

**TAB 6**



# City of Palmetto Agenda Item

**Meeting Date****6/18/12****Presenter:** Lorraine Lyn**Department:** Planning**Title:****Conditional Use Permit (CU-2011-02)  
Electronic Sign for Manatee School of the Arts  
700 Haben Boulevard**

Manatee School of the Arts was granted a Temporary Conditional Use (CU) Permit on September 12, 2011 for a freestanding 20 foot high artistic, pole-supporting sign containing 26 sq. ft. of identification surface area and 28.6 sq. ft. of electronic message surface area totaling 54.6 sq. ft. of surface area located at the north side of the main entrance of the school

Per condition of approval #5 attached, the Temporary Conditional Use permit was granted for 90 days at the end of which time, the City shall review any issues related to the changeable copy, video, animation and scrolling messages or displays on the sign, and shall approve a permanent revised Conditional Use Permit, which may have conditions placed on the ability to use changeable copy, video, animation or scrolling displays or messages on the sign. This may include a complete prohibition of such types of displays or messages, or other appropriate restrictions. No other conditions with this Conditional Use Permit may be modified at this subsequent public hearing

The sign was installed and the final inspection by the Building Department was conducted on March 7, 2012. This hearing is being held consistent with the above stipulation at the end of 90 days for the Commission to review issues related to MSA's electronic sign

Input from the Police Department, Code Enforcement and the Building Department indicate that the sign has had no negative impact on traffic safety or the neighborhood (see attached emails). MSA ran the video on June 6, 2012 at the request of staff. On that day, the actual video was a short piece of dancers interspersed with other school information displayed at 3 second intervals. It is staff's opinion that the sign's display is not disturbing to the surrounding residential uses based on the size of the sign and its scale relative to MSA's property frontage on Haben Boulevard. Staff recommends approval of the Conditional Use Permit for MSA's sign.

The roundabout on Haben Boulevard was opened on March 21, 2012

The results of "An Examination of the Relationship between Sign and Traffic Safety" funded by the US Sign Council in 2003 strongly conclude that roadside signs have no statistical influence on the occurrence of accidents. Traffic accidents may be much more likely attributable to, and strongly correlated with, other factors, such as driver fatigue, poor road conditions, driver abilities, traffic volume, legitimate distractions, inter alia.

**Budgeted  
Amount:**

\$0.00

**Budget Page  
No(s):****Available  
Amount:**

\$0.00

**Expenditure  
Amount:**

\$0.00

**Additional Budgetary  
Information:****Funding  
Source(s):****Sufficient  
Funds  
Available:** ☐ Yes ☐ No**Budget  
Amendment  
Required:** ☐ Yes ☐ No**Source:****City Attorney  
Reviewed:**☒ Yes  
☐ No  
☐ N/A**Advisory Board  
Recommendation:**☒ For  
☐ Against  
☐ N/A**Consistent  
With:**☒ Yes  
☐ No  
☐ N/A**Potential  
Motion/  
Direction  
Requested:**

The City Commission shall APPROVE, APPROVE WITH CONDITION(S) or DENY the proposed Conditional Use Permit

**Staff Contact:**

Lorraine Lyn

City Planner

723-4580 Ext. 2135

**Attachments:**

Minutes from the Commission's 9/12/11 meeting and email correspondence from Building, Code Enforcement and Police Departments

**CONDITIONAL USE  
PERMIT NO. CU2011-02  
Electronic Message Sign for Manatee School of the Arts  
700 Haben Boulevard**

**FINAL ORDER OF THE CITY COMMISSION FOR THE CITY OF  
PALMETTO GRANTING A CONDITIONAL USE PERMIT NO.  
CU2011-02 FOR AN ELECTRONIC MESSAGE SIGN LOCATED ON  
THE NORTH SIDE OF THE MAIN ENTRANCE OF MANATEE  
SCHOOL OF THE ARTS (Renaissance Arts and Education, Inc. dba  
Manatee School of the Arts, 700 Haben Boulevard)**

**WHEREAS**, Renaissance Arts and Education, Inc. dba Manatee School of the Arts has submitted an application on July 1, 2011 for a conditional use permit for a 20 foot high sign, consisting of 28.6 square feet of electronic message surface area and 26 square feet of identification surface area for a total of 54.6 square feet at 700 Haben Boulevard; and

**WHEREAS**, the Planning and Zoning Board held a public hearing on July 21, 2011 which was continued to August 18, 2011 at which the Board received testimony and evidence from the applicant, City Planning staff, and members of the public in attendance; and

**WHEREAS**, the City Commission held a public hearing on September 12, 2011, at which the Commission received testimony and evidence from the applicant, City Planning staff, and members of the public in attendance and issued a Temporary Conditional Use Permit for an electronic message sign; and

**WHEREAS**, the 90 day Temporary Conditional Use Permit began on February 17, 2012, the date of installation and beginning of operation of the sign subject to the following conditions:

1. Signage shall be automatically programmed not to be illuminated between the hours of 11:00 p.m. to 6:00 a.m.
2. The brightness of the sign on the south side shall not exceed 5,000 lumens during the daytime and 1,500 lumens at nighttime. Brightness of the sign on the north side shall not exceed 6,000 lumens in the daytime and 1,800 lumens at nighttime. Brightness of the sign shall be measurable at the property line. Brightness of the sign may be required to be reduced at the discretion of the Building Official or Code Enforcement Officer, if the brightness is objectionable based on a reasonable person's standard.
3. The sign shall be in substantial conformance with the rendering dated July 6, 2011 that was presented at the hearing.
4. No sound shall be emitted from the sign.
5. This Temporary Conditional Use Permit is valid until the first regular meeting of the City Commission held 90 days after the installation and beginning of operation of the sign. The applicant shall notify the City of the sign becoming operational. At the first regular meeting after the end of the 90-day period, the City shall hold a public hearing, noticed at the expense of the applicant. At this subsequent public hearing, the City

shall review any issues related to the changeable copy, video, animation and scrolling messages or displays on the sign, and shall approve a permanent revised Conditional Use Permit, which may have conditions placed on the ability to use changeable copy, video, animation or scrolling displays or messages on the sign. This may include a complete prohibition of such types of displays or messages, or other appropriate restrictions. No other conditions with this Conditional Use Permit may be modified at this subsequent public hearing.

6. The sign shall be made available for public messages related to emergencies and other important public announcements.
7. In the event the school is no longer in operation for a period of six months, the Temporary Conditional Use Permit terminates and the sign shall be removed.

**WHEREAS**, the City Commission held a public hearing on June 18, 2012, at which the Commission received testimony and evidence from City staff as to issues related to the changeable copy, video, animation and scrolling messages or displays on the sign.

**NOW, THEREFORE**, the City Commission makes the following Findings of Fact and Conclusions of Law and issues the Final Order as follows:

Section 1. Findings of Fact. After considering the evidence on the record and that presented at public hearing, including the staff input on the operation of the sign, the City Commission hereby makes the following Findings of Fact.

- A. The applicant, Renaissance Arts and Education, Inc. dba Manatee School of the Arts, is requesting approval of an electronic message sign, consisting of 28.6 square feet of electronic message surface area and 26 square feet of identification surface area for a total of 54.6 square feet at 700 Haben Boulevard, Palmetto, located on the north side of the main entrance to the school, outside of the visibility triangle.

Section 2. Conclusions of Law. Based upon the Findings of Fact and considering the testimony, evidence, documentation, the staff report presented, the recommendation of the Planning and Zoning Board, and a review of the applicable provisions of the City of Palmetto Comprehensive Plan and Zoning Code, the City Commission hereby makes the following Conclusions of Law:

- A. The sign ordinance permits electronic message signs as a conditional use and is consistent with the purpose and intent of the applicable zoning district regulations, this article, and the Comprehensive Plan.
- B. The Conditional Use is compatible with the surrounding land uses and the general character of the area, considering, without limitation, such factors as traffic, lighting, appearance, and effect on surrounding property values.
- C. The Conditional Use does not adversely impact on the public interest or adjacent property and all necessary alternative measures have been taken by the applicant to prevent any such impact, provided the conditions contained herein are met.

- D. The Conditional Use is not discriminatory, considering similar situations in the general area and in past decisions under this article.
- E. The purpose of the requirement is otherwise fully achieved, or more important purposes of this article will be served, provided the conditions contained herein are met.
- F. The Conditional Use is consistent with the stated purpose and intent of the applicable district regulations and this article.
- G. The Conditional Use complies, where applicable, with the regulations of the zoning district in which the proposed use is most commonly permitted.
- H. The Conditional Use does not create hazardous vehicular or pedestrian traffic conditions or any other type of unsafe condition, provided the conditions contained herein are met.

Section 3. Order. Based upon the foregoing, a Conditional Use Permit is hereby approved and issued to Renaissance Arts and Education, Inc. dba Manatee School of the Arts for the property located at 700 Haben Boulevard, Palmetto and more particularly described in Exhibit "A" attached hereto and incorporated herein, to allow a 20 foot high, 54.6 square foot sign consisting of 28.6 square feet of electronic message surface area.

Section 4. Severability. In the event that any portion or section of this Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decisions shall in no manner affect the remaining portions or sections of the Conditional Use Permit which shall remain in full force and effect.

Section 5. Effective Date. The effective date of this Conditional Use Permit shall be upon execution of this Order.

