

Tab 2

MCDONALDS SIGN CONDITIONAL USE
CU-08-02

Staff Report
Conditional Use Permit (CU0802)
McDonald's Sign
699 10th Street East

BACKGROUND:

The McDonalds Restaurant located at 699 10th Street East has existed since 1980. The existing sign was also constructed at that time. In 2007, McDonalds applied for site plan approval to remove the existing restaurant and replace it with a new prototype store. The plans indicated that the existing 80' +/- pole sign was proposed to remain. The sign does not conform to the current Land Development Code (LDC) sign height limitation of 30 feet. The removal and replacement of the restaurant building constitutes a substantial improvement to the property. The site must comply with all requirements of the LDC, including the sign height limitation. As such, the nonconforming sign is required to be removed.

McDonalds has indicated that the sign is an integral part of the economic survival of the restaurant. Removal of the sign translates to the possible elimination of McDonalds at this location. The existing restaurant may be renovated allowing the sign to remain provided that the renovation improvements do not constitute a substantial improvement. The applicant has identified the necessity of keeping the sign in the attached narrative.

Staff approved the site plan conditioned upon removal of the sign. Section 3-154 of the Sign Ordinance (see attached) allows a pole sign in excess of 30' with the approval of a conditional use permit. The applicant has opted to apply for the Conditional Use Permit prior to removing the existing building. Action of this request will determine their ultimate plans for the property.

GENERAL LOCATION/PARCEL SIZE:

Location: 699 10th Street East

EXISTING LAND USE/ZONING CATEGORY:

Future Land Use: GCOM (General Commercial)
Zoning: CG (Business Light Commercial)

REQUESTED APPROVAL

A conditional use permit may be issued for the establishment of a sign in excess of the 30' height limitation pursuant to Section 3-154 of the Land Development Code. Allowing the existing sign to remain cannot create an unsafe condition or be detrimental to health safety and welfare of the general 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. **A sign is critical to the success of the restaurant. The proposed request is consistent with the review criteria of the CG zoning district and GCOM future land use designation.**
- (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 sign has existed in its current state since 1980. The sign could be considered distracting to drivers on US 41, but that seems to be the applicant's point of allowing it to remain. There are a substantial number of residences that have been built in close proximity that were not constructed prior to the sign's original installation. Because the many of the homes were constructed after the sign, it would appear that there have been no detrimental affect on property values.**
- (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 sign has been in place for 28 years. There do not appear to have been any adverse impacts on the public interest or adjacent properties in that time. There is no reason to believe that any adverse impacts will be created by allowing the sign to remain.**
- (4) The conditional use is not discriminatory, considering similar situations in the general area and in past decisions under this article. **This request is not discriminatory in terms of considering similar situations in the general area. The Burger King and Wendy's signs are also higher than 30'. However, this is the first application for conditional use permit approval to allow any of these signs to remain. If either previously mentioned restaurant wants to rebuild, they may consider the decision of this request as providing precedence in their own application.**

- (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. **The requirement provides a valid public purpose in that Palmetto probably does not want multiple 80 foot high signs. However, the circumstances surrounding the approval of this request may be justified with the pre-existing condition. Applicants for other new commercial uses cannot make the same claim, except Burger King and/or Wendy's.**
- (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 stated purpose and intent of the CG zoning district regulations.**
- (7) The proposal shall comply, where applicable, to the regulations of the zoning district in which the proposed use is most commonly permitted. **The sign is supportive of the use of land as a restaurant as a permitted use of land.**
- (8) The proposal shall not create hazardous vehicular or pedestrian traffic conditions or any other type of unsafe condition. **The sign is purposely designed to capture the attention of passing motorists. There have not been an unusually high number of accidents in close proximity to the sign. Due to the height, there is no cross visibility danger at the entrance to the restaurant.**

STAFF RECOMMENDATION:

