

**CITY OF PALMETTO
CITY COMMISSION MEETING
March 13, 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
Scott Tyler, Chief of Police
Javier Vargas, Deputy Director Public Works
Amber Foley, Assistant City Clerk

Mayor Bryant called the meeting to order at 7:02 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 announced that, depending on time, the items following the return to the Commission meeting after the CRA Board meeting may not be heard.

Motion: Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the March 13, 2017 Agenda.

2. PUBLIC COMMENT

The following members of the public spoke against the proposed noise ordinance/entertainment district as presented at the earlier workshop meeting; they did, however, agree that it would be okay if the noise level was lowered at 10:00 p.m. as opposed to the later times as discussed:

- Sue Hecker
- Heather Wallace
- Ashley Flynt
- Dominique Leclizio
- Jane Alkire
- Susan Helm
- Joy Gould
- Tom Winter

Sam Erb, resident, complained about the traffic on Business 41 and 23rd Street West.

3. CONSENT AGENDA APPROVAL

A. Clerk's Office

1. Minutes: January 23rd, January 26th, and February 6th
2. Resolution 2017-04 FY17 BB&T Lease Documents
3. Special Function Permits:

- a. Praise in the Park 4/1/2017
 - b. DeSoto Children's Parade 4/14/2017
 - c. AMENDED Wheels For Purple Hearts 4/15/2017
 - d. Sunrise Easter Service 4/16/2017
 - e. Jerry Hill Memorial Fishing Tournament 5/13/2017
4. Surplus Property
 5. BB&T Loan Amendment
 6. Blalock Walters Legal Bills

Mayor Bryant corrected item 5 to "Suntrust Loan Amendment" not BB&T as written on the Consent Agenda.

Motion: Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the March 13, 2017 Consent Agenda with the correction to item 5 to "Suntrust Loan Amendment".

4. FIRST READ ORDINANCE 2016-16 EASEMENT VACATION

AN ORDINANCE FOR THE CITY OF PALMETTO, FLORIDA, VACATING A PORTION OF AN EASEMENT, APPROXIMATELY 15+- FEET IN LENGTH AND LOCATED TO THE EAST ON LOTS 9 AND 8TH BLOCK OF TROPIC ISLES MOBILE HOME ESTATES, LOCATED GENERALLY AT 1316 28TH AVENUE DRIVE WEST, PID#2957300003, (VAC 2016-02), AS MORE PARTICULARLY DESCRIBED IN SECTION 2 OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to schedule the public hearing on Ordinance 2016-16 for April 3, 2017 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers.

5. FIRST READ ORDINANCE 2017-09 CRA PLAN

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO COMMUNITY REDEVELOPMENT PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 5-0 to schedule a public hearing on Ordinance 2017-09 for April 3, 2017 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers.

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 continued from February 27, 2017.

Brad Cornelius, AICP, Wade Trim, Inc. consulting Planner for the City, presented this General Development Plan. He explained this is a request for the approval of a General Development Plan (GDP) for the construction of a 3-story apartment complex containing 18 dwelling units on .9 acres (20 du/acre). This GDP includes a waiver request and the following two deviations:

1. Waiver of requirement for conceptual General Development Plan
2. Allow 8-foot setback from the west property line [Planned Development-Housing (PD-H) boundary]. The required setback is 35 feet from the PD-H boundary
3. Allow a density of 20 du/acre. The PD-H allows up to 16 du/acre subject to meeting specific criteria;
 - a. 10 percent of units are affordable housing
 - b. Historic/archaeological preservation
 - c. Donation of public facility site
 - d. Public access to recreational waters
 - e. Redevelopment or infill development within the Community Redevelopment Area

The proposed project does not meet any of the PD-H bonus density criteria listed above (3a through 3e); a deviation is required for the proposed density at 20 du/acre, which is compliant with the Comprehensive Plan.

Mr. Cornelius went on to explain how the density per acre is evaluated and compared this project to the condominiums and town homes in the surrounding areas.

The staff report indicated a stipulation to say that stormwater shall be permitted through the Florida Department of Environmental Protection (FDEP) for the modification of an existing permit for Terra Ceia; Terra Ceia Community Development District (CDD) requested that to be deleted, which has been done. Mr. Cornelius stated that the reason for the deletion is because FDEP will decide if the developer has to have own their permit for stormwater or if a modification to an existing permit needs to be done. It will be the onus of the developer to work with the permitting agency and the CDD and provide proof to the City before construction approval.