**ORDERED ON BEHALF OF THE CITY OF PALMETTO this 18th day of June, 2012.**

**THE CITY OF PALMETTO, BY AND THROUGH  
THE CITY COMMISSION OF THE CITY OF  
PALMETTO**

**BY: \_\_\_\_\_  
Shirley Groover Bryant, as Mayor**

**ATTEST: James R. Freeman  
City Clerk**

**By: \_\_\_\_\_  
City Clerk/Deputy Clerk**

**Minutes of City Commission Meeting on September 12, 2011**  
**CU for MSA's Electronic Sign**

**4. PUBLIC HEARING: MANATEE SCHOOL OF THE ARTS CONDITIONAL USE PERMIT (CU2011-02)**

City Planner Lorraine Lyn reviewed the request for an electronic message sign to be located at 700 Haben Blvd. Currently there is a 62 sq. ft. sign on site that was permitted in 2001. The applicant is requesting to replace the current sign with a freestanding 20' high modern, artistic, pole-supporting sign containing 26 sq. ft. of identification surface area and 28.6 sq. ft. of electronic message surface area, totaling 54.6 sq. ft. of surface area, to be located at the north side of the main entrance of the school. The proposed sign is 14.6 sq ft over the maximum 40 feet permitted by sign ordinance.

Ms. Lyn discussed the criteria staff had considered in processing the application. She stated the P&Z Board recommended approval with conditions, as follows:

1. Signage shall be automatically programmed not to be illuminated between the hours of 11:00 p.m. to 6:00 a.m.
2. The brightness of the sign on the south side shall not exceed 5,000 lumens during the daytime and 1,500 lumens at nighttime. Brightness of the sign on the north side shall not exceed 6,000 lumens in the daytime and 1,800 lumens at nighttime. Brightness of the sign shall be subject to the discretion of the Building Official.
3. Changeable copy display shall not change more than once every five seconds
4. The sign shall be in substantial conformance with the rendering dated July 6, 2011 that was presented at the hearing.
5. No video, animation or scrolling.

Jon Moore, architect for and representing Manatee School for the Arts, introduced other individual in attendance: John Boyle, West Coast Signs; Mark DeLisle, Clearview LED Signs; Dr. Bill Jones, Terry DeVine, and Sandy Dietrich, Manatee School of the Arts.

Mr. Moore stated that rather than debate the definition of video, animation and scrolling, it was decided a demonstration of what the school would like to accomplish on the sign would be beneficial. A short presentation of the sign's electronic message capabilities was demonstrated by Mr. DeLisle and Mr. Boyle. Mr. DeLisle explained the top portion of the sign would always highlight Manatee School of the Arts and the lower portion would be the electronic changeable copy. He also explained some of the technical aspects of the sign.

Dave Kramer, Manatee School for the Arts, was sworn. Mr. Kramer commented on the fact that the farther away a person is from the sign the clearer it becomes. He acknowledged that City public announcements can also be displayed on the sign.

Commission discussed the concerns they have with the proposed sign; size and height, the scrolling messages, illumination, and proximity to residential areas. Mr. Moore estimated the sign is approximately 600 feet from properties to the south, 75 feet from properties to the west, and 1,000 feet from the property to the north. The lumens on the south side of the sign will be 1,500 at night and 2,000 on the north side. The messages will be displayed until 11:00 p.m. when events are occurring, not every night.

Discussion ensued on how legitimate complaints regarding the illumination would be handled by the school. Mr. DeLisle confirmed the illumination can be reduced very simply by computer.

Discussing the size of the proposed sign vs. the signs at Palmetto High and Palmetto Elementary, Mr. Moore stated the current sign on the school site is 35 feet high. Mr. Moore opined the sign size is appropriate, especially for the cars coming south on Haben Blvd.

Discussion ensued on the P&Z stipulation prohibiting video, animation or scrolling. Ms. Lyn confirmed there are no similar signs on Haben Blvd. Ms. Lyn stated the P&Z recommendation for this stipulation was based on the fact there are no other signs in the City that displays animation or video. It was determined that the sign at Riverside Plaza does in fact have video capability. Dr. Jones opined that the other schools in the City have signs that offer animation. Dr. Jones confirmed that the sign will have an advertising component to attract students to the school.

Discussion ensued on the height and scrolling if it becomes a traffic safety hazard. It was suggested that like the sign approved for Palmetto High School, the MSA sign be approved with the stipulation that if the scrolling becomes a safety issue, it would be turned off and the sign would become a standardized sign. Dr. Jones inquired under what authority a complaint would be found to be "legitimate".

Mr. DeLisle informed Commission that the LED portion of the sign will begin at 8 feet to conform to the Manatee County sign ordinance, which now prohibits LED's in monument signs.

Dr. Jones confirmed the sign has sound capability, but there are no plans to use it at this time. Attorney Barnebey stated a stipulation regarding sound can be added to the permit.

Discussion ensued on the fact the Conditional Use Permit will run with the land unless abandoned. Attorney Barnebey suggested that Commission can place a stipulation on the use that if the building is not used as an educational facility for a six-month period the sign must be removed.

John Boyle confirmed that the center box on the rendering will not be used. Mr. Moore was advised that a new rendering will have to be supplied showing that the third box has been removed.

Discussion ensued on P&Z stipulation #2 naming the Building Official responsible for monitoring the brightness of the sign. Ms. Lyn reported that P&Z is concerned that stipulations placed on previously approved signs are not being enforced. Commission determined that Code Enforcement should also be assigned to monitor conditions placed on the sign.

Mayor Bryant departed the meeting.

Mr. Moore confirmed that the sign will be placed on the property as stipulated by the P&Z Board. He also confirmed the sign may be used for governmental announcements. Vice Mayor Zirkelbach inquired if Commission would consider deleting stipulation #5 and revisit the topic with the school should a legitimate complaint be received. Commissioner Cornwell stated she will not support the sign if stipulation #5 is dropped; however, she would support it if it is approved (like Palmetto High) as a test for 90 days. Commissioner Varnadore stated she will not support the sign, citing the difference in size and scrolling used by the other schools and because she doesn't think electronic signs are in the best interest of the City, especially at night.

Attorney Barnebey confirmed stipulation #5 would prevent animation, graphics and scrolling. He voiced concern with stipulation #2 because it does not give the Building Official a standard to use in determining brightness of the sign. He further recommended that the Palmetto High stipulation not be used because the applicant needs to know what approval is being granted.

Commissioner Williams stated he is in favor of removing stipulation #5. He inquired about a possible discrimination between this sign and other signs. Attorney Barnebey stated that distinguishing characteristic between where the signs are located must be considered. If there are not differences then Commission should treat the signs differently. A fact that should be considered is this sign being located farther away from residential areas than the Palmetto High and Palmetto Elementary school signs, as an example. He voiced he is still concerned about music being emitted from the sign.

Commissioner Lancaster stated she needs to know the conversation that occurred during the P&Z Board review before she can make a decision about the sign. She also asked for studies that may be available related to electronic signs and accidents. She said she is not against the sign but she won't know about the brightness of the sign until the sign is operational. She agreed that there should be no sound. Vice Mayor Zirkelbach offered his firm's light meter to measure the brightness. Commissioner Lancaster opposed only the Building Official monitoring the sign; Code Enforcement should also be involved. She was not in favor of removing stipulation #5.

Vice Mayor Zirkelbach opened the public hearing. After no public comment, Vice Mayor Zirkelbach closed the public hearing.

Attorney Barnebey offered the following definition to be included in stipulation #2 regarding the measurement of the brightness of the sign: The brightness of the sign shall be reduced subject to the discretion of the Building Official or Code Enforcement Officer, if objectionable at the property line, based on a reasonable person's standard. He concurred that the stipulation contained a numeric standard by which the brightness can be measured.

Commissioner Cornwell reiterated that the concern [of three members of the Commission] is the movement component of the sign. She stated that if the school is not willing to try the sign for the probationary period, she will have to accept the P&Z stipulations. She stated that like Palmetto High School, if no complaints are received and there are no traffic accidents [attributed to the animation of the sign], she is "good with it and it can run 24/7". Vice Mayor Zirkelbach confirmed that after the 90-day probation, the school is "off the hook" regarding the animation, but will always be "on the hook" regarding the illumination. Commissioner Williams repeated the condition; if issues arise during the 90-day period, then the sign would have stationary



information; issues would be decided by the Building Official, Code Enforcement, or the Chief of Police. Dr. Jones stated he could not agree; it "was way too arbitrary and capricious".

Mr. Tusing suggested that with the closing of the roadway for the roundabout construction, a 90-day probationary period should start at the completion of the construction.

Commissioner Varnadore suggested that the Commission needs to either accept the sign, or not; hard to place stipulations on the sign.

Chief Wells opined that the Commission would have to look at the accident reports in totality to determine the negative impact of the sign. Attorney Barnebey stated it will be very difficult to develop a measurement relating to traffic accidents. Dr. Jones suggested that the school give notice of when the sign is installed and then 90 days later the Commission could get reports from the Chief of Police, Building Official and Code Enforcement. Chief Wells stated that the problem with the data he could provide would be the contributing cause of the crashes. Commissioner Cornwell opined the data could provide a quantitative measure that would be attributed to the sign. Chief Wells suggested that the police department would look at a 25% increase in traffic accidents.

