances with the added stipulation that a berm or similar feature be added as a visual element that screens the parking from US 41.

Commissioner Varnadore stated that she has no issues with approving the rezone for this item as presented; however, expressed her opinions on adopting the following Ordinance for the General Development Plan without the Planner that prepared the report and has been working on it. She opined that the same continuance should be had for this Ordinance as was done for the Bonita Vista Project due to the same reasons.

Mayor Bryant closed the public hearing after hearing no public comment.

Motion: Commissioner Davis moved, Commissioner Varnadore seconded, and the motion carried 5-0 to adopt Ordinance 2017-01.

5. PUBLIC HEARING ORDINANCE 2017-02 HOTEL GENERAL DEVELOPMENT PLAN

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A CONCEPTUAL/GENERAL DEVELOPMENT PLAN FOR A 250-ROOM FULL-SERVICE HOTEL, THE EXISTING 98,722 SF CONVENTION CENTER, 18,000 SF ENTERTAINMENT CENTER, BANQUET HALL, 110,000 SF OF TEMPORARY EVENT SPACE AND 50,000 SF OF FUTURE COMMERCIAL SPACE ON A 37.14-ACRE SITE ZONED PD-MU AND LOCATED GENERALLY AT THE NORTHEAST CORNER OF U.S. 41 N AND HABEN BOULEVARD, PALMETTO, FLORIDA; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

Commissioner Williams would prefer, in the future, that the Commission is provided a copy of the Planning and Zoning minutes for these items.

Bob Gause, representing the applicant, made a presentation to Commission regarding the General Development Plan. He displayed a rendering that shows the proposed event space, the roundabout, the ballroom, and where the wetlands are located in comparison to where the Convention Center is and the Hotel. The roundabout was added at Haben Boulevard and the 7th Street extension to help address potential traffic concerns. The landscape intent was also displayed showing the proposed layout of different landscaping for the Hotel/Convention Center area. The engineers on this project are currently working on drainage and how to handle it. A sidewalk will be built along 7th Street as well.

Mr. Gause highlighted the project noting it is for a 250 room full service hotel at the Convention Center location where there will be a restaurant, a ball room, and an outdoor event space.

It was clarified that the County will maintain the parking lot and special events area and the City will be responsible for the 7th Street extension.

The following people came to speak in favor of the Project:

- Manatee County Commissioner and City of Palmetto Resident Charles Smith
- Glen Gibellina
- Betty Rhodes

Commissioner Smith exited the meeting at 9:37 p.m. and returned at 9:41 p.m.

Commissioner Varnadore expressed her opinions regarding the continuance of the Bonita Vista General Development Plan due to the Planner not being in attendance; however, that same Planner is the Planner on this project and this project was not asked to be continued.

Commissioner Williams agreed with Commissioner Varnadore and questioned the recommendations by Staff.

Mayor Bryant closed the public hearing after no further public comment.

Motion: Based upon the Staff Report, evidence presented, and finding the request to be consistent with the Comprehensive Plan and Land Development Code, Commissioner Davis moved, Commissioner Smith seconded, and the motion carried 4-1 to adopt Ordinance 2017-02 with the staff recommended stipulations and the change to stipulation 6 that will read a full landscape buffering plan shall be submitted with the Final General Development Plan to provide buffering along the northern and eastern boundary of the project site and along the frontage of US41/301 which is generally consistent with the plans presented at the public hearing. Commissioner Varnadore voted no.

Commissioner Varnadore exited the meeting at 9:49 p.m.

3.B.3.a. DeSoto Seafood Festival Special Function Permit Discussion (Continued from earlier):

Pat Bustle, representing the Seafood Festival, announced that the musical acts will be Billy Rice, 38 Special, and Sunday musical acts are all local talent with a Cajun theme. He also informed Commission that there is a small change to the layout as presented; the kids zone has been moved to inside the existing tennis courts.

Motion: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 4-0 to approve the Seafood Festival Special Function Permit. Commissioner Varnadore was absent for the vote.