The existing sign has been in existence for many years. Some may consider the sign a landmark in Palmetto. On the other hand, other businesses have been established within close proximity of McDonalds and have complied with the sign height limitation. The sign ordinance has an amortization provision that applied to all nonconforming signs. Evidently this provision was ignored at the time it was to take effect. This sign, along with others including Burger King and Wendy's, would have been removed in 1993 if enforced. Planning staff is in the process of revising the LDC, including the signage requirements. The existing amortization provision has not been enforced. It is the opinion of staff that the denial of this application can be questioned against the lack of enforcement of the existing regulations. It can be construed that the approval of this application would validate the continued existence of the sign despite the amortization provision. As such, staff recommends approval of this request.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board shall recommend **APPROVAL, APPROVAL WITH CONDITIONS, or DENIAL** of the proposed conditional use permit.

CITY COMMISSION

The City Commission shall **APPROVE, APPROVE WITH CONDITIONS or DENY** the proposed conditional use permit.

Attachments:

Applicants Material

MANATEE COUNTY
PROPERTY APPRAISER

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PARID: 2601420009
MCDONALDS RESTAURANTS OF

699 10TH ST E

CURRENT RECORD

1 of 2

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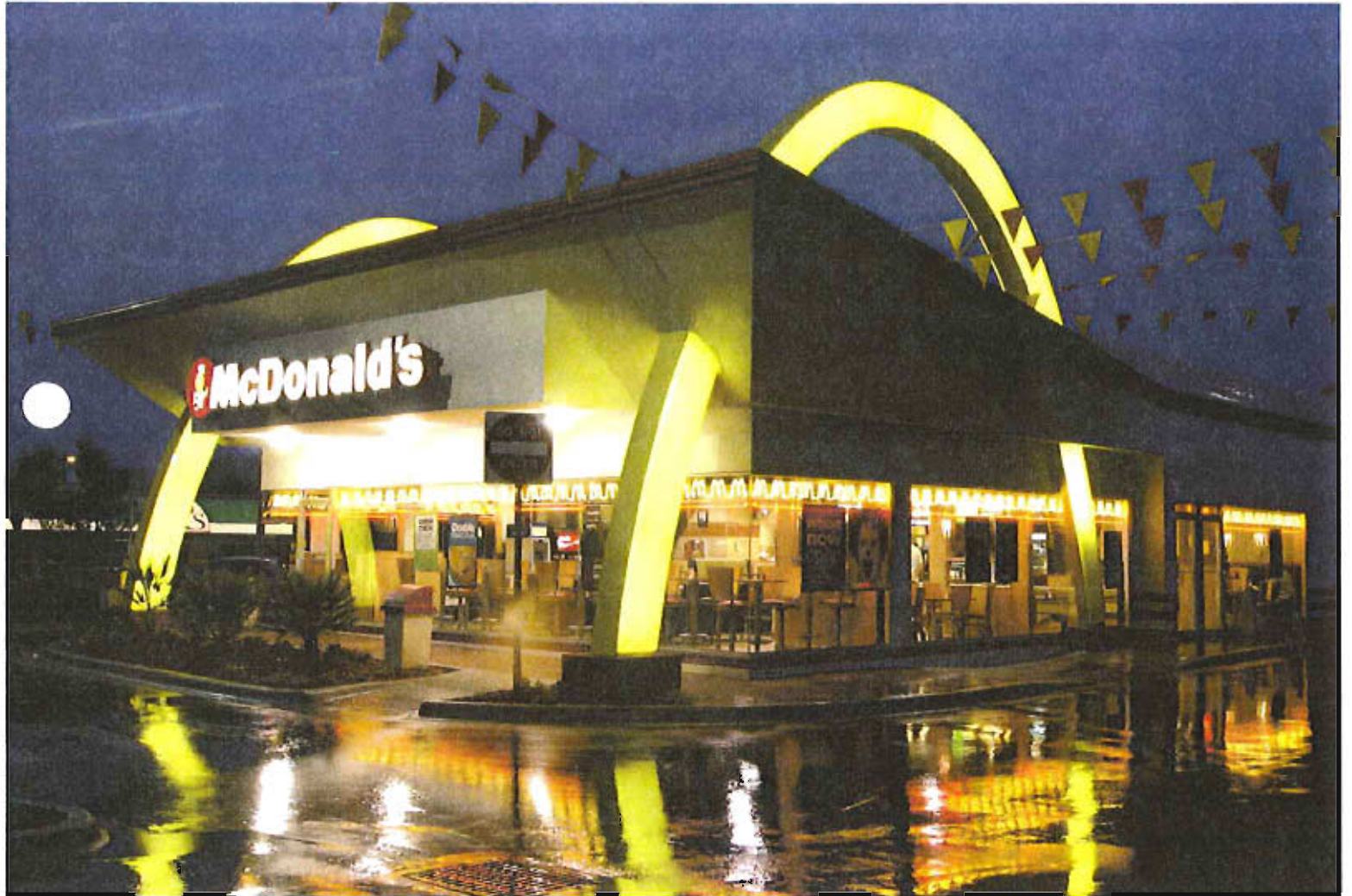
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Manatee County
Last GIS Data Update: 1-Apr-2008