Commissioner Varnadore inquired what enforcement the City could use if the applicant refused to turn off the [moveable component] sign if so directed by the City. Attorney Barnebey agreed it is difficult to tie this particular issue to a stipulation; any of the areas under discussion could have potential issues. He suggested that the City could possibly issue a temporary use permit for 90 days and then hold a public hearing to review issues related to video, animation and scrolling. At that hearing the City could also place additional stipulations that may prohibit those uses. He stated "that is a very unusual stipulation" and he was "not very excited about it". He also opined that Commission needs to address the subject of electronic signs as quickly as possible.

Mr. Kramer recapped the discussion, stating the issue of the light and sound had been resolved, the only issue remaining is the motion. The concern is that if there is a significant increase in auto accidents during the 90-day period that the school may have to make adjustments; discontinue the motion but keep the sign. The measurable standard during the 90 days would be a 25% increase in accidents directly related to the sign.

Vice Mayor Zirkelbach announced that the public hearing had been closed.

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 3-2 to continue the issue until September 26, 2011. Commissioners Williams and Zirkelbach voted no.

Commissioner Cornwell asked for the data referring to electronic signs' cause and effect and either hear the audio from the P&Z Board meeting as a Commission or have a representative from the Board present at the meeting. Attorney Barnebey confirmed the American Planning Association has performed studies on this issue.

Attorney Barnebey reminded Commission and the participants from the school that the public hearing has been closed on this topic and another hearing will not be held until September 26, 2011.

MOTION: Commissioner Varnadore moved to reconsider the vote to continue the item to September 26, 2011. Commissioner Williams seconded.

Attorney Barnebey commented that it is possible someone has left the meeting thinking the meeting was continued to September 26, 2011, they will not know the action on the floor has happened.

Motion on the floor carried 4-1. Commissioner Cornwell voted no.

MOTION: Commissioner Williams moved and Commissioner Zirkelbach seconded to approve the installation of the sign with the conditional use requirements, eliminating #5, adding a no music or noise emitting device, and requiring a 90 day after installation review of the traffic conditions during that 90-day period, for video animation only.

Attorney Barnebey stated that if there is support for the motion as stated that the Commission should break to allow him time to write the condition, or recess this portion of the hearing.

Commissioner Williams withdrew his motion and Commissioner Zirkelbach withdrew his second to the motion on the floor.

Vice Mayor Zirkelbach reopened item #4, Manatee School for the Arts Conditional Use Permit 2011-02. Attorney Barnebey reviewed the stipulations, as follows:

1. Signage shall be automatically programmed not to be illuminated between the hours of 11:00 p.m. to 6:00 a.m.
2. The brightness of the sign on the south side shall not exceed 5,000 lumens during the daytime and 1,500 lumens at nighttime. Brightness of the sign on the north side shall not exceed 6,000 lumens in the daytime and 1,800 lumens at nighttime. Brightness of the sign shall be measurable at the property line. Brightness of the sign may be required to be reduced at the discretion of the building Official or Code Enforcement Officer, if the brightness is objectionable based on a reasonable person's standard.
3. Attorney Barnebey recommended deletion because the changeable copy will be addressed in a new stipulation.
4. The sign shall be in substantial conformance with the rendering dated July 6, 2011 that was presented at the hearing.
5. Attorney Barnebey recommended deletion because the video, animation and scrolling will be addressed in a new stipulation
6. Attorney Barnebey recommended a new stipulation #6 to read: No sound shall be emitted from the sign.

Commission concurred to the stipulations thus far reviewed by Attorney Barnebey.

7. Attorney Barnebey recommended a new stipulation #7 to read: This Conditional Use Permit is valid until the first regular meeting of the City Commission held 90 days after the installation and beginning of operation of the sign. The applicant shall notify the City of the sign becoming operational. At the first regular meeting after the end of the 90-day period, the City shall hold a public hearing, noticed at the expense of the applicant. At this subsequent public hearing, the City shall review any issues related to the changeable copy, video, animation and scrolling messages or displays on the sign, and shall approve a permanent revised Conditional Use Permit, which may have conditions placed on the ability to use changeable copy, video, animation or scrolling displays or messages on the sign. This may include a complete prohibition of such types of displays or messages, or other appropriate restrictions. No other conditions with this Conditional Use Permit may be modified at this subsequent public hearing.

8. The sign shall be made available for public messages related to emergencies and other important public announcements.

9. In the event the school is no longer in operation for a period of six months, the Conditional Use Permit terminates and the sign shall be removed.

Attorney Barnebey did not feel it was necessary to stipulate in the permit that dated material being displayed had to be removed from the sign. He suggested the school would rectify the situation if it should ever arise.

Attorney Barnebey confirmed that the duration of the time between messages will be considered when the item is reviewed by Commission at the end of the probation period.

MOTION: Commissioner Williams moved and Commissioner Zirkelbach seconded [to approve the stipulations as read by Attorney Barnebey]. Motion carried 4-1. Commissioner Varnadore voted no.

Meeting adjourned at 10:05 p.m.

**EMAIL CORRESPONDENCE ON MSA'S ELECTRONIC SIGN  
CU for MSA's Electronic Sign**

**From:** Neal Mazzei  
**Sent:** Monday, June 04, 2012 12:34 PM  
**To:** Lorraine Lyn  
**Cc:** Allen Tusing; Rick Wells; Scott Tyler; William Strollo; Whitney Chapman; Jim Freeman; Char Patterson  
**Subject:** RE: Manatee School of the Arts sign

Lorraine,

As of today, I am not aware of any complaints regarding the MSA Sign approved with CU-2011-02.

I have not seen the sign illuminated between 11:00 PM and 6:00 AM. The brightness appears to be consistent with their approval. The changeable copy was changing at 3 second intervals on May 30, 2012, not the five seconds as you had recommended. However, it was my understanding that during the 90 day trial period, that MSA could experiment with different changing time intervals and see if it would have any negative impact on the traveling public. It was changing at the same interval that morning as the Manatee County Convention Center right down the road, and I did not feel it was causing any traffic hazard. It appears to be in substantial compliance with the permitted set of plans.

Please call if you have any questions regarding this summary to date for the new MSA sign.

*Neal L. Mazzei, Building Official*  
City of Palmetto, Florida  
Public Works Department  
600 17th Street West  
Palmetto, Florida 34221  
941.721.2166-Office  
941.721.2168-Fax  
941.721.2534-Inspection Line  
nmazzei@palmettofl.org

**From:** William Strollo  
**Sent:** Tuesday, May 22, 2012 2:42 PM  
**To:** Lorraine Lyn; Scott Tyler; Neal Mazzei  
**Cc:** Rick Wells; Jim Freeman; Allen Tusing; Char Patterson  
**Subject:** RE: Manatee School of the Arts sign

Lorraine,

Code Enforcement has not received complaints regarding this sign.  
Bill

**From:** Scott Tyler  
**Sent:** Tuesday, May 22, 2012 1:34 PM  
**To:** Lorraine Lyn  
**Cc:** Rick Wells  
**Subject:** RE: Manatee School of the Arts sign

During the period that the sign has been in operation, we haven't had any reported traffic crashes on the stretch of Haben Blvd that the school and the sign front.

**From:** Lorraine Lyn  
**Sent:** Tuesday, May 22, 2012 11:52 AM  
**To:** Scott Tyler; William Strollo; Neal Mazzei  
**Cc:** Rick Wells; Jim Freeman; Allen Tusing; Char Patterson  
**Subject:** FW: Manatee School of the Arts sign

Scott, Bill and Neal

This is a reminder that we will need your comments on the highlighted stipulation below by Friday, June 8<sup>th</sup> as we are fast approaching June 18<sup>th</sup>, the hearing date for a permanent CU for MSA's sign.

Thanks,  
*Lorraine Lyn*  
*Palmetto City Planner*  
*Department of Public Works*  
*600 17th Street West*  
*Palmetto, FL 34221*  
*941-723-4580 Ext. 2135*



# City of Palmetto Agenda Item

Meeting Date

9/12/11

Presenter: Lorraine Lyn

Department: Planning

**Title:**

**Conditional Use Permit (CU-2011-02)  
Electronic Sign for Manatee School of the Arts  
700 Haben Boulevard**

Manatee School of the Arts is replacing its existing sign face of approximately 62 sq. ft. which was permitted in 2001. MSA is requesting a Conditional Use (CU) Permit for a freestanding 20 foot high modern, artistic, pole-supporting sign containing 26 sq. ft. of identification surface area and 28.6 sq. ft. of electronic message surface area totaling 54.6 sq. ft. of surface area located at the north side of the main entrance of the school. The major difference between the existing and proposed signs is the electronic message portion which could have an impact on motorists driving along Haben Boulevard.

The City's sign ordinance does not permit animated signs but it permits electronic message signs as a Conditional Use. This CU will also consider the size of the proposed sign which exceeds the maximum surface area of 40 sq. ft. permitted by the sign ordinance in commercial districts. The City's proposed sign ordinance would allow the size of the proposed sign.

The following were taken into consideration by staff from the Planning and Building Departments on the proposed sign.

- The general character of the immediate area including proximity and orientation of residential uses in the immediate area.
- Haben Boulevard is a 4-lane divided arterial. A round-about is proposed approximately 560 feet south of the proposed sign where Haben Boulevard curves at the entrance of the Hammocks at Riviera Dunes. The proposed round-about will result in slower traffic thereby increasing the required change time necessary to avert a traffic hazard.
- Other conditional use approvals in the City for electronic signs.
- Applicable regulations in nearby jurisdictions.