7. PUBLIC HEARING ORDINANCE 2017-04 MEDICAL OFFICE GENERAL DEVELOPMENT PLAN

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A CONCEPTUAL/GENERAL DEVELOPMENT PLAN FOR 20,000 SF OF MEDICAL OFFICE ON A 1.82-ACRE SITE ZONED PD-MU AND LOCATED GENERALLY AT THE NORTHEAST CORNER OF US 41 NORTH AND 1ST STREET EAST, PALMETTO, FLORIDA; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

Commissioner Varnadore returned to the meeting at 9:56 p.m.

Amanda Warner, Interim City Planner, Wade Trim, gave a presentation on General Development Plan. The subject property was originally permitted as part of the master plan for Riviera Dunes, a Planned Development (PD) and Development of Regional Impact (DRI). The Riviera Dunes DRI buildout was extended by Executive Order to June 10, 2018. The Southwest Florida Water Management District (SWFWMD) has permit records from 1998 for the subject property corresponding to the Riviera Dunes Subdivision. Ms. Warner stated that the proposed project is to construct a new 20,000 square-foot medical office building on the subject property with access from 1st Street East. This use is consistent with revisions to the Riviera Dunes DRI from 2005 and 2008, which allow for "Office Space" based on a use equivalency matrix.

The request is for the approval of the General Development Plan for the construction of a 20,000 square-foot medical office building. The request includes a waiver and two deviations:

- Waiver to the Conceptual Plan submittal requirement.
- Deviation from the 35 foot setback requirement from the right-of-way of 1st Street East; a setback currently proposed from right-of-way of 1st Street East. *(As a note: at the February 16th Planning and Zoning public hearing, the applicant's representative stated for the record that City Ordinance 04-427 provides for a standard 15 foot setback within the Riviera Dunes DRI)*
- Deviation from the 25 percent open space requirement for Planned Developments; open space is currently proposed at 24 percent.

Ms. Warner explained that Staff is recommending approval with following stipulations:

- The approval shall expire in three years if the construction/Final Site Plan is not submitted in three years from approval of this General Development Plan unless amended by City Commission.
- Development of the project shall follow the approved General Development Plan, as may be amended by the City Commission.
- The plan cover sheet shall be revised to reflect all of the waivers and deviations.
- Fire Marshall condition of approval: All work to be done to the standards outlined in NFPA 1, Chapter 16 Safeguards during Building Construction, Alteration, and Demolition Operations.
- A landscape plan consistent with the City's landscape requirements of Article X- Landscaping Requirements of the Code of Ordinances is required to be submitted with the building permit plans.
- The finished floor elevation shall be 8.5 feet as required by the DRI development agreement.

On February 16th the Planning and Zoning Board approved this General Development Plan with the above recommendations by Staff.

Motion: Commissioner Cornwell moved, Commissioner Williams seconded and the motion carried 5-0 to extend the meeting for one hour (11:00 p.m.).

Rachel Layton, representing the applicant, made a presentation to Commission on this project. She displayed a layout of the proposed site showing that there will be parking behind the building, with the office facing US41. There will be a sidewalk along 1 Street East. A conceptual of the building was displayed showing the design and layout style.

Commissioner Williams exited the meeting at 10:09 p.m. and returned at 10:10 p.m.

Mrs. Layton read the traffic engineers report noting that there is a cap on the number of trips that can be generated per the DRI. It is estimated that for this property there will be approximately 72 p.m. peak hour trips generated; the current p.m. peak hour trips is 382. The DRI allows for a maximum of 1,206 p.m. peak hour trips; therefore, adding this property with the estimated p.m. peak hour trips will not reach the maximum allowed.

Discussion ensued regarding the sidewalk ending at the property line. It was suggested that the applicant continue the sidewalk for future development and pedestrians. Mr. Burton stated that the CRA can have a meeting with the applicant regarding sidewalks connecting US 41 to Haben Boulevard to connect to the future trails system that is being developed. The applicant agreed to install a minimum 5 foot wide sidewalk as suggested by Mr. Burton.

