

SPECIAL CITY COMMISSION MEETING
JUNE 1, 2022
7:00 P.M.

This Commission Meeting was conducted utilizing Communications Media Technology. Some Staff members were present in the Commission Chambers while others were present via the Zoom application to respect the social distancing guidelines.

ELECTED OFFICIALS PRESENT IN CHAMBERS:

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

STAFF PRESENT IN CHAMBERS:

Mark Barnebey, City Attorney
Marisa Powers, City Attorney
Xavier Colon, Interim CRA Director (Not Present)
Jim Freeman, City Clerk
Mohammed Rayan, Public Works Director
Scott Tyler, Chief of Police
Kera Hill, Development Services Supervisor
Cassi Bailey, Assistant City Clerk
Penny Johnston, Executive Assistant

STAFF PRESENT ELECTRONICALLY:

Todd Williams, Information Technology (IT) Consultant

1. Mayor Bryant called the meeting to order at 7:07 P.M., followed by the Pledge of Allegiance and a moment of silence.

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

2. CITY COMMISSION AGENDA APPROVAL

MOTION: **Commissioner Williams moved, Commissioner Cornwell seconded, and the Motion carried 5-0 to approve the June 1, 2022, Special City Commission Agenda.**

3. PUBLIC COMMENT

Mary Kimbaca stated that she felt intimidated by the police when she has called on issues. She discussed the noise from trucks and buses, near the tomato plant, kept her up at night.

Special City Commission Meeting
June 1, 2022
Page 2 of 6

Commissioner Williams disclosed that two residents of Riviera Dunes, tried to have conversations with him on the Riviera Dunes Ordinances, over the last 6 months.

At 7:15 P.M. Mayor Bryant opened the public hearing for all 3 Ordinances.

4. PUBLIC HEARING ORDINANCE 2022-05- AMENDMENT TO RIVIERA DUNES DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER FOR RIVIERA DUNES APARTMENTS

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE 665, AS AMENDED, THE DEVELOPMENT ORDER FOR THE RIVIERA DUNES DEVELOPMENT OF REGIONAL IMPACT, GENERALLY LOCATED EAST OF U.S. 41 AND SOUTH OF HABEN BOULEVARD; PROVIDING FOR FINDINGS OF FACT; AMENDING SECTION 6, SUBSECTION G – TRANSPORTATION AND ADDING NEW CONDITIONS FOR TRANSPORTATION MITIGATION AND TRAFFIC MONITORING CONSISTENT WITH SECTION 380.06, FLORIDA STATUTES; ADDING A NEW TABLE A(1) RELATED TO THE PROPOSED RIVIERA DUNES APARTMENTS GENERAL DEVELOPMENT PLAN; AMENDING MAP H TO REFLECT CURRENT CONDITIONS; AND PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

5. PUBLIC HEARING ORDINANCE 2022-06 – AMENDMENT TO ORDINANCE 663 FOR THE RIVIERA DUNES PLANNED DEVELOPMENT PROJECT

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE 663, AS AMENDED, FOR THE RIVIERA DUNES PLANNED DEVELOPMENT-MIXED USE PROJECT, GENERALLY LOCATED EAST OF U.S. 41 AND SOUTH OF HABEN BOULEVARD; PROVIDING FINDINGS OF FACT; AMENDING SECTION 1 - SUBSECTION 8 – TABLE 1 AND TABLE 2 TO UPDATE PARCEL IDENTIFICATION, DEVELOPMENT AREAS AND USES CONSISTENT WITH CURRENT CONDITIONS; AMENDING SECTION 1-SUBSECTION 13 TO UPDATE THE LAND USE EXCHANGE CONDITIONS AND TABLE 3 LAND USE EXCHANGE MATRIX TO REFLECT PREVIOUS CHANGES IN THE LAND USE EXCHANGE MATRIX THAT WAS ADOPTED WITH THE RIVIERA DUNES DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER AMENDMENTS PROVIDED IN ORDINANCE 03-774 AND ORDINANCE 08-956; AND UPDATE THE CONCEPTUAL DEVELOPMENT PLAN TO REFLECT CURRENT CONDITIONS; AND PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

6. PUBLIC HEARING ORDINANCE 2022-07 – RIVIERA DUNES APARTMENTS GENERAL DEVELOPMENT PLAN

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; APPROVING ADOPTION OF A GENERAL DEVELOPMENT PLAN WITHIN THE RIVIERA DUNES DEVELOPMENT OF REGIONAL IMPACT FOR A MULTI-FAMILY, PLANNED DEVELOPMENT CONTAINING 255 MULTI-FAMILY RESIDENTIAL UNITS ON 8.37 ACRES OF PROPERTY; GENERALLY LOCATED ALONG THE EAST SIDE OF U.S. 41 SOUTH OF HABEN BOULEVARD AT THE WESTERN ENTRANCE TO THE RIVIERA DUNES DEVELOPMENT; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Special City Commission Meeting
June 1, 2022
Page 3 of 6