The Planning and Zoning Board held its public hearing on August 18, 2011 and recommended approval with the following conditions:

- Signage shall be automatically programmed not be illuminated between the hours of 11pm to 6am.
- The brightness of the sign on the south side shall not exceed 5000 lumen during the day time and 1500 lumen at night time. Brightness of the sign on the north side shall not exceed 6000 lumen in the daytime and 1800 lumen at night time. Brightness of the sign shall be subject to the discretion of the Building Official.
- Changeable copy display shall not change more than once every 5 seconds.
- The sign shall be in substantial conformance with the rendering dated 7/6/11 that was presented at the hearing.
- No video, animation or scrolling.

<b>Budgeted Amount:</b>	\$0.00	<b>Budget Page No(s):</b>		<b>Available Amount:</b>	\$0.00	<b>Expenditure Amount:</b>	\$0.00
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**Additional Budgetary Information:**

<b>Funding Source(s):</b>		<b>Sufficient Funds Available:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Budget Amendment Required:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Source:</b>	
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<b>City Attorney Reviewed:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Advisory Board Recommendation:</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> N/A	<b>Consistent With:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
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**Potential Motion/ Direction Requested:**

The City Commission shall APPROVE, APPROVE WITH CONDITION(S) or DENY the proposed Conditional Use Permit

<b>Staff Contact:</b>	Lorraine Lyn	City Planner	723-4580 Ext. 2135
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**Attachments:** Staff report, sign location map and sign rendering

**Staff Report**  
**Conditional Use Permit (CU-2011-02)**  
**Electronic Sign for Manatee School of the Arts**  
**700 Haben Boulevard**

**REQUEST:**

Renaissance Arts and Education, Inc./DBA Manatee School for the Arts (MSA) is requesting a Conditional Use (CU) Permit for a freestanding 20 foot high modern, artistic, pole-supporting sign containing 26 sq. ft. of identification surface area and 28.6 sq. ft. of electronic message surface area totaling 54.6 sq. ft. of surface area located on the south side of the main entrance of the school. During the Planning and Zoning public hearing on August 18, 2011, the applicant agreed to move the sign from the south to the north side of the school entrance per the Board's recommendation.

The City's sign ordinance does not permit animated signs but it permits electronic message signs as a Conditional Use. For purposes of this Conditional Use petition, a proposed request for any type of electronic signs including animated signs will be considered an electronic message sign. In addition to the type of sign, this Conditional Use petition will also consider the size of the proposed sign which exceeds the maximum surface area of 40 sq. ft. permitted by the sign ordinance in commercial districts.

**OWNER:** Renaissance Arts and Education, Inc. /DBA Manatee School for the Arts (MSA)

**LOCATION/PARCEL SIZE/EXISTING USE OF SUBJECT PROPERTY**

700 Haben Blvd./School/21.587 acres

**PLAN/ZONING OF SUBJECT PROPERTY**

PC (Planned Community)/PD-MU (Planned Development-Multi Use)

**PLAN/ZONING/USES OF SURROUNDING AREA**

North: PC/ PD-MU/SF house; PC/CHI/Riviera Palms nursing home; PC/CG & PD-MU/vacant commercial

South: PC/PD-MU/Riviera Dunes (Hammocks)

East: COUNTY: RES-6/RSF-4.5/SF houses along 15<sup>th</sup> Ave Drive

West: PC/ PD-H/Courtney Assisted Living

**OTHER APPLICATIONS**

MSA also petitioned the City to vacate its primary ingress and egress onto Haben Boulevard for overall control of its circulation plan. The City owns the rights-of-way and MSA owns the median. MSA will move the existing sign from the median to the north corner of the main entrance on Haben Boulevard.

## **BACKGROUND:**

Manatee School of the Arts recently revised its adopted General Development Plan (GDP 2011-01) to expand its boundaries (currently 21.6 acres) and buildings (approved for 213,370 sq. ft.) As part of this expansion plan, the school would like to replace its existing sign located in the median at the entrance into the school property off Haben Boulevard. The existing sign face which was permitted in 2001 is approximately 62 sq. ft.

The City's sign ordinance defines an electronic message sign as:

*"any sign which conveys one or more messages by means of electronically controlled lights, light-emitting diodes or similar devices"*

The City's code does not include details relating to brightness levels, audio and video levels or average change time for messages. For purposes of comparison, Section 724.15 of the recently adopted Manatee County's sign ordinance contains the following definitions which more closely reflect the proposed sign:

*Animated Sign shall mean any sign which changes physical position by any action, motion or gives the optical illusion of action or motion, or color changes of all or part of the sign area, requiring electrical energy, or set in motion by movement of the atmosphere.*

### Sec. 724.15 (b) Changeable Copy Signs

*3) The display shall not change more than once every five (5) seconds...*

*4) Changeable Copy Signs shall be limited to one (1) per premise and cover not more than sixty-five (65) percent of the erected freestanding or wall sign area.*

Manatee County does not allow animation, flashing or any appearance of movement. However, they do not limit the color and they allow scrolling; when the scrolling stops, it must display for 5-seconds. The display area for LED signs must be 8 foot above grade.

At 54.6 sq. ft., the proposed MSA sign would meet the City of Palmetto's proposed draft ordinance described below which would allow would a maximum of 125 sq. ft. since MSA has approximately 1,021 feet of frontage along Haben Boulevard.

*3.03.01.02. Single establishment premises shall be allowed one (1) ground sign per frontage, provided there is fifty (50) feet of street frontage, except lots of record. Premises with one hundred and fifty (150) feet or less of road frontage shall be allowed seventy five (75) square feet of sign area. Premises with more than one hundred and fifty (150) feet of road frontage shall be allowed seventy five (75) square feet of sign area plus one (1) square foot for each additional six (6) feet of road frontage not to exceed a total of one hundred and twenty-five (125) square feet.*



*Businesses with less than 50 linear feet frontage are not permitted freestanding signage*

### **REQUESTED APPROVAL**

A Conditional Use permit may be issued for the establishment of an electronic message sign pursuant to Section 3-66 of the City's code. The applicant is proposing to replace the existing sign with a sign containing 28.6 sq. ft. of electronic message surface area which is 3 times brighter (6000 lumens) than an automobile headlight during the daytime and 1800 lumens during the night (30% of daytime brightness). During the Planning and Zoning Board hearing, the applicant indicated that this type of technology is being proposed because the school wishes to be able to play a video clip on the signage. No flashing or scrolling is proposed.

Applying Manatee County's standards, the changeable copy portion of the proposed sign consists of 52% of the proposed sign area that meets Manatee County's regulations which requires less than 65%. The display area for the LED sign also meets Manatee County's requirement of 8 foot above grade.

Although the sign can be set to change at any interval, a static display for 5 seconds is considered standard by the sign industry. Manatee County's ordinance allows the display to change no more than once every five (5) seconds essentially making the sign a changeable copy sign instead of an animated sign which connotes continuous motion or action such as a video.

The city has not approved animated signs over concerns that they create an unsafe condition for motorists and would have a negative impact on the health, safety and welfare of the general public.

The City has granted Conditional Use approvals for electronic signs in other locations of the City. Examples are Space Box located in a commercial area, Manatee Convention Center located in a mixed use area and Palmetto High School located in the Public zoning district.

- A) Space Box was granted a CU in March 2010 for an electronic sign with conditions limiting hours of operation, eliminating flashing and continuous scrolling and limiting message changes to no more than one-minute intervals.
- B) Manatee County Convention Center (24.5 acres) was granted a CU for an electronic sign in 2007 for approximately 264 sq. ft. of sign surface area of which 53% was electronic. The conditions of approval for Convention Center's sign are:
  - a) The sign shall not be illuminated between 11:00 pm and 6:00 am;
  - b) Messages shall be limited to County and Municipal services and events;
  - c) The sign may be used to identify public service messages during emergencies.
- C) Palmetto High School was granted a CU on November 5, 2007 for an electronic message sign with City access for emergency use and a 90 day temporary lighting to

be on 24 hours pending complaints from the public.

The following conditions have been analyzed in reviewing this request:

1. The proposed use shall be consistent with the purpose and intent of the applicable zoning district regulations, this article, and the comprehensive plan.

**The proposed use of a sign is consistent with the PD-MU zoning district and the adopted Future Land Use Element and PC plan category. The secondary request for additional sign surface area is consistent with the use as a school and proportional to the 21.587 acre size of the property.**

2. The proposed use shall be compatible with surrounding land uses and the general character of the area, considering, without limitation, such factors as traffic, lighting, appearance, and effect on surrounding property values.

**The approval request involves the replacement of an existing 62 sq. ft. pole sign with a 54.6 sq. ft. free-standing sign containing 26 sq. ft. of identification surface area and 28.6 sq. ft. of programmable full color LED displays which could be illuminated to a maximum of 6000 lumens. This level of brightness equates to a level that is three times brighter than an automobile headlight which is considered to be 2000 lumens.**

**Although the proposed level of brightness is considered standard by the sign industry, consideration should be given to the surrounding land uses which are primarily residential as well as the orientation of these buildings. Riviera Palms nursing home is approximately 750 feet north of the proposed sign, the Hammocks at Riviera Dunes is approximately 670 feet south of the proposed sign, and Courtney Assisted Living facility is approximately 267 feet west of the proposed signage across Haben Boulevard which has a R-O-W width of approximately 70 feet.**

**Consideration of the sign's brightness and average change time for messages should also be given to the passing motorists as constant motion could be a distraction to traffic conditions.**

3. The Conditional Use will not adversely impact on the public interest or adjacent property and all necessary alternative measures shall be taken by the applicant to prevent any such impact.