He reviewed the staff stipulations on this project as follows:

1. The approval shall expire in three years if the construction/final site plan is not submitted in three years from approval of this GDP unless amended by the City Commission. Two one-year extensions may be granted by the Director of Public Works or their designee if deemed appropriate. This GDP may be amended by the City Commission.
2. Development of the project shall follow the GDP, dated December 22, 2016, as may be amended by the City Commission.
3. The plan cover sheet shall be revised to reflect all of the waivers and deviations.
4. All-weather stabilized emergency accesses shall be provided and maintained.
5. Street signs shall be installed prior to vertical construction.
6. If mechanical gates, then compliance with Manatee County Gate Code Ordinance is required, and North River Fire must be provided with five remotes.
7. Developer is required to install water mains and hydrants shall be spaced no further than 800-feet apart and 400-feet from the main entrance of all principal buildings.
8. Must comply with the Florida Fire Prevention Code.
9. Any dead-end road over 150-feet will be required to provide for turn-around provisions for fire apparatus.

After discussion and Public Hearing at the Planning and Zoning Board, they recommended approval of the GDP with the above stipulations and the addition of:

1. 38 ½-foot setback from Terra Ceia Bay Boulevard
2. Enhanced landscaping to create additional opacity and separation along the rear and the front of the building.

Stormwater was discussed. Attorney Barnebey made it clear that the developer has to address this issue with FDEP, the CDD, or within their site. One way or the other stormwater has to and will be addressed.

Kace King, applicant, gave a presentation to the Commission. He addressed the 8-foot setback on the west side of the property. Staff recommended that they choose to call this setback as a deviation. He stated that City Zoning Code states that no minimum lot line applies in a PD district.

Mr. King explained the aesthetics of the building and stated that the rent for these units will be comparable to those in the surrounding area. He remarked that both the Planning and Zoning Board and City staff has recommended approval.

Discussion ensued regarding setbacks, zoning, and the boundaries. Commissioner Varnadore requested more information on whether this issue is a variance or not. It was also explained to Commission that there are other projects that are in the same PD zoning category that have less setback than the one that is being requested on this project.

Joe Varady, Vice Chair of the Palms of Terra Ceia Bay CDD, spoke on behalf of the CDD regarding the opposition of this project. He expressed the concerns with the stipulations as presented by City staff and the Planning and Zoning Board.

Robert Lincoln, attorney on behalf of the CDD, expressed concerns regarding the stormwater for this site/project. He stated that the project plans to drain onto the CDD property and that is the biggest concern about this. He opined this project is not appropriate for the size of the lot and respectfully requested denial.

Paul Samuels, resident, is not in favor of the project and opined the project would cause a conflict to the golf cart path near the project for Terra Ceia.

Janice Alexander, resident, not in favor of project.

Robert Alexander, resident, not in favor of this project.

Evan Mortimor, resident, not in favor of the project.

Carol McMahon, resident, not in favor of project; opined a traffic study needs to be done.

Charles Widner, resident, not in favor of project and agreed with Carol.

Daniel Shepard, resident, spoke in favor of the project. He opined this is the best option for the size of the lot.

Phillip Forbes, resident, spoke in favor of the project; agreed with Daniel.

Mayor Bryant recessed the meeting at 8:50 p.m.

Mayor Bryant resumed the meeting at 8:58 p.m.

Danny Contarino, proposed builder for project, spoke in favor of project.

Mr. Cornelius addressed the drainage issue again reminding Commission that the project will not be allowed to move forward without a viable stormwater system. He reminded Commission that this is just a conceptual plan.

Stormwater discussion ensued. Attorney Barnebey stated that Commission can request the applicant show an alternative to stormwater removal if there is not adequate space to do so on the site.

Casey Furman, applicant, respectfully requested approval of the GDP. He commented that the Planning and Zoning Board approved the application stating that it is consistent with the Comprehensive Plan and

the City's Code of Ordinances. In regards to stormwater, the applicant is working with FDEP to determine how to dispose of the stormwater.

Rick Shophocker, Engineer for the applicant, displayed a picture of the current storm inlet at this location. He explained that he has been working with the FDEP regarding stormwater drainage and discussed the plans for the drainage at this site. He indicated this property is part of the Terra Ceia Master Plan. Discussion ensued regarding storing it in a small dry retention pond and allowing the water to flow where it goes naturally ensued.

Mr. Shophocker went on to discuss the open space for the property. He informed Commission that at this time there is 35% of open space based on the square footage.

Both Mr. Furman and Mr. King discussed section 14.4 (f) of the City's Zoning Code that indicates when a traffic study is required. It states that if the total number of trips is equal to or greater than fifty trips, a transportation study shall be done; it was determined that this project would have 9 total trips generated, therefore no traffic study is required.

