

Palmetto City Commission
October 3, 2005 4:00 p.m.

Elected Officials present:

Larry Bustle, Mayor
Brian Williams, Vice Mayor
Eric Ball, Commissioner
Tamara Cornwell, Commissioner (4:14 p.m.)
Mary Lancaster, Commissioner
Tambra Varnadore, Commissioner

Staff and others present:

Michele Hall, City Attorney
Chief Garry Lowe
Chris Lukowiak, Public Works Director
James R. Freeman, City Clerk
Tanya Lukowiak, CRA Executive Director
Jessica McCann, City Planner Consultant
Deanna Roberts, Administrative Assistant

Mayor Bustle called the meeting to order at 4:07 p.m.

A moment of silence for overseas military personnel and people affected by recent hurricanes was observed, followed by the Pledge of Allegiance to the United States Flag.

1. APPROVAL OF WORKSHOP AGENDA

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve the October 3, 2005, 4:00 p.m. agenda.

2. DISCUSSION: RIVERSIDE DRIVE REZONING (J. McCann)

Staff seeks Commission's input on an interpretation regarding the potential rezoning of a portion of Riverside Drive to RS-4 and a conditional use to the RS-4 zoning district that would allow multi-family units comparable to the density allowed under the current RM-6 zoning district.

City Planner Jessica McCann stated that Riverside Drive is currently zoned RM-6, residential, multi-family which allows up to ten dwelling units per acre and requires 100 ft. frontage per lot. Footnote 8 in the city's zoning code allows single family detached units within this area to meet RS-4, residential single family regulations, or 50 ft. frontage per lot. This footnote is in conflict with other sections of the city's code. Lots in this area have been divided up allowing the RS-4 regulations while the underlying zoning, RM-6, is still there. Other municipalities have gotten rid of similar regulations because of conflicts with other sections of the code and creating non-conforming lots. They have rezoned those areas and not allowed single family and multi-family to overlap.

Mrs. McCann's recommendation is to rezone the area to RS-4, with the caveat that with a conditional use permit you could retain the density of the multi-family, and it would have to come back to Commission for approval in terms of buffers and compatibility with the looks of the rest of the neighborhood. The area is predominantly single family; many have already used the option in the code and created lots that are 50' wide. She recommends going to single family rather than multi-family to recognize that the area has already changed to single family. A waterfront study suggests that this area is a solid single family area and should remain so. Changing to RS-4 makes everyone conforming; everyone could build back and still retain the multi-family function so that no one loses property rights.

She said the property needs to be replatted because of the subdivisions which created more lots, and each resident would have to join in the replat. This area is unique. It presents a conflict in the code. The safest thing to do is to rezone the area with the caveat of conditional use and to replat.

Mrs. Lancaster asked if the building department had to issue building permits to these divided lots. Mrs. McCann said they may have interpreted the footnote to mean you could split lots and make them non-conforming without replatting.

Mr. Williams asked if a developer comes in and wants to put some properties together collectively would that be allowed. Mrs. McCann said if it remains multi-family zoning, and the developer wants to do multi-family and meets landscaping requirements, it doesn't have to come before Commission. He said under her suggestion, the property owners would have to come before Commission and could be denied the right to group the property and sell to a developer. Mrs. McCann said you could go for a conditional use permit and Commission could deny it or put more stipulations on it. She said multi-family is incompatible with what is going on in that neighborhood currently.

Michele Hall said the existing multi-family would become a legal non-conformity under the proposed rezone and over time would be phased out. Issuing a conditional use permit to something that would not be subject to the legal non-conformity rules would be a conflict in the city's own ordinance. You can't have it both ways. Commission is going to have to decide what the vision is for this area. If it's mixed-density residential so that you have some multi-family and some lower density with appropriate buffers, screening and compatibility issues, she thinks you can do that. If you envision it as being more single family, then you can't please everyone.

Mrs. McCann said this is a city initiated rezoning. The intent of her suggestion is to maintain the density rights while giving review for something that may not be appropriate use; single family and multi-family together with no review.

Mr. Williams asked if notices would be sent to all addresses in that area. Mrs. McCann said the Mayor suggested a neighborhood meeting. She said she is looking for direction from the Commission on which way to go and then she will set up a meeting.

Mr. Ball asked what can keep this from happening in the future. Mrs. McCann said zoning needs to sign off on a building permit; the ability to have a cursory look at building plans. Mr. Ball commented that since this has already been done, now Commission will have to fix it for the residents there.