**The major difference between the existing and proposed signs is the electronic message portion which could have an impact on motorists driving along Haben**

**Boulevard. Based on the precedence set in similar approvals, the application of conditions related to hours of operation and brightness levels can be used to mitigate adverse impacts on the public.**

4. The Conditional Use is not discriminatory, considering similar situations in the general area and in past decisions under this article.

**The Conditional Use is not discriminatory. There have been other electronic signs approved, some with conditions. Examples are electronic signs for Manatee County Convention Center and Palmetto High School which were granted CU permits in 2007 and Space Box which was granted a CU in 2010.**

5. The purpose of the requirement is otherwise fully achieved, or more important purposes of this article will be served thereby, or the requirement serves no valid public purpose in the particular case.

**Consideration of the new electronic sign as a Conditional Use achieves the purpose of the requirement, mostly because it elicits discussion of factors not necessarily covered in the applicable regulations.**

6. The proposal shall be consistent with the stated purpose and intent of the applicable district regulations and this article.

**The proposal is consistent with the stated purpose and intent of the PD-MU zoning district regulations which permit consideration of a Conditional Use permit.**

7. The proposal shall comply, where applicable, with the regulations of the zoning district in which the proposed use is most commonly permitted.

**Electronic message signs require a Conditional Use approval in commercial and industrial districts and are prohibited in residential districts. This Conditional Use application for the proposed sign complies with the PD-MU zoning district for an existing school.**

8. The proposal shall not create hazardous vehicular or pedestrian traffic conditions or any other type of unsafe condition.

**Concurring with Manatee County's requirements, animated signs can provide additional distraction to drivers at night and distracting glare through reflecting sunlight during the day creating hazardous vehicular traffic conditions on City streets.**

**Subsequently, if the proposed sign contained an electronic changeable portion, it should not create negative vehicular or pedestrian traffic conditions. The proposed location of this sign complies with the visibility triangle requirements of the City Code.**

**STAFF RECOMMENDATION:**

The following were taken into consideration by staff from the Planning and Building Departments regarding the proposed electronic sign at MSA:

- a) The general character of the immediate area including proximity and orientation of residential uses in the immediate area.
- b) Haben Boulevard is a 4-lane divided arterial. A round-about is proposed approximately 560 feet south of the proposed sign where Haben Boulevard curves at the entrance of the Hammocks at Riviera Dunes. The proposed round-about will result in slower traffic thereby increasing the required change time necessary to avert a traffic hazard.
- c) Other conditional use approvals in the City for electronic signs.
- d) Applicable regulations in nearby jurisdictions.

Staff recommended approval of the proposed Conditional Use permit for an electronic sign and the sign size subject to the following conditions for the changeable copy portion of the sign:

1. Brightness shall not exceed 5000 lumens in the daytime and 1500 lumens at nighttime;
2. Changeable copy display shall not change more than once every thirty (30) seconds.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

The Planning and Zoning Board recommend **APPROVAL WITH THE FOLLOWING CONDITION(S)** the proposed Conditional Use permit.

1. Signage shall be automatically programmed not be illuminated between the hours of 11pm to 6am.
2. The brightness of the sign on the south side shall not exceed 5000 lumen during the day time and 1500 lumen at night time. Brightness of the sign on the north side shall not exceed 6000 lumen in the daytime and 1800 lumen at night time. Brightness of the sign shall be subject to the discretion of the Building Official.
3. Changeable copy display shall not change more than once every 5 seconds.
4. The sign shall be in substantial conformance with the rendering dated 7/6/11 that was presented at the hearing.
5. No video, animation or scrolling.

# LED Pylon Sign

A1.1

B: 2 Rectangular internally illuminated logo cabinets with white plex face and yellow painted aluminum returns and trim caps. 26 SF total.

C: 2 43" x 96" Programmable full color LED Displays with aluminum cabinet housing painted yellow. 28.6 SF total.

D & E: Blue and yellow painted 8" deep pylon support pole with decorative angled housing.

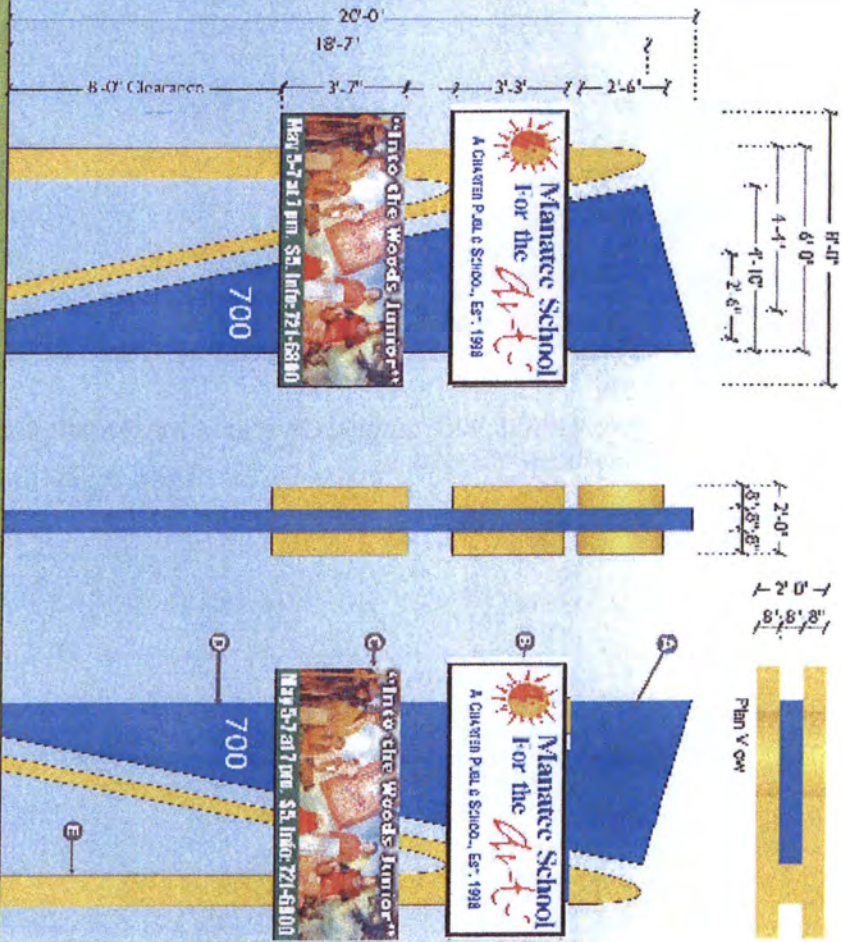
## LED NOTES:

The sign can be set to change at any interval allowed per the City. We recommend a static display for 5 seconds at a time.

No flashing or scrolling.

Proposed daytime brightness not to exceed 6000 Lumens. Proposed night time brightness not to exceed 1800 Lumens. During the day, the sign should be set to 90 % brightness, and in the evenings set to 30-40%.

The sign has automatic and manual dimming capabilities and 256 levels of Brightness Control.



REVISION:

SCALE: 1/4" = 1'

DATE: 7/6/11

CUSTOMER: Manatee School for the Arts

LOCATION: Palmetto, FL

TENANT APPROVAL ☐

LANDLORD APPROVAL ☐

CHANGED AS NOTED ☐

CHANGED AS NOTED ☐

DESIGNED BY: Rebecca

SCALE: 1/4" = 1'

DATE: 7/6/11

CUSTOMER: Manatee School for the Arts

LOCATION: Palmetto, FL

TENANT APPROVAL ☐

LANDLORD APPROVAL ☐

CHANGED AS NOTED ☐

CHANGED AS NOTED ☐



West Coast Signs  
2071 EBR Ave. Cape Coral  
Boca Raton, FL 33431  
P: 941.725.5445  
F: 941.725.4010



## West Coast Signs LED Technical Specs for Manatee School of the Arts

Please reference technical specifications for P-12 being installed at Manatee School of The Arts.

