

**PALMETTO CITY COMMISSION
WORKSHOP MEETING
APRIL 5, 2010 – 4:30 PM**

Elected Official Present:

Shirley Groover Bryant, Mayor
Tamara Cornwell, Vice Mayor and Commissioner-at-Large 2
Alan Zirkelbach, Commissioner-at-Large 1 (entered at 4:45 pm)
Mary Lancaster, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2
Brian Williams, Commissioner, Ward 3

Staff Present:

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Rex Hannaford, Deputy Chief of Police
Tom McCollum, Interim City Planner
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Vice Mayor Cornwell called the meeting to order at 4:33 pm, followed by a Moment of Silence and Pledge of Allegiance.

Ms. Varnadore requested that item #2 be moved to the end of the agenda. Commission concurred.

1. PROPOSED ORDINANCE NO. 2010-05

Manatee Fruit Company is donating land for the realignment of 23rd Street and the ball fields. To proceed with the project, Manatee Fruit is requesting that the City change the Comp Plan designation of some of the involved property that is generally north of 23rd Street now, but will be south of 23rd Street upon realignment. This is a large scale Comp Plan amendment, and the first public hearing to consider transmittal of the ordinance to the Department of Community Affairs is scheduled for April 19, 2010.

Mr. McCollum reviewed the existing 2010 Future Land Use Map (FLUM). Map #2 overlays the 23rd St and 10th Ave extension onto the existing FLUM; map #3 displays the three parcels being changed in use.

Parcel #1 is two acres located next to Palmetto High School located on the east side of the new 10th Ave. alignment. It is currently owned by the School Board and is currently zoned PF. The new zoning will become an extension of the existing GCOM in the area. That parcel will become Manatee Fruit Company property after a trade with the School Board, and will offset property that will be given up for the right-of-way for the 10th Ave. realignment. The School Board will retain the same acreage it now has and will continue the current agriculture use.

Mr. Tusing stated that 10th Ave as shown on the drawing is the only design that he has seen since his employment. Attorney Barnebey confirmed that 10th Ave. has been in the same approximate location, it never extended to meet 8th Ave. The School Board and Manatee County have agreed to the two acre parcel swap.

Parcel #2 is approximately a two acre parcel and is located in the southwest quadrant of the new 23rd St realignment and at the northern terminus of the 10th Ave. extension, and is being proposed to go to GCOM. Manatee Fruit Company will retain the parcel and has indicated the parcel would support a YMCA in the area, which will be adjacent to the new ball fields.

Parcel #3 is an 11 acre parcel currently owned by Manatee Fruit Company that will be zoned GCOM. Attorney Barnebey confirmed there is a question about the parcel as to what the current Comp Plan designation is for the parcel; some maps show as nothing and some show the zoning

as PD; a Comp Plan change has not been located as this time. He also stated that based on documentation provided, there is a question as to whether or not the parcel has been annexed into the City. As part of the north entrance way into Palmetto, the parcel will allow for a large scale commercial development.

Attorney Barnebey discussed the fact that Manatee County personnel have indicated their agreement to the city annexing a portion of 8th Ave. between the existing and proposed location, which will then vacated by the City. The part of 23rd Street between the existing and proposed realignment location will be also be vacated. When the street is moved to the north, the existing median will be closed and the street at Hwy 41 will become a right-in and right-out only.

Attorney Barnebey discussed the approval process. The Comp Plan transmittal will occur before Commission's review of the contract.

2. PROPOSED ORDINANCE NO. 2010-06

Attorney Barnebey stated the purpose of the proposed ordinance is to make the P&Z Board the Tree Board for purpose of applying for Tree City USA. The other aspect of the proposed ordinance is a housekeeping item deleting an ordinance established in 1975 that is in conflict with other ordinances.

Commission commented on a previous Commission decision to exclude homeowners from the tree ordinance. Attorney Barnebey explained Tree City USA focuses primarily on City budgeting and the protection of trees particularly on City properties. The P&Z Board will recommend how to place trees on City properties; it can make recommendation on private properties, but that is not the focus of the ordinance.

Commissioner Varnadore commented on the lack of existing criteria that make up the members of the P&Z Board, stating her opinion that the members should be a resident of the City. Commissioner Williams agreed that members should live in the City, but also stated business owners should also have a right to serve on the Board. Commissioner Zirkelbach agreed with Commissioner Varnadore, citing the professionals living in the City. He and Mrs. Lancaster supported Commissioner Varnadore's position. Debate ensued on the topic. Commissioner Varnadore stated her position on the topic is based on the Board's authority to approve items that will not have to come back to Commission for approval.

Commissioner Zirkelbach stated he could support a business owner being on the Board so long as the property is owned by the business owner and the business has its primary location in the City.