Attorney Barnebey suggested a seventh stipulation to state that the project shall be in substantial consistency with the elevations as presented at this public hearing.

An eighth stipulation was included regarding the sidewalks discussion above.

Motion: Based upon the Staff Report, evidence presented, and finding the request to be consistent with the Comprehensive Plan and Land Development Code, Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to adopt Ordinance 2017-04 with stipulations 1 through 6 as recommended by Staff, stipulation number 7 as read by the City Attorney earlier and stipulation number 8 which reads that the applicant shall provide a minimum of a 5 foot wide sidewalk or other surface for a pedestrian walkway as agreed upon by staff with the input of the CRA Director.

8. TRAFFIC UPDATE

None.

9. PALMETTO POOL UPDATE

Mayor Bryant informed Commission that the County is estimating approximately \$3 million dollars to build the pool at Lincoln Park, along with other Park enhancements. She introduced Charlie Hunsicker, Manatee County, who was here to address the development of the pool.

Charlie Hunsicker, Director of Manatee County Parks and Natural Resources Department, stated that Lincoln Park has been identified as the best location to build a pool for the Palmetto community. He would like to have conceptual approval from the City to be able to present that to the County Commission at their meeting on March 7th. He described the intent of the County for the Park is not only for the installation of a pool but also additional enhancements to the existing soccer fields; combining the soccer fields to make them useful for both soccer and football games. The idea of installing artificial turf instead of grass is also being discussed with the County staff. The County is asking that the City contribute \$1 million of the funding with the County to contribute \$2 million; the \$1 million dollars does not need to be given all at one time. The basketball courts will be removed and relocated at a neighboring Park, Sylvan Oaks.

Once approved, Mr. Hunsicker stated that the plan is to start building the pool in 2019 to be completed by 2020.

Commissioner Smith opined this pool is a good idea and will benefit many residents and children in the City of Palmetto. He is pleased with the idea of the million dollars does not need to be paid out all at once and opined \$90 thousand dollars over 15 years is a better option.

Commissioner Williams is not in favor of donating the land to the County for this park and the enhancements and then contributing another \$1 million on top of that. He stated it is similar to the Convention Center Hotel idea explaining that the County is contributing to that project by donating the land but the City/CRA is paying all the money, and he opined that is how this project should be done.

Motion: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to extend the meeting for 10 minutes.

Mayor Bryant had several speakers that filled out speakers cards and asked for public comment.

Glen Gibellina was the only person to come forward, the same public speaker regarding earlier items. He is not in favor of the City of Palmetto contributing money to the County to build the pool.

No other speakers from the public came forward.

Mayor Bryant would prefer that the money contributed by the City is less than \$1 million.

Motion: Commissioner Smith moved to put a pool at Lincoln Park paying up to \$1 million over 15 years subject to a formal agreement with the County.

Commissioner Varnadore amended the motion to have staff negotiate a financial plan for the City's partnership with the County as the conceptual design is moved forward to put the pool at Lincoln Park, subject to a final formal agreement and vote by the City Commission. Commissioner Smith agreed with the amended motion. The amended motion carried 5-0.

10. DEPARTMENT HEADS' COMMENTS

Mr. Freeman informed Commission that there will be installation of new auditorium seating that has been purchased per that approved budget. He would like to declare the existing seating surplus.

Motion: Commissioner Cornwell moved, Commissioner Varnadore seconded, and the motion carried 5-0 to declare the existing 72 auditorium seats in the Commission Chambers as surplus.

11. MAYOR'S REPORT

12. COMMISSIONERS' COMMENTS

Commissioner Williams—discussed the upcoming Manasota League of Cities meeting to be held on March 9th. He stated that House Bill 17 and Senate Bill 13 will be a major topic of discussion. Mr. Williams will be meeting with the Mayor and Attorney Barnebey to strategize on how to oppose these Bills.

Mayor Bryant adjourned the meeting at 11:08 p.m.

Minutes approved: April 17, 2017

James R. Freeman

James R. Freeman, City Clerk