Pixel LED - LED ( 2 x red, 1 x green, 1 x blue )

Pixel Pitch - P-12

Total number of LED - 18,432

Double Faced (d/f) - yes

Matrix - 96 x 192

Dimensions - 3' 9 11/32 " x 7' 1 21/32 "

Auto sensing - yes

Viewing Angle - 150 degrees

NIT Maximum - 7500 NIT Max

Control Computer and software - yes

Wireless communication - WiFi yes

Time and Temperature - yes

Auto & manual dimming - yes

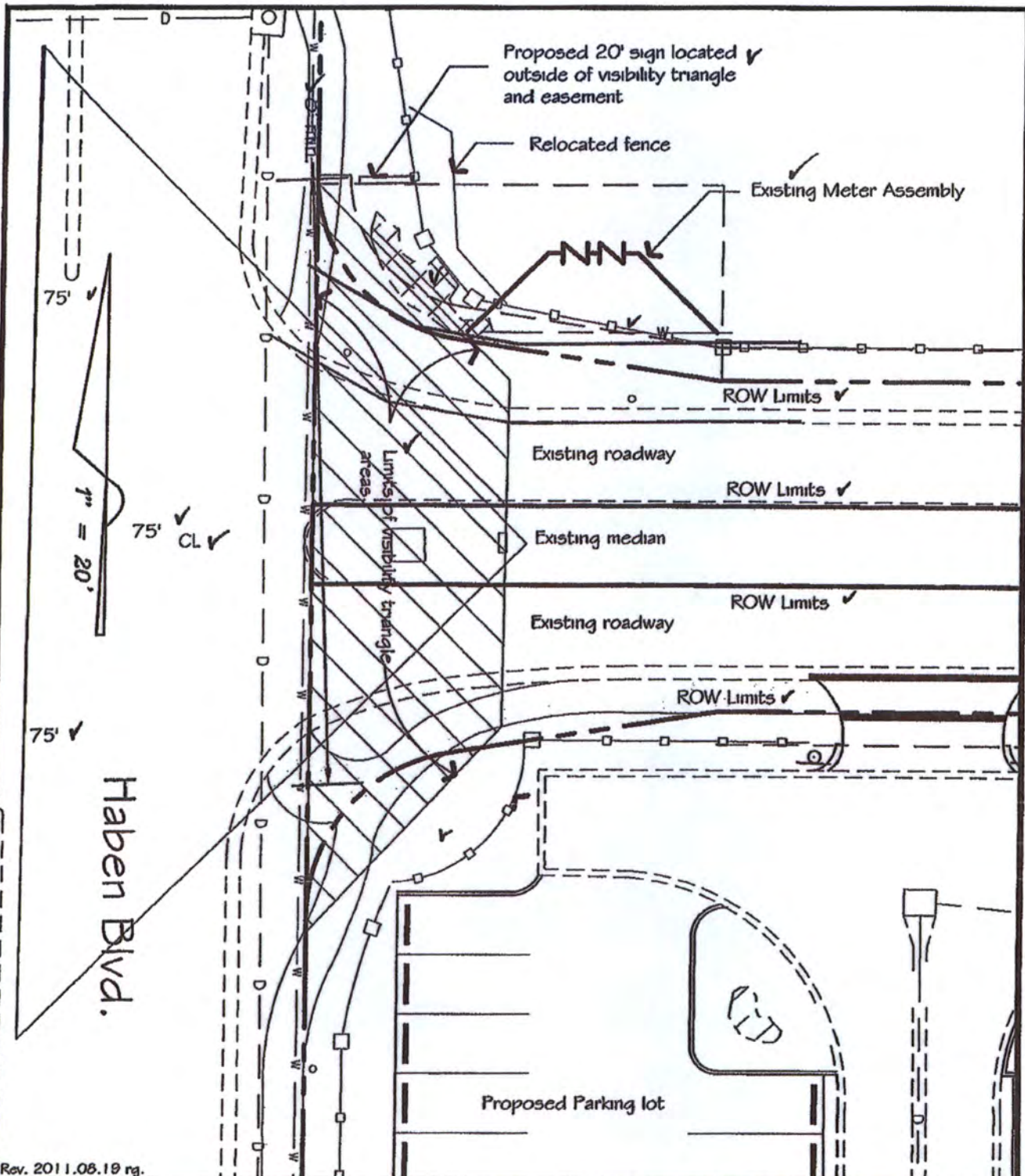
Thermostatically controlled fans used for cooling - yes

LED Lifetime Warranty - 120,000 hrs

Brightness Control - 256 levels

Graphic Compatible - yes - text and full color graphics, live stream and multi font

Windows 7 Pro Series 32 Bit Software Controller



Rev. 2011.06.19 rj.

# MANATEE SCHOOL OF THE ARTS

LOCATED IN:  
SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST  
MANATEE COUNTY, FLORIDA

## SIGN LOCATION DETAIL

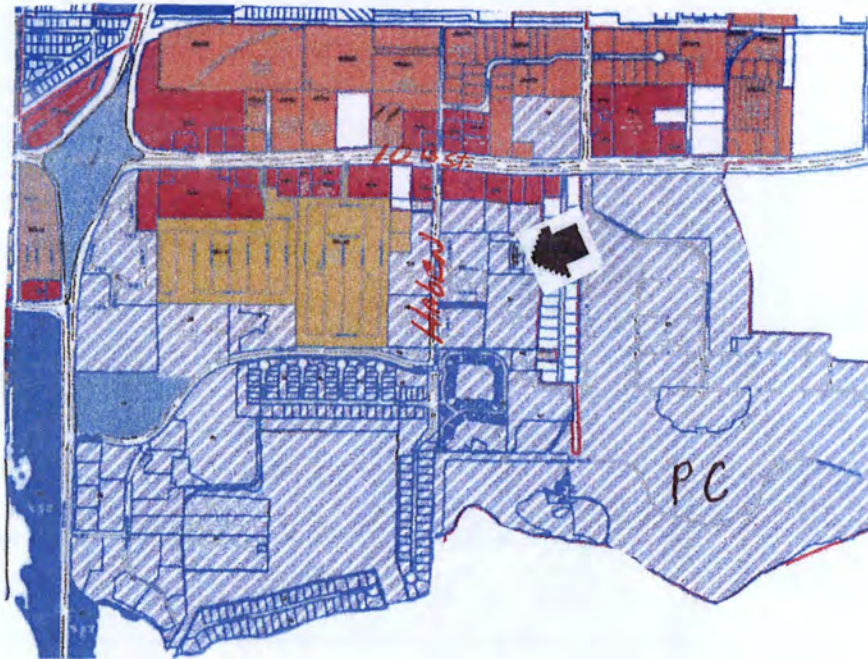


**Allison-**  
**Gause**

SHEET



## CITY OF PALMETTO LAND USE PLAN MAP



## CITY OF PALMETTO ZONING MAP





A) RESOLUTION NO. 2011-24 (read in its entirety)

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES FOR THE CITY OF PALMETTO FOR FISCAL YEAR 2012; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** Commissioner Williams moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Resolution No. 2011-24.

B) RESOLUTION NO. 2011-25 (read in its entirety)

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2012; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 4-1 to adopt Resolution No. 2011-25. Commissioner Williams voted no.

Mayor Bryant announced there would be a five minute recess to allow for a presentation by the applicant for the next agenda topic. Mayor Bryant then departed the meeting.

4. PUBLIC HEARING: MANATEE SCHOOL OF THE ARTS CONDITIONAL USE PERMIT (CU2011-02)

City Planner Lorraine Lyn reviewed the request for an electronic message sign to be located at 700 Haben Blvd. Currently there is a 62 sq. ft. sign on site that was permitted in 2001. The applicant is requesting to replace the current sign with a freestanding 20' high modern, artistic, pole-supporting sign containing 26 sq. ft. of identification surface area and 28.6 sq. ft. of electronic message surface area, totaling 54.6 sq. ft. of surface area, to be located at the north side of the main entrance of the school. The proposed sign is 14.6 sq ft over the maximum 40 feet permitted by sign ordinance.

Ms. Lyn discussed the criteria staff had considered in processing the application. She stated the P&Z Board recommended approval with conditions, as follows:

1. Signage shall be automatically programmed not to be illuminated between the hours of 11:00 p.m. to 6:00 a.m.
2. The brightness of the sign on the south side shall not exceed 5,000 lumens during the daytime and 1,500 lumens at nighttime. Brightness of the sign on the north side shall not exceed 6,000 lumens in the daytime and 1,800 lumens at nighttime. Brightness of the sign shall be subject to the discretion of the Building Official.
3. Changeable copy display shall not change more than once every five seconds
4. The sign shall be in substantial conformance with the rendering dated July 6, 2011 that was presented at the hearing.
5. No video, animation or scrolling.

Jon Moore, architect for and representing Manatee School for the Arts, introduced other individual in attendance: John Boyle, West Coast Signs; Mark DeLisle, Clearview LED Signs; Dr. Bill Jones, Terry DeVine, and Sandy Dietrich, Manatee School of the Arts.

Mr. Moore stated that rather than debate the definition of video, animation and scrolling, it was decided a demonstration of what the school would like to accomplish on the sign would be beneficial. A short presentation of the sign's electronic message capabilities was demonstrated by Mr. DeLisle and Mr. Boyle. Mr. DeLisle explained the top portion of the sign would always highlight Manatee School of the

Arts and the lower portion would be the electronic changeable copy. He also explained some of the technical aspects of the sign.

Dave Kramer, Manatee School for the Arts, was sworn. Mr. Kramer commented on the fact that the farther away a person is from the sign the clearer it becomes. He acknowledged that City public announcements can also be displayed on the sign.

Commission discussed the concerns they have with the proposed sign; size and height, the scrolling messages, illumination, and proximity to residential areas. Mr. Moore estimated the sign is approximately 600 feet from properties to the south, 75 feet from properties to the west, and 1,000 feet from the property to the north. The lumens on the south side of the sign will be 1,500 at night and 2,000 on the north side. The messages will be displayed until 11:00 p.m. when events are occurring, not every night.

Discussion ensued on how legitimate complaints regarding the illumination would be handled by the school. Mr. DeLisle confirmed the illumination can be reduced very simply by computer.