Kera Hill, Development Services Supervisor, spoke and gave a brief introduction. Brad Cornelius, Wade Trim contracted planner, gave a presentation. He began with an overview of the property. He presented a Power Point as visual for his discussion, which was included in the record. He emphasized that they are not proposing a re-zoning, the property is already zoned as PD-MU (planned development, mixed use). The Developer is asking to move it to a different part of the development. Transportation was extensively discussed. The developer did a traffic study of the area, and they are all aware of the traffic problems that already exist. However, the developer cannot be held responsible for the traffic issues that already exist. If the Ordinances are approved, the developer would be responsible to pay the City Road Impact Fees, which would be well over \$200,000. Mr. Cornelius highlighted each slide and explained exactly what is being proposed within the three Ordinances. He went on to discuss the concern of density. The Density for Regional Impact, DRI, analysis was explained. The 100-year flood plan was gone over, and he highlighted that the base flood elevation is 8 as of Aug of 2021. The Coastal High Hazard area was mentioned. The site plan from the Developer was displayed and Mr. Cornelius went over the areas that the developers are asking for changes to the City's deviations.

Mr. Williams asked Mr. Cornelius about the Desoto bridge updates and how that plays into the possible changes at Riviera Dunes. Mr. Cornelius responded with the ownership of the right of way and the possibility of changes in the future. Mr. Williams questioned the traffic patterns on U.S 41 and on Haben Blvd. Mr. Cornelius clarified that the developer asked to be exempt from the overall mitigation of the DRI, not the \$200,000, City Road Impact Fees.

Mr. Vogler, Attorney for the Developer, gave a presentation. A Power Point was shown, which was submitted into the record. Extensive staff reports were provided in the Agenda. Mr. Vogler emphasized that in a DRI, you are talking about a question of law. A DRI is rather narrow by nature. They are not asking for an exemption, they are asking the Commission to apply the law as it is written, and they will follow. He provided an index of exhibits to be placed in the record. Mr. Vogler re-iterated that the staff reports are a professional analysis by independent representatives that work solely and exclusively for the City of Palmetto. After all their analysis, the City's staff has made a recommendation of approval for the 255 Multi-Family Residential Units. The Developer's Site Plan was discussed. Mr. Vogler stated that 857 Multi-Family Units have already been approved for the area. There are currently 367 already built, leaving 490 approved unbuilt units. The Developer is asking for 255 units. He mentioned that various City Commissions over time have voted to increase the multi-family units. This is the Urban Core of the City. Mr. Vogler re-iterated that they are not requesting a density bonus. They are asking the Commission to approve a site plan authorizing 255 multi-family units on this property. He went on to discuss the traffic studies that were performed. They are aware of the congestion at U.S. 41 and Haben Blvd. Applicants cannot be required to fix the traffic problems that already exist. The Coastal High Hazard Area was talked about. The Developer will elevate the homes to comply with the requirements. The 1999 Zoning Ordinance 663 should have been updated a long time ago. According to that Ordinance, Bel Mare was said to be a specialty retail and hotel property. Deviations were gone through in detail. They have eliminated the request for a further buffer reduction along U.S 41, and the City staff made a recommendation for a 23' buffer along Haben Blvd. and the Developer agreed. He continued to discuss the deviations they are requesting. Twenty percent compact parking spaces, change of standard parking size from 9x20 to 9x18, building setbacks, and reduced minimum building setback to 20', are the deviations that were discussed. He highlighted the deviations that were approved for the Bel Mare project and compared them to the deviations they are requesting. A compatibility analysis was performed, and the results were shown. Bel Mare was discussed in great detail. Local government should not mandate specific businesses that should be brought to a City. The Summary of Economic Impact was discussed.

Attorney Barnebey clarified if they are asking for buffers and variations. Mr. Vogler responded that they are holding to the recommendations as proposed by staff. Brad Cornelius further clarified that the Staff recommended no less than 15' on US 41, and they are proposing 13'. However, they are matching their recommendation on Haben Blvd.

Commissioner Williams expressed his concerns with the buffer area. He asked for the traffic study on Haben Blvd.