McDonald's Restaurant
Attachment to the City of Palmetto Petition for Conditional Use Permit

Purpose

McDonald's is requesting a Conditional Use Permit to keep its existing pylon sign. McDonald's proposes to demolish and reconstruct a new 4,553 square foot McDonald's restaurant and the required site support elements to serve it. The signage is a critical element to the store's success. McDonald's thought that it would be allowed to remain as-is as long as they did not modify the sign.

Reasons

1. The existing sign was installed at its current height to draw business from US 41. That traffic has been and continues to be critical to the success of the restaurant. The fast food industry is extremely competitive and the loss of the signage would be a tremendous loss.
2. The sign is compatible with the surrounding land uses and the general character on the area. Factors such as traffic, lighting, and appearance are not diminished in any way. The surrounding properties are commercial properties and a mobile home park.
3. The conditional use will not adversely impact on the public interest or adjacent property. The legally permitted sign has been in place since 1980 and there has not been any known negative impact to anyone in the community. It is our position that this sign does not harm the public.
4. The conditional use is not discriminatory, considering similar situations in the general area and in past decisions under this Ordinance. There are other businesses with signs similar to McDonald's. They have chosen to limit the financial reinvestment so that they can preserve their existing signage.
5. The site will comply with the Sign Code in ALL other respects. New permits will be obtained for all other signs.
6. This request is consistent with the stated purpose and intent of the applicable district regulations and this Ordinance. It also meets the intent of the Enterprise Zone. A well-designed, optimally visible, and appropriately-placed sign fosters a partnership with the municipality and the chance to create financial opportunities for both the business and the community. The revitalization of the site and the area helps to promote a healthy tax base.
7. A conditional use permit would comply with the regulations of the zoning district.

DIVISION 5. COMMERCIAL ZONED DISTRICTS

Sec. 3-154. Pole signs.