Discussing the size of the proposed sign vs. the signs at Palmetto High and Palmetto Elementary, Mr. Moore stated the current sign on the school site is 35 feet high. Mr. Moore opined the sign size is appropriate, especially for the cars coming south on Haben Blvd.

Discussion ensued on the P&Z stipulation prohibiting video, animation or scrolling. Ms. Lyn confirmed there are no similar signs on Haben Blvd. Ms. Lyn stated the P&Z recommendation for this stipulation was based on the fact there are no other signs in the City that displays animation or video. It was determined that the sign at Riverside Plaza does in fact have video capability. Dr. Jones opined that the other schools in the City have signs that offer animation. Dr. Jones confirmed that the sign will have an advertising component to attract students to the school.

Discussion ensued on the height and scrolling if it becomes a traffic safety hazard. It was suggested that like the sign approved for Palmetto High School, the MSA sign be approved with the stipulation that if the scrolling becomes a safety issue, it would be turned off and the sign would become a standardized sign. Dr. Jones inquired under what authority a complaint would be found to be "legitimate".

Mr. DeLisle informed Commission that the LED portion of the sign will begin at 8 feet to conform to the Manatee County sign ordinance, which now prohibits LED's in monument signs.

Dr. Jones confirmed the sign has sound capability, but there are no plans to use it at this time. Attorney Barnebey stated a stipulation regarding sound can be added to the permit.

Discussion ensued on the fact the Conditional Use Permit will run with the land unless abandoned. Attorney Barnebey suggested that Commission can place a stipulation on the use that if the building is not used as an educational facility for a six-month period the sign must be removed.

John Boyle confirmed that the center box on the rendering will not be used. Mr. Moore was advised that a new rendering will have to be supplied showing that the third box has been removed.

Discussion ensued on P&Z stipulation #2 naming the Building Official responsible for monitoring the brightness of the sign. Ms. Lyn reported that P&Z is concerned that stipulations placed on previously approved signs are not being enforced. Commission determined that Code Enforcement should also be assigned to monitor conditions placed on the sign.

Mayor Bryant departed the meeting.

Mr. Moore confirmed that the sign will be placed on the property as stipulated by the P&Z Board. He also confirmed the sign may be used for governmental announcements.

Vice Mayor Zirkelbach inquired if Commission would consider deleting stipulation #5 and revisit the topic with the school should a legitimate complaint be received. Commissioner Cornwell stated she will not support the sign if stipulation #5 is dropped; however, she would support it if it is approved (like Palmetto High) as a test for 90 days. Commissioner Varnadore stated she will not support the sign, citing the difference in size and scrolling used by the other schools and because she doesn't think electronic signs are in the best interest of the City, especially at night.

Attorney Barnebey confirmed stipulation #5 would prevent animation, graphics and scrolling. He voiced concern with stipulation #2 because it does not give the Building Official a standard to use in determining brightness of the sign. He further recommended that the Palmetto High stipulation not be used because the applicant needs to know what approval is being granted.

Commissioner Williams stated he is in favor of removing stipulation #5. He inquired about a possible discrimination between this sign and other signs. Attorney Barnebey stated that distinguishing characteristic between where the signs are located must be considered. If there are not differences then Commission should treat the signs differently. A fact that should be considered is this sign being located farther away from residential areas than the Palmetto High and Palmetto Elementary school signs, as an example. He voiced he is still concerned about music being emitted from the sign.

Commissioner Lancaster stated she needs to know the conversation that occurred during the P&Z Board review before she can make a decision about the sign. She also asked for studies that may be available related to electronic signs and accidents. She said she is not against the sign but she won't know about the brightness of the sign until the sign is operational. She agreed that there should be no sound. Vice Mayor Zirkelbach offered his firm's light meter to measure the brightness. Commissioner Lancaster opposed only the Building Official monitoring the sign; Code Enforcement should also be involved. She was not in favor of removing stipulation #5.

Vice Mayor Zirkelbach opened the public hearing. After no public comment, Vice Mayor Zirkelbach closed the public hearing.

Attorney Barnebey offered the following definition to be included in stipulation #2 regarding the measurement of the brightness of the sign: The brightness of the sign shall be reduced subject to the discretion of the Building Official or Code Enforcement Officer, if objectionable at the property line, based on a reasonable person's standard. He concurred that the stipulation contained a numeric standard by which the brightness can be measured.

Commissioner Cornwell reiterated that the concern [of three members of the Commission] is the movement component of the sign. She stated that if the school is not willing to try the sign for the probationary period, she will have to accept the P&Z stipulations. She stated that like Palmetto High School, if no complaints are received and there are no traffic accidents [attributed to the animation of the sign], she is "good with it and it can run 24/7". Vice Mayor Zirkelbach confirmed that after the 90-day probation, the school is "off the hook" regarding the animation, but will always be "on the hook" regarding the illumination. Commissioner Williams repeated the condition; if issues arise during the 90-day period, then the sign would have stationary information; issues would be decided by the Building Official, Code Enforcement, or the Chief of Police. Dr. Jones stated he could not agree; it "was way too arbitrary and capricious".

Mr. Tusing suggested that with the closing of the roadway for the roundabout construction, a 90-day probationary period should start at the completion of the construction.

Commissioner Varnadore suggested that the Commission needs to either accept the sign, or not; hard to place stipulations on the sign.

Chief Wells opined that the Commission would have to look at the accident reports in totality to determine the negative impact of the sign. Attorney Barnebey stated it will be very difficult to develop a

measurement relating to traffic accidents. Dr. Jones suggested that the school give notice of when the sign is installed and then 90 days later the Commission could get reports from the Chief of Police, Building Official and Code Enforcement. Chief Wells stated that the problem with the data he could provide would be the contributing cause of the crashes. Commissioner Cornwell opined the data could provide a quantitative measure that would be attributed to the sign. Chief Wells suggested that the police department would look at a 25% increase in traffic accidents.

Commissioner Varnadore inquired what enforcement the City could use if the applicant refused to turn off the [moveable component] sign if so directed by the City. Attorney Barnebey agreed it is difficult to tie this particular issue to a stipulation; any of the areas under discussion could have potential issues. He suggested that the City could possibly issue a temporary use permit for 90 days and then hold a public hearing to review issues related to video, animation and scrolling. At that hearing the City could also place additional stipulations that may prohibit those uses. He stated "that is a very unusual stipulation" and he was "not very excited about it". He also opined that Commission needs to address the subject of electronic signs as quickly as possible.

Mr. Kramer recapped the discussion, stating the issue of the light and sound had been resolved, the only issue remaining is the motion. The concern is that if there is a significant increase in auto accidents during the 90-day period that the school may have to make adjustments; discontinue the motion but keep the sign. The measurable standard during the 90 days would be a 25% increase in accidents directly related to the sign.

Vice Mayor Zirkelbach announced that the public hearing had been closed.

**MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 3-2 to continue the issue until September 26, 2011. Commissioners Williams and Zirkelbach voted no.**

Commissioner Cornwell asked for the data referring to electronic signs' cause and effect and either hear the audio from the P&Z Board meeting as a Commission or have a representative from the Board present at the meeting. Attorney Barnebey confirmed the American Planning Association has performed studies on this issue.

Attorney Barnebey reminded Commission and the participants from the school that the public hearing has been closed on this topic and another hearing will not be held until September 26, 2011.

**MOTION: Commissioner Varnadore moved to reconsider the vote to continue the item to September 26, 2011. Commissioner Williams seconded.**

Attorney Barnebey commented that it is possible someone has left the meeting thinking the meeting was continued to September 26, 2011, they will not know the action on the floor has happened.

**Motion on the floor carried 4-1. Commissioner Cornwell voted no.**

**MOTION: Commissioner Williams moved and Commissioner Zirkelbach seconded to approve the installation of the sign with the conditional use requirements, eliminating #5, adding a no music or noise emitting device, and requiring a 90 day after installation review of the traffic conditions during that 90-day period, for video animation only.**

Attorney Barnebey stated that if there is support for the motion as stated that the Commission should break to allow him time to write the condition, or recess this portion of the hearing.

**Commissioner Williams withdrew his motion and Commissioner Zirkelbach withdrew his second to the motion on the floor.**

Vice Mayor Zirkelbach recessed this part of the agenda.