Special City Commission Meeting
June 1, 2022
Page 4 of 6

Michael Razer, traffic engineer, responded. He went through the traffic study on Haben Blvd. Commissioner Williams stated that it is a very narrow buffer area. He questioned if they denied the buffer area, would the Developer still be willing to go forward with the project? Attorney Vogler responded that it is not their preference. He asked if that were to happen, for City staff to work with the developers to design an amended building plan. Commissioner Williams felt as though there was conflicting information on the DRI. He re-iterated his concern with the buffer area. He also questioned compact parking, and the retention area. Attorney Vogler responded that the retention lakes are off the direct site but included in the Riviera Dunes project.

Mayor Bryant clarified that the MPO meeting she attended, was discussed with the Commissioners at the previous meeting. They designated a new project manager for the Desoto Bridge. It is in their sites to rebuild the bridge, but she does not know what it will look like.

Commissioner Smith liked the Developer's presentation except for the parking. Attorney Vogler said, these are the exact same accommodations at Bel Mare. Justin Sand, EPOCH Residential, responded. He mentioned that the unit mix has over 60%-1-bedroom apartments. They are allocating for 1.75 parking spaces/per unit. With their various other developments, they have 60% retention rates by residents. Commissioner Smith voiced that he would like there to be 2 parking spaces per unit.

Commissioner Varnadore expressed that she would be interested to hear what the applicant has to say regarding the question that was proposed by Commissioner Williams; would the Developer be willing to move forward with the project without the decreased buffer area? The deviations are problematic to her.

Dan Lobeck, Attorney representing Riviera Dunes, requested 30 minutes to speak. He also sent out a 14-page Memo to the Commissioners prior to the meeting. In his comments, he stated that Mr. Cornelius has been pushing for this to pass, along with City staff. He stated that the problems they highlighted a year ago have not been fixed. He went on to say he believed that many of the things Mr. Cornelius has stated have been false. He mentioned a case that he was part of in North Port. He provided a document to be included into the record. He went on to highlight the traffic problems on US. 41 and Haben Blvd. Mr. Lobeck went into great detail of his opposition to the proposed Ordinances and the project as a whole.

Shay Hawkinberry spoke on behalf of commercial property owners. She stated that there are more people than the ones that Mr. Lobeck represents. A Power Point presentation was discussed and has been included in the record. She mentioned the individuals that are in favor of this project. Ms. Hawkinberry went through several slides and highlighted the reasoning and the argument against what Mr. Lobeck previously stated.

Morris Bencini, resident of Riviera Dunes and on behalf of others at Bel Mare, spoke on their opposition to the project. The traffic study was discussed. He believed that the variances that have been approved in the past were done for the developer, not for the residents. According to Mr. Bencini the residents do not appreciate the deviations that were approved for their development. They are against the developer cramming as many people as possible in the area.

Lynn Daniel, President of the Homes of Riviera Dunes, spoke on their opposition to the project. She mentioned the development of MSA's new Elementary school and the potential for more traffic. She also mentioned the new Bradenton Area Convention Center Hotel that is being built.

The following individuals spoke in favor of the project:

- Julian Botero
- Hayley Hawkinberry
- Katrina King

Special City Commission Meeting
June 1, 2022
Page 5 of 6

- Jessica Levanti
- Morgan Mallick
- Pam Mason
- Logan Rieber
- Anthony Pizzo
- Katie Rudalavage
- Gino Sedillo (owner of the property)

The following individuals spoke in opposition of the project:

- James Bailie
- Cynthia Beals
- Nancy Boos
- Bruce Bottorff
- Jeff Conwell
- Edwind Figueroa
- Coby Gaulien
- Elizabeth Law
- James Law
- Paul Marchese
- Gary Ondrey
- Jackie Picone
- Deborah Sperry
- Jacob Tanuske
- Steve Teeple
- Tom Walker
- Ray H. (Zoom)

Mr. Cornelius spoke in response to the public comments and clarified the DRI.

Attorney Vogler gave a brief rebuttal. They respected the feelings and concerns of the public, on both sides. He appreciated the City of Palmetto's staff and all their hard work. He also clarified that the traffic study that was done was without the inclusion of the 7th street extension, which was the worst-case scenario. This was a better approach for the City of Palmetto.

Closed the public hearing at 10:37 P.M.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded, and the Motion carried 5-0 to continue the Public Hearing until June 6, 2022 @ 7:00 P.M. at the Bradenton Area Convention Center.

Commissioner Cornwell clarified that if the Bradenton Area Convention Center were not available, the meeting would be held at City Hall's Chambers.

Mayor Bryant adjourned the meeting at 10:44 P.M

MINUTES APPROVED: JUNE 27, 2022

JAMES R. FREEMAN

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CITY CLERK