Mr. Ball informed Commission, and the public, that he and Commissioner Williams are property owners there and won't be able to vote on the matter. The issue will be decided by three of the commissioners. He said if he were not a property owner there, he would be in favor of retaining the look there. As the administrator of a trust, he would be in favor of multi-family so that he could maximize the profit for the trust. The area is surrounded by many different areas, commercial on 8th Ave. W., Jet Park, etc. It is an odd area; not surrounded by single family homes.

Mrs. Varnadore asked Mrs. McCann for verification. She asked if we keep this RM-6 how this affects lots 6 and 9. Mrs. McCann said in her opinion, if you keep RM-6 and if lot 9 is removed from lot 6 and sold off, it makes that lot non-conforming. You have to wait for city action so that lot becomes conforming. If a hurricane comes before the city takes action, that lot is non-conforming and the owner can't rebuild. If the city changes it to RS-4, everyone becomes immediately conforming. Then the front property can be sold off and the ability exists to go multi-family as long as you get a conditional use permit. The existing multi-family will have a de facto conditional use permit.

Mrs. McCann said she is suggesting a replat if the zoning is changed to RS-4. Attorney Hall said that, in the future, a replat that matched what is actually there would make sure that any additional splits had a conditional use permit and it would be much easier to administer. Mrs. Varnadore said replatting could cost the city thousands of dollars. It will be difficult to get a consensus of that whole area and they all

must join in on a replat. The Mayor said it is in their best interest to join in, as all property owners would be conforming.

Mrs. McCann said if you don't change the zoning, or if nothing changes in the code, there is the potential to have non-conforming lots that are not legal so that if a hurricane comes owners can't rebuild.

Mrs. Lukowiak said the CRA could help fund a replat of the area.

Mrs. Lancaster would like to know what it would cost for the surveys to get that area replatted before taking any action on this.

Mr. Ball commented that the code tells you how to do multi-family setbacks and there's a footnote that says any single family has to comply with this other code designation, even though it's inside the multi-family designation. He said we keep going back to the code and we need to know what the footnote exactly requires. He sees the value of clarifying this issue and the opportunity to review any multi-family use. He thinks Mrs. McCann's solution to the problem is good. Making it a conditional use gives the city some sort of aesthetic control over what kind of multi-family building would go up there.

Mrs. Cornwell commented that this may occur again as older neighborhoods develop and revitalize. She wants to know the cost benefit to the city of replatting. Could the cost be passed on to people who wish to rebuild? How can the building department catch these situations in the future? Mrs. McCann suggested that footnote 8 can be removed, rezone the property, make-multi family multi-family, and allow conditional use permits to make it crystal clear what the building official ought to enforce. Additionally, the zoning administrator can sign off on building permits.

Mrs. Varnadore said she would like to see it stay a single family area and would like to investigate changing it to RS-4.

Mayor Bustle commented that there are people living on Riverside Dr. now who may not know that if a hurricane occurs they may not be able to rebuild. Attorney Hall said if they sustain damage of more than 50% of the evaluation of the property, they will have to rebuild under the existing district standards. The Mayor feels the city is obligated to go forward to do something because the city is aware of a potential problem. Mrs. McCann said the neighborhood meeting is a good idea and to rezone as quickly as possible with the caveat of the de facto conditional use permit would make all the owners legally conforming and doesn't take away the owner's right for doing multi-family in the future. She can look into the platting for the future, but the rezone is really important for right now.

Mr. Williams commented that the city might be in a bad legal position if it did nothing.

Mr. Freeman said it could be a shared cost responsibility between the city and the property owners as the action would benefit the owners.

Mr. Ball said, platting trumps zoning, is that true? and Mrs. McCann said yes.

Mayor Bustle said there is a consensus to proceed with the rezone. Mrs. McCann said she will bring back an ordinance for rezoning and hold a public meeting and do all required noticing. Mr. Williams said the neighborhood meeting should occur first. Mr. Lukowiak said they will do all simultaneously.

DISCUSSION: PROPOSED INCLUSIONARY HOUSING ORDINANCE (Michele Hall)

Mrs. Hall said she prepared the attached draft ordinance with Mrs. Lukowiak as a starting point. She provided some policy questions which she said must be decided by Commission before an ordinance comes forward.

Mayor Bustle asked that the proposed ordinance be removed from the 7:00 p.m. agenda, as the commission may need a couple of workshops and may want to have public meetings on the subject. The builders and developers may have questions.

The Commission began working through the questions. As to whether inclusionary housing should be mandatory or voluntary, it was decided that it should be mandatory under certain conditions. It was decided to discuss residential only. The program would apply to single family and multi-family, but not to mobile homes.

Mrs. Lukowiak said some developers are already willing to provide 10% affordable housing and build a quality product. They see the value for Manatee County.