Commissioner Zirkelbach suggested the P&Z Board should be educated in its role. Mr. McCollum spoke of an upcoming conference in Sarasota for planning commissioners, in which Attorneys Barnebey and Rudacille will participate. He also suggested that an educational workshop for the Board can be planned.

Attorney Barnebey advised against using a primary business as criteria for the Board's membership because of its subjectivity. Referring to talent that may be lost if criteria is too stringent, Mayor Bryant suggested that a vested financial interest could be used as criteria. She stated her disagreement to limit the criteria because of the difficulty in filling open positions.

Attorney Barnebey confirmed that it was Commission's desire to amend the ordinance to reflect that new appointees will have to be legal residents of the City. It was also consensus of the Commission that as of an effective date the Board will become a five member board.

3. OPTIONS FOR ATTAINABLE HOUSING

Attorney Barnebey informed Commission of the following options regarding attainable housing:

1. Repeal the Attainable Housing Ordinance, as it is not necessary at this time.
2. Revise the ordinance to address concerns related to various ordinance provisions because of inconsistencies in information with the current ordinance.
3. Defer the effectiveness of the ordinance to projects submitted for review after January 1, 2012. The exception would not be applied to projects that received density bonuses because the project was affordable housing. He stated his belief Sanctuary Cove is the only project that would be impacted if the date is moved to 2012.
4. Do nothing.

Density bonuses are not tied to the Attainable Housing Ordinance, but are granted by provisions in the Code.

Attorney Barnebey opined that the most expedient way to address the potential sale of the Sanctuary Cove project would be option #3, while retaining the bulk of the ordinance.

Commissioner Zirkelbach read from the original ordinance referring to the intent of the ordinance, suggesting that what he read could be aimed at the density bonus program. He questioned why the attainable housing "shouldn't dove tail with density".

Attorney Barnebey confirmed that Sanctuary cove is the only project that did not receive a density bonus that was required to comply with the Attainable Housing Ordinance. He further stated his understanding that there are three projects in the City that must comply with the ordinance, the other two being Holy Cross Manor II and The Cottages, both of which had to supply the attainable housing to receive the density bonus needed for the projects.

Attorney Barnebey confirmed his belief Sanctuary Cove is in a voluntary period at present. Should the status change to mandatory before the project is built out, the project may then be required to comply with the ordinance. Discussion ensued on exactly how the ordinance would apply to a project; ordinance applicability as of the project's original approval date unless a change is requested or applicability as of the approval date of phases of a project. Commissioner Zirkelbach stated that the potential Sanctuary Cove purchaser's counsel and its funding institution are of the opinion that if a development is not built out the voluntary status of the City's Attainable Housing Ordinance could change to mandatory and the project would then have to comply. Attorney Barnebey concurred with Mr. Zirkelbach's statement, based on conversations he has held with the parties.

Mr. Tusing concurred that Sanctuary Cove volunteered to stipulate to the ordinance. He stated his opinion that however a project is approved, voluntary vs. mandatory, the status would follow until the project is built out.

Attorney Barnebey opined option #3 will probably take care of the Sanctuary Cove concern right now, giving Commission time to work on the ordinance. Commissioner Varnadore and Williams stated the Commission should tailor an ordinance for what is best for the City not one developer.

Commission Varnadore stated she does not have a problem with removing the stipulations agreed to by Sanctuary Cove, but she will not support the repeal of the ordinance, which is what Option #3 January 1, effective date of 2012 will do for future development through that date.. Attorney Barnebey stated that because of the way the ordinance is worded, it is unclear if the stipulations apply to the project. He also stated that unstipulating may not resolve the issue as it pertains to future phases of the project.

Attorney Barnebey asked for consensus that: 1) On the Attainable Housing Ordinance, verify that the status of a project will be that on the date approval is received, and 2) For Sanctuary Cove, bring forward an ordinance that will repeal the compliance with the Attainable Housing Ordinance.

Commission concurred unanimously to Attorney Barnebey's recommendation. The topic will be brought back to Commission April 19, 2010.

4. PROPOSED ORDINANCE NO. 2010-01

Proposed ordinance to adopt the 2030 Comprehensive Plan. The first public hearing to consider transmittal of the ordinance to the Department of Community Affairs is scheduled for April 19, 2010.

Mr. McCollum explained that since the P&Z Board's recommendation to adopt the Plan, he and Attorney Barnebey have made edits. The blue type represents editorial changes made since the P&Z Board approval. Mr. Freeman will schedule a workshop before April 19, 2010 to review the information.

Meeting adjourned at 6:15 pm.

Minutes approved: April 19, 2010

James R. Freeman

James R. Freeman
City Clerk