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

Attorney Barnebey clarified/expanded upon two different policies in the Comprehensive Plan that Commission may want to take into consideration.

- Policy 1.14.4-In adopting zoning land development regulations and in the review of planned development project applications, the City shall ensure compatibility of possible development with nearby properties through consideration of height, mass, design, and buffering of potential buildings and sites. Potential, adverse impacts on nearby properties shall be reviewed and mitigated, as necessary and appropriate.
- Policy 1.14.5-to protect the viability of neighborhoods, uses other than single-family detached residential including neighborhood commercial and office uses proposed in single-family areas, must be compatible with an provide adequate buffering for the existing, surrounding residential development. Any use which would have a blighting influence on adjacent residences shall not be permitted.

Commissioner Varnadore asked for Mr. Barnebey's opinion on the stormwater issue that keeps coming up. He stated that a stipulation can be made that the applicant shall comply with the state and local requirements on the treatment of stormwater and that the Commission has the right to see that on the Plan.

Commissioner Williams expressed his opinions stating that he is not in favor of this project until more questions are answered. Commissioner Varnadore agreed stating that she would like more clarification on the stormwater issues because there has not been much understanding of what is going to be done. She also requested more understanding of the buffering landscape between the property and Ten Downing Street.

Commissioner Smith would prefer to continue this item to allow time for the applicant to answer the questions.

Motion: Commissioner Williams moved, Commissioner Smith seconded the motion to continue the Public Hearing on Ordinance 2017-03 to April 3, 2017 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers.

Commissioner Cornwell questioned what the specific issues were that the applicant needs to address and provide at the next meeting. It was indicated the following items need to be reviewed:

- Setbacks
- Landscape buffering; increase in buffering

- Stormwater removal
- Density; deviations
- More clarification from the School Board; from Amy Anderson.

Attorney Barnebey clarified that at the next Public Hearing on this item, the public can speak regarding any new material that is brought forward or information that they have regarding the project.

The motion on the floor carried 5-0.

Mayor Bryant recessed the City Commission meeting at 9:52 p.m. for a five minute break as the public exited.

Mayor Bryant reconvened the City Commission meeting at 9:55 p.m.

7. FEBRUARY CHECK REGISTER (Informational Only)

Mayor Bryant recessed the City Commission Meeting at 9:55 p.m. to open the March 13, 2017 CRA Board Meeting.

Mayor Bryant reconvened the City Commission Meeting at 10:15 p.m.

Mr. Freeman informed Commission that the wholesale water rate from Manatee County will be increasing effective April 1, 2017 and then again April 1, 2018. The County had an increase of four percent each year but the increase to City residents will be less than four percent because the County increase only applies to a portion of the total water rate.

Motion: Commissioner Williams moved to extend the meeting until 10:45 p.m. Motion died for lack of second.

Motion: Commissioner Varnadore moved, Commissioner Cornwell seconded, and the motion carried 5-0 to extend the meeting until 10:30 p.m.

Mayor Bryant discussed incentives for properties that would like to voluntarily annex into the City. She is considering a waiver of the Comprehensive Plan Rezone Fee. Attorney Barnebey will bring forward a revised fee schedule to reflect this option and Mr. Freeman and Mr. Vargas will bring forward an appropriate fee schedule for incentivizing voluntary annexation.

Commissioner Cornwell questioned if past properties that voluntarily annexed into the City paid the fee? Public Works will provide that information to Commission.

8. TRAFFIC UPDATE

None.

9. PALMETTO POOL UPDATE

None.

10. DEPARTMENT HEADS' COMMENTS

None.

11. MAYOR'S REPORT

None.

12. COMMISSIONERS' COMMENTS

Commissioner Williams is attending the Legislative Session in Tallahassee next week. He discussed House Bill 17/Senate Bill 80 regarding attorney's fees and public records requests. Also, House Bill 193 is being discussed regarding towing and storage fees that prohibits municipalities from enacting ordinances or rules that impose a fee or charge on wreck operators or vehicles for towing and storage companies. Mr. Williams also indicated that the vacation rentals topic will be heavily discussed at the Session as well.

Commissioner Varnadore informed Commission that during the recess after the Public Hearing agenda item, she was told by the applicants that the oak trees in the picture of the submission by Mr. Alexander will not be removed as previously indicated by the public. It was made clear that Mrs. Varnadore did not ask for this to be discussed by the applicant, he came up on his own accord and spoke to her directly during the small five minute break. She wanted to let the Commission know what she was told so everyone had the same information at the same time regarding this project.

Mayor Bryant adjourned the meeting at 10:29 p.m.

Minutes approved: May 15, 2017

James R. Freeman

James R. Freeman
City Clerk