Mayor Bustle suggested a bus to Celebration to see that planned, mixed-use community with multi-family homes attached and single family detached. The affordable housing there looks the same as the rest of the units.

The threshold number of units was declared to be ten; one unit affordable housing per ten units built.

Mrs. Hall said the plan now is to have Manatee County's Housing Authority determine who would be eligible for workforce housing. Susie Dobbs, Affordable Workforce Housing Coordinator of Manatee County, spoke to Commission. She presented a chart of the Florida Housing Finance Corporation Income Guidelines Adjusted to Household Size. The chart was distributed to Commission. It could be broken down just using Palmetto data.

The real need for housing in Palmetto has been determined to be in the moderate and workforce income range, not low and very low. Those in the moderate income range don't qualify for assistance and can't afford anything that exists.

Ms. Dobbs said workforce housing was where the county was deficient with developers. This will become a fourth category for Manatee County: low, very low, moderate and workforce. The county's new proposed land development code ordinance change will adopt a definition of workforce and the county will be able to help the low, very low, moderate and workforce. There will be incentives for developers to build workforce housing, but at this point it is voluntary.

Mrs. Lukowiak has spoken to Commissioner Glass and the county would be willing to qualify Palmetto applicants.

Discussion ensued on what types of inclusionary housing may be delivered (question #4). The Mayor suggested letting the developer make the decision to do either for sale or rental homes. Attorney Hall suggested they might like that flexibility. Mr. Williams commented the city needs to control it somewhat if the market were overbuilt with either type of housing. Mrs. Hall said the city could control the location of the housing to make sure needed housing was in the right location and one location was not overbuilt with one type of housing.

Regarding the question of how the units would be valued in relationship to each other, Mrs. Hall said you can go by the number of bedrooms or the number of square feet.

Mrs. Lancaster asked for clarification on what types of housing may be delivered and Mayor Bustle said he agreed that Commission needs to provide guidance to the developers and set rules.

Commission said yes to all parts of question #5: Yes to instituting some type of monitoring, periodic submittal of information from homeowners, and homebuyer training to assure a high quality program vs. just dwelling units delivered.

Mrs. Varnadore suggested that inclusionary housing requirements from the developer should mirror the development they're building.

Regarding on-site vs. off-site requirements, Mr. Ball said the advantage to building on-site was that it would ensure that controls are already included. Mrs. Lukowiak offered an example and asked how you would mix waterfront housing and workforce housing. Would it be fair to people who are paying high prices and taxes for the waterfront housing to mix the two? She said communities could be offered that include a homeowners' association similar to the Habitat for Housing community in Palmetto. Ms. Cornwell remarked that, in some instances, fees would be prohibitive for people who are in workforce housing. Mrs. Lukowiak offered that grouping workforce housing so that you had a neighborhood of teachers or firemen would not be a bad idea. Mr. Ball and Mr. Lukowiak remarked that, however it is decided, there must be standards set for the workforce housing.

Mrs. Lancaster asked who affordable housing applies to when you're talking about a \$200,000 home. Mrs. Lukowiak said we're talking about workforce housing, not affordable housing, and Michele Hall said that applicants must fall into a certain income range to qualify. Ms. Dobbs said in Manatee County the proposed maximum sale price for workforce housing is \$ 192,000.

Mr. Williams asked of the four categories, which has the largest need and Ms. Dobbs said moderate and workforce because they can assist the low and very low but they can't help the moderate and workforce because there is no product out there. The county is trying to give incentives to the developers so they can get the product for those categories.

Mrs. Varnadore recommended that commission finish the questions on their own. The Mayor said there will need to be another workshop, possibly two. It may take a long time to fine tune, but we need to get something on the books. Mr. Ball said with the two large developments coming, Commission needs to address single family homes immediately and get that taken care of.

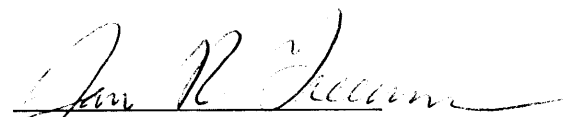
With no objection, the Mayor said he will go ahead and schedule a trip to Celebration. The trip will be noticed and some members of the public may wish to go. The trip will be scheduled at least two weeks in advance on a Saturday.

Mrs. Lukowiak said Ms. Dobbs will be invited to the next workshop.

Chris Lukowiak introduced Ric Hartman, the new City Planner. Commission welcomed him aboard. He thanked Chris and the Commission for the opportunity given him.

The meeting was adjourned at 6:03 p.m.

Minutes approved: October 17, 2005


James R. Freeman, City Clerk