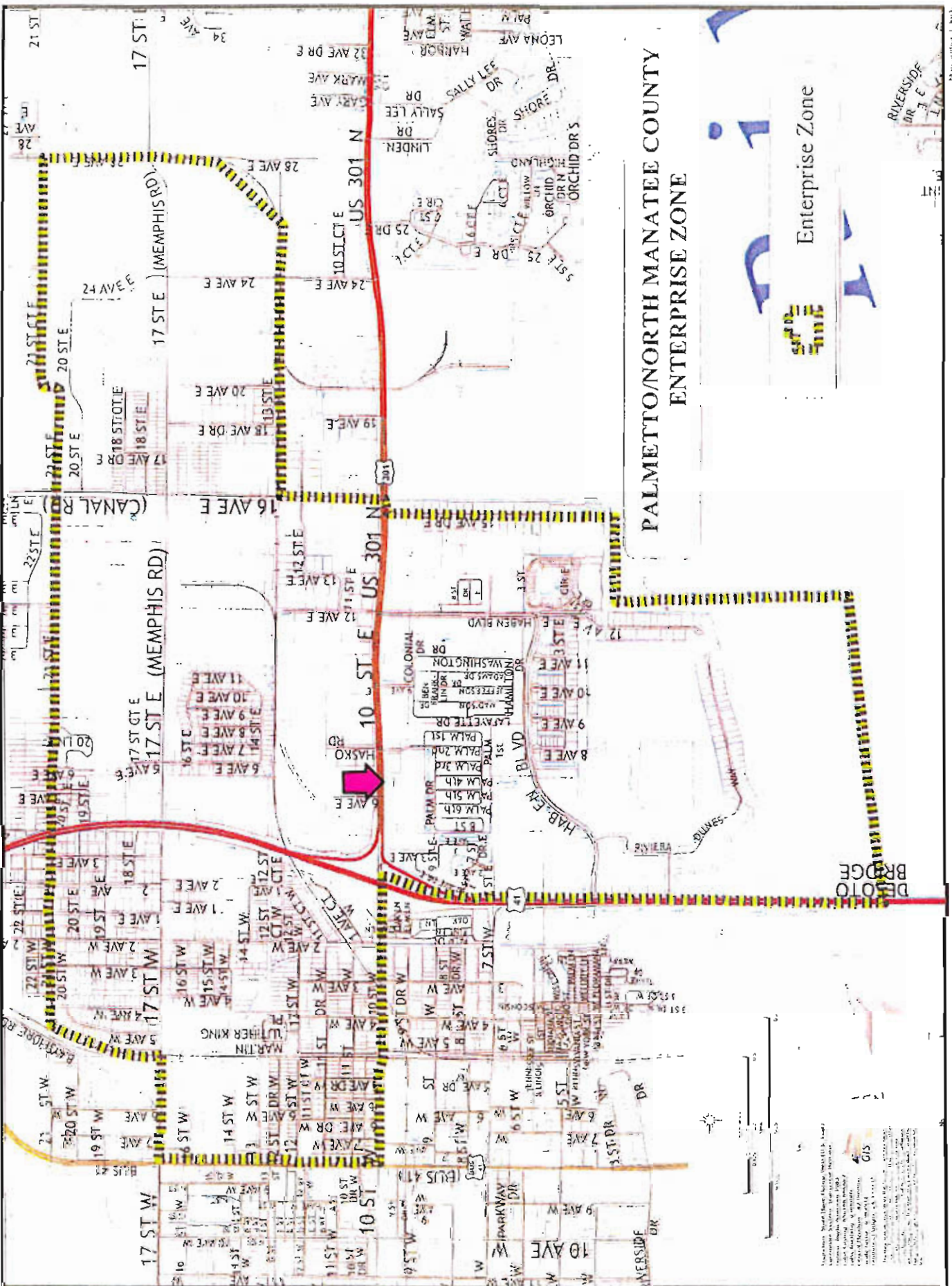
(a.) One (1) pole sign shall be permitted in commercial zoned districts for each individual commercial use, excluding commercial uses in an integrated commercial shopping center, provided that it shall not:

- (1) Exceed forty (40) square feet in surface area;
- (2) Overhang any public right-of-way or interfere in the clear site triangle;
- (3) Exceed thirty (30) feet in height above the average grade of the lot.

(b.) The provisions of subsections (1) and (3) above may be exceeded upon issuance of a conditional use permit.

8. The proposal will not create hazardous vehicular or pedestrian traffic conditions or any other type of unsafe condition. The additional height over that allowed by Code gives drivers more time to negotiate lane changes and thereby increases safety.