**5. 1<sup>st</sup> READ: ORDINANCE NO. 2011-21 (L. Lyn)**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 4.3 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 2007 21<sup>ST</sup> STREET WEST, PALMETTO; AND MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (AN #2011-03 Applicants: Pamela Roy, Brian and Heidi Allwood)

**MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 5-0 to schedule Ordinance No. 2011-21 for a public hearing October 3, 2011.**

**6. 1<sup>st</sup> READ: ORDINANCE NO. 2011-22 (L. Lyn)**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, APPROVING A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF PALMETTO COMPREHENSIVE PLAN BY REDESIGNATING APPROXIMATELY 4.3 ACRES OF PROPERTY GENERALLY LOCATED AT 2007 21<sup>ST</sup> STREET WEST, FROM RESIDENTIAL-3 (COUNTY) TO RESIDENTIAL 4 (CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (PA-2011-03 Applicants: Pamela Roy, Brian and Heidi Allwood)

**MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 5-0 to schedule Ordinance No. 2011-22 for a public hearing October 3, 2011.**

**7. 1<sup>st</sup> READ: ORDINANCE NO. 2011-23 (L. Lyn)**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; REZONING APPROXIMATELY 4.3 ACRES OF PROPERTY GENERALLY LOCATED AT 2007 21<sup>ST</sup> STREET WEST, PALMETTO, FROM SUBURBAN AGRICULTURE (A-1) (COUNTY) TO PLANNED DEVELOPMENT HOUSING (PD-H) (CITY); REZONING APPROXIMATELY 3.68 ACRES OF PROPERTY GENERALLY LOCATED AT 2011 21<sup>ST</sup> STREET WEST, PALMETTO, FROM ESTATE RESIDENTIAL (ER) TO PLANNED DEVELOPMENT HOUSING (PD-H); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-2011-03 Applicants: Charles and Pamela Roy, Brian and Heidi Allwood)

**MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 5-0 to schedule Ordinance No. 2011-23 for a public hearing October 3, 2011.**

**8. 1<sup>st</sup> READ: ORDINANCE NO. 2011-24 (L. Lyn)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A GENERAL DEVELOPMENT PLAN AND PRELIMINARY PLAT FOR 8.01 ACRES OF PROPERTY GENERALLY LOCATED AT 2007 AND 2011 21<sup>ST</sup> STREET WEST, PALMETTO, AND LOCATED IN THE PLANNED DEVELOPMENT – HOUSING (PD-H) ZONING DISTRICT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP-2011-03 Applicants: Charles and Pamela Roy, Brian and Heidi Allwood)

**MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 5-0 to schedule Ordinance No. 2011-24 for a public hearing October 3, 2011.**

Commissioner Varnadore left the meeting.

**9. 1<sup>st</sup> READ: ORDINANCE NO. 2011-25 (L. Lyn)**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 0.7 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 700 17<sup>th</sup> STREET WEST, 702 17<sup>th</sup> STREET WEST AND 1703 7<sup>th</sup> AVENUE WEST, PALMETTO; MORE PARTICULARLY DESCRIBED AS LOTS 1, 18, 19 AND 20, BLOCK 1, ORANGE PARK SUBDIVISION (PLAT BOOK 2, PAGE 137); PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (AN #2011-04 Applicant: Varnadore Properties, LLC)

**MOTION:** Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 4-0 to schedule Ordinance No. 2011-25 for a public hearing October 3, 2011. Commissioner Varnadore was absent for the vote.

**10. 1<sup>st</sup> READ: ORDINANCE NO. 2011-26 (L. Lyn)**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF PALMETTO COMPREHENSIVE PLAN BY REDESIGNATING APROXIMATELY 0.7 ACRES OF PROPERTY GENERALLY LOCATED AT 700 17<sup>th</sup> STREET WEST, 702 17<sup>th</sup> STREET WEST, AND 1703 7<sup>th</sup> AVENUE WEST, PALMETTO, FROM RETAIL/OFFICE/RESIDENTIAL (COUNTY) TO GENERAL COMMERCIAL (CITY); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (PA #2011-04 Applicant: Varnadore Properties, LLC),

**MOTION:** Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 4-0 to schedule Ordinance No. 2011-26 for a public hearing October 3, 2011. Commissioner Varnadore was absent for the vote.

**11. 1<sup>st</sup> READ: ORDINANCE NO. 2011-27 (L. Lyn)**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; REZONING APPROXIMATELY 0.7 ACRES OF PROPERTY GENERALLY LOCATED AT 700 17<sup>th</sup> STREET WEST, 702 17<sup>th</sup> STREET WEST AND 1703 7<sup>th</sup> AVENUE WEST, PALMETTO FROM GENERAL COMMERCIAL (GC) (COUNTY) TO COMMERCIAL GENERAL (CG) (CITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-2011-04 Applicant: Varnadore Properties, LLC)

**MOTION:** Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 4-0 to schedule Ordinance No. 2011-27 for a public hearing October 3, 2011. Commissioner Varnadore was absent for the vote.

**12. 1<sup>st</sup> READ: ORDINANCE NO. 2011-28 (L. Lyn)**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, VACATING A PLATTED SEWER AND WATER EASEMENT LOCATED ALONG THE REAR 5 FEET OF LOTS 1, 2, 3, 18, 19, AND 20, BLOCK 1, ORANGE PARK SUBDIVISION (PLAT BOOK 2, PAGE 137), GENERALLY LOCATED NORTH OF 17<sup>th</sup> STREET WEST BETWEEN 7<sup>th</sup> AVENUE WEST AND 8<sup>th</sup> AVENUE WEST, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR RECORDATION; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (VAC-2011-02 Applicant: Varnadore Properties, LLC)

**MOTION:** Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 4-0 to schedule Ordinance No. 2011-28 for a public hearing October 3, 2011. Commissioner Varnadore was absent for the vote.

13. AUGUST CHECK REGISTER (Informational only)

14. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

No report.

15. ASR WELL UPDATE

Mr. Tusing reported he, Mr. DiAuto and the City engineer had met with FDEP staff members, who were very helpful with technical aspects of the project. They would like to see this go forward and will assist the City through the process.

Commissioner Varnadore returned to the meeting.

16. DEPARTMENT HEADS' COMMENTS

No reports.

17. MAYOR'S REPORT

18. COMMISSIONERS' COMMENTS

Mrs. Lancaster

Stated that she had looked at 13<sup>th</sup> Avenue and opined that an estimate should be obtained because every City street should be maintained.

Ms. Cornwell

Commissioner Cornwell agreed with Commissioner Lancaster regarding 13<sup>th</sup> Avenue. She suggested it should be reviewed as the City moves forward with the CIP. Mr. Tusing will obtain an estimate on paving the street.

Speaking of the recent shooting, Chief Wells assured Commission that when the case is completed he will discuss it with them. Commissioner Cornwell requested that information be provided on what other cities are doing so this type of crime can be prevented in the future.

Mr. Williams

Discussed his understanding that the homeowners did not want to pay for having 13<sup>th</sup> Avenue paved. Mr. Tusing stated that unless the policy has been changed by Commission, the expense of the project would be split between the property owners and the City. He discussed the process the City would have to follow regarding the potential paving.

Ms. Varnadore

Mr. Tusing stated he is not aware of a reply from Manatee County regarding the letter sent from the City supporting potential fields for the Little League at Blackstone Park.

She is the team leader for the Manatee Glens Walk for Life event scheduled for September 24, 2011. Participants can sign up with a \$25 registration fee, or donations can be made for the event.

Mr. Zirkelbach

Regarding Palm Lakes issues, he thanked the police for more activity. Mr. Tusing will report back on the white PVC fence the City painted brown to remove graffiti.

**19. PUBLIC COMMENT**

No comments.

Vice Mayor Zirkelbach reopened item #4, Manatee School for the Arts Conditional Use Permit 2011-02.

Attorney Barnebey reviewed the stipulations, as follows:

1. Signage shall be automatically programmed not to be illuminated between the hours of 11:00 p.m. to 6:00 a.m.
2. The brightness of the sign on the south side shall not exceed 5,000 lumens during the daytime and 1,500 lumens at nighttime. Brightness of the sign on the north side shall not exceed 6,000 lumens in the daytime and 1,800 lumens at nighttime. Brightness of the sign shall be measurable at the property line. Brightness of the sign may be required to be reduced at the discretion of the building Official or Code Enforcement Officer, if the brightness is objectionable based on a reasonable person's standard.
3. Attorney Barnebey recommended deletion because the changeable copy will be addressed in a new stipulation.
4. The sign shall be in substantial conformance with the rendering dated July 6, 2011 that was presented at the hearing.
5. Attorney Barnebey recommended deletion because the video, animation and scrolling will be addressed in a new stipulation
6. Attorney Barnebey recommended a new stipulation #6 to read: No sound shall be emitted from the sign.

Commission concurred to the stipulations thus far reviewed by Attorney Barnebey.

7. Attorney Barnebey recommended a new stipulation #7 to read: This Conditional Use Permit is valid until the first regular meeting of the City Commission held 90 days after the installation and beginning of operation of the sign. The applicant shall notify the City of the sign becoming operational. At the first regular meeting after the end of the 90-day period, the City shall hold a public hearing, noticed at the expense of the applicant. At this subsequent public hearing, the City shall review any issues related to the changeable copy, video, animation and scrolling messages or displays on the sign, and shall approve a permanent revised Conditional Use Permit, which may have conditions placed on the ability to use changeable copy, video, animation or scrolling displays or messages on the sign. This may include a complete prohibition of such types of displays or messages, or other appropriate restrictions. No other conditions with this Conditional Use Permit may be modified at this subsequent public hearing.
8. The sign shall be made available for public messages related to emergencies and other important public announcements.
9. In the event the school is no longer in operation for a period of six months, the Conditional Use Permit terminates and the sign shall be removed.

Attorney Barnebey did not feel it was necessary to stipulate in the permit that dated material being displayed had to be removed from the sign. He suggested the school would rectify the situation if it should ever arise.

Attorney Barnebey confirmed that the duration of the time between messages will be considered when the item is reviewed by Commission at the end of the probation period.



**MOTION: Commissioner Williams moved and Commissioner Zirkelbach seconded [to approve the stipulations as read by Attorney Barnebey]. Motion carried 4-1. Commissioner Varnadore voted no.**

Meeting adjourned at 10:05 p.m.

Minutes approved: September 26, 2011

*James R. Freeman*

James R. Freeman  
City Clerk