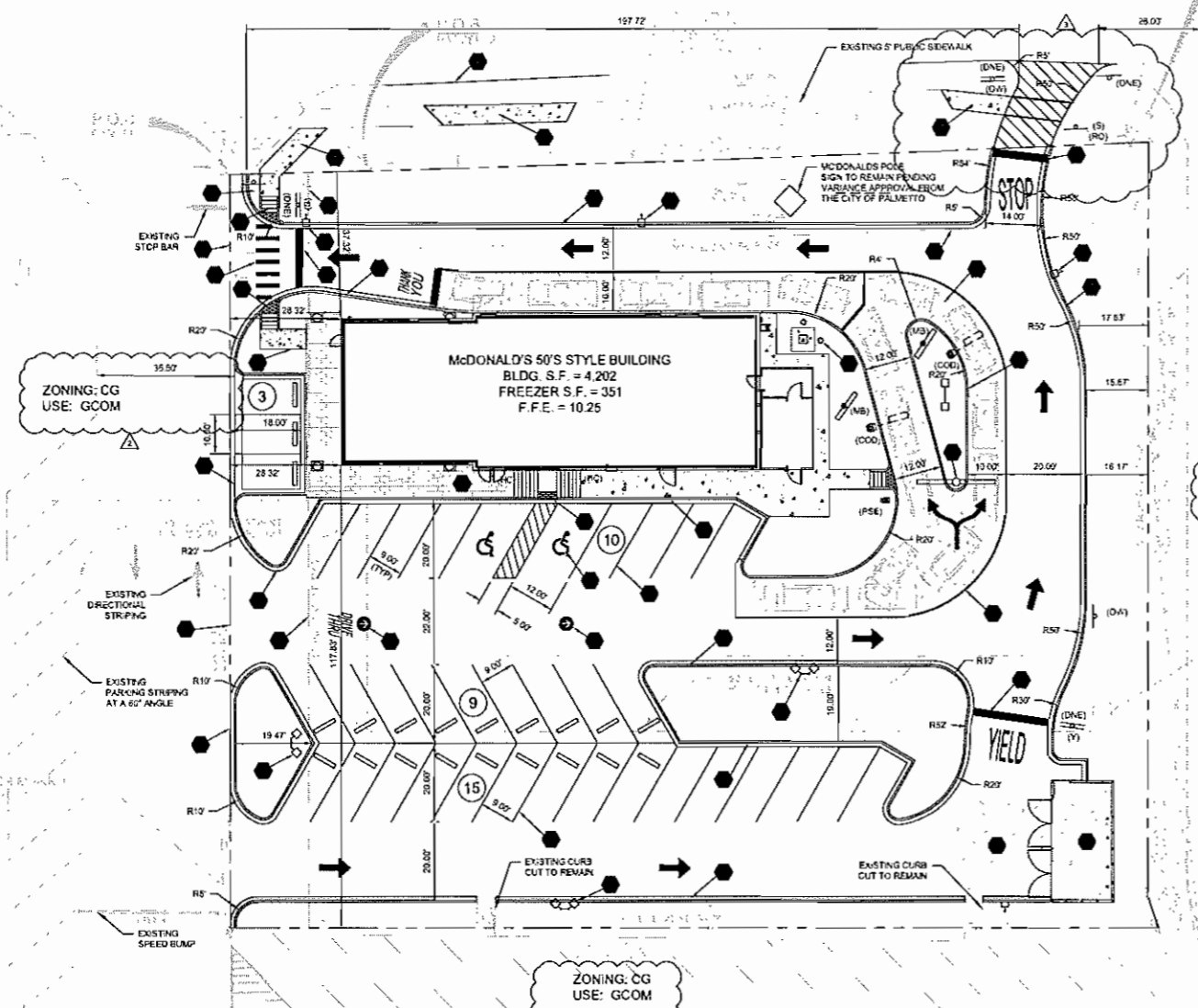
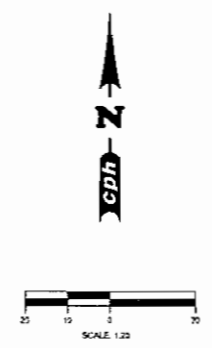
**PALMETTO/NORTH MANATEE COUNTY
ENTERPRISE ZONE**



Enterprise Zone

Map of Palmetto, North Manatee County, Florida, showing the Enterprise Zone. The map is based on data from the Palmetto Planning Commission and the Manatee County Planning Department. The Enterprise Zone is located in the northern part of Palmetto, Florida, and is bounded by US 301 N and various residential streets. The map shows the layout of streets, including US 301 N, 10 St E, 17 St E, 20 St E, and several residential streets like Palm 1st, Palm 2nd, and Palm 3rd. A pink arrow points to a specific location on the map. A scale bar and north arrow are located in the bottom right corner.

C/I U.S. HIGHWAY No. 301
 (STATE ROAD NO. 43)
 (150' PUBLIC RIGHT-OF-WAY PER
 FDOT RIGHT-OF-WAY MAP SECTION No. 1302-(104) 202
 DATED 7/27/54)



SITE DATA

STATEMENT OF INTENT
 THE OWNER PROPOSES TO CONSTRUCT A NEW 4,553 S.F. MCDONALD'S DRIVE THRU RESTAURANT AND THE REQUIRED SITE SUPPORT ELEMENTS TO SERVE IT

SITE ADDRESS: 699 10th STREET E. (US 301)
PARCEL ID NUMBER: 200142009
SITE TOTAL AREA: 45,947 S.F. (1.05 AC ±)
EXISTING LAND USE: FAST FOOD WITH DRIVE THRU
PROPOSED LAND USE: FAST FOOD WITH DRIVE THRU
EXISTING USE: MCDONALD'S RESTAURANT
PROPOSED USE: MCDONALD'S RESTAURANT
MAX. BUILDING HEIGHT: 17'-2"
TOTAL BUILDING AREA: 4,553 S.F.
PROPOSED AREA CALCULATIONS

BUILDING AREA	4,202 S.F.	(9.3%)
FREEZER AREA	351 S.F.	(0.7%)
PERVIOUS AREA	11,478 S.F.	(25.0%)
IMPERVIOUS AREA	34,469 S.F.	(75.0%)
TOTAL	45,947 S.F.	(100.0%)

EXISTING IMPERVIOUS AREA: 37,658 S.F. (82.3%)
NET REDUCTION IMPERVIOUS AREA: 3,387 S.F. (7.3%)
REQUIRED PERVIOUS AREA: 29.0%

BUILDING SETBACKS

	REQUIRED	PROPOSED
NORTH	27'	42'
WEST	20'	85'
EAST	0'	12'
SOUTH	0'	117'

LANDSCAPE SETBACKS

	REQUIRED	PROPOSED
NORTH	8'	13.47'
WEST	0'	02'
EAST	8'	18.17'
SOUTH	0'	8.58'

FLOOR AREA RATIO: 9.91%

PLANNING

SUBJECT SITE	CG (COMMERCIAL GENERAL)
NORTH	R27 (RIGHT OF WAY)
EAST	M2-P1 (MOBILE HOME PARK)
SOUTH	CG (COMMERCIAL GENERAL)
WEST	CG (COMMERCIAL GENERAL)

FLOOD ZONE
 THE ABOVE DESCRIBED PROPERTY APPEARS TO BE IN ZONE "X" IN ACCORDANCE WITH THE FIRM MAP OF MANATEE COUNTY, COMMUNITY PANEL NUMBER 120153 D12138 MAP REVISED 03/15/18A

LEGEND (PROPOSED)

- (S) STOP SIGN (R1-1) SEE SHEET C-9
- (DN) DO NOT ENTER SIGN (R3-1) SEE SHEET C-9
- (HC) HANDICAP SIGN (F1P-20-04) SEE SHEET C-9
- (OW) ONE WAY SIGN (R8-1L) SEE SHEET C-9
- (Y) YIELD SIGN (R1-2) SEE SHEET C-9
- (RT) RIGHT TURN ONLY SIGN (F1P-43) SEE SHEET C-9
- (M) MENU BOARD
- (OC) CUSTOMER ORDER DISPLAY SPEAKER
- (PS) PRE-SELL MENU BOARD (DISPLAY ONLY)
- (E) ELECTRICAL TRANSFORMER
- (D) DIRECTIONAL SIGN
- (L) SITE LIGHTING
- (DL) DETECTOR LOOP
- (OW) ORDER WINDOW
- (PW) PRESENTER WINDOW
- (SWSL1) SINGLE WHITE SOLID LINE / 4" WIDE
- (DWSL1) DOUBLE WHITE SOLID LINE / 4" WIDE
- (DWSL2) DOUBLE WHITE SOLID LINE / 8" WIDE
- (SWSL2) SINGLE WHITE SOLID LINE / 12" WIDE
- (TYP) TYPICAL
- (H) HANDICAP RAMP
- (N) NUMBER OF SPACES IN A ROW
- (F) PROPOSED FENCE
- (C) PROPOSED 18" STANDARD CURB (SHADED TO DENOTE)
- (S) PROPOSED 18" SPALL-TYPE CURB
- (S) CROSSWALK STRIPING
- (DL) DOUBLE LIGHT (SITE LIGHTING)
- (SL) SINGLE LIGHT (SITE LIGHTING)
- (P) TYPICAL PAVEMENT MARKING, SEE SHEET C-9

SURVEY LEGEND

- (U) UNKNOWN UTILITY PEDESTAL
- (F) FIRE HYDRANT
- (P) PHONE PEDESTAL
- (C) PHONE CANSISTER ON POST

PAVEMENT SYMBOLS LEGEND

- (S) PROPOSED HEAVY DUTY CONCRETE
- (A) PROPOSED ASPHALT
- (C) PROPOSED CONCRETE SIDEWALKS PER MCDONALD'S SPECIFICATIONS

KEYNOTES LEGEND

- PROPOSED SWSL / 4" (TYP)
- NEATLY SAW-CUT, REMOVE & MATCH EXISTING CURB
- SWSL / 4" SPACED AT 2' O.C. AT 45°
- 24" WIDE WHITE PAINT STOP BAR ON PAVEMENT PER FOOT INDEX #17345
- BUILDING SETBACK LINE
- PROPOSED STRIPING, SEE SHEET C-9
- DRIVE THRU STRIPING PER MCDONALD'S SPECIFICATIONS
- HANDICAP STRIPING, SEE SHEET C-9
- SIGNAGE TO BE MOUNTED ON BUILDING
- PROPOSED 18" STANDARD CURB (SHADED TO DENOTE) SEE SHEET C-9
- PROPOSED BOLLARD, SEE SHEET C-9
- PROPOSED CONCRETE PAVEMENT, SEE SHEET C-9
- PROPOSED TRASH CONTAINER, REFER TO ARCHITECTURAL PLANS
- PROPOSED AREA TO BE BROCK PAVERS OR STAMPED CONCRETE PER MCDONALD'S SPECIFICATIONS
- HANDICAP RAMP 1:12 MAX SLOPE, PER FOOT INDEX #134 TRUNCATED DOMES TO BE OVERLAP PAD
- EXISTING FIRE HYDRANT TO BE PROTECTED
- PROPOSED 5' SIDEWALK, 5% MAX. LONGITUDINAL SLOPE, 2% MAX. CROSS SLOPE
- PROPOSED 18" SPALL-TYPE CURB, SEE SHEET C-9
- SITE LIGHTING
- PROPOSED VALLEY CUTTER, SEE SHEET C-9
- CROSSWALK STRIPING PER FOOT INDEX #17345
- RELOCATE EXISTING STOP SIGN OUT OF PROPOSED SIDEWALK

GENERAL NOTES

- MCDONALD'S ROAD SIGN AND BASE ARE BY THE SIGN CONTRACTOR. CONDUIT AND WIRING ARE BY THE GENERAL CONTRACTOR.
- BASES, ANCHOR BOLTS, CONDUIT, AND WIRING FOR ALL OTHER SIGNS ARE BY THE GENERAL CONTRACTOR.
- NOT USED
- NOT USED
- PROPOSED UTILITIES ARE SHOWN IN SCHEMATIC ONLY. EXACT LOCATIONS SHALL BE DETERMINED TO ALLOW FOR THE MOST ECONOMICAL INSTALLATION.
- THE CONTRACTOR SHALL COORDINATE WITH ALL UTILITY COMPANIES TO DETERMINE EXACT POINT OF SERVICE CONNECTION AT EXISTING UTILITY. REFER TO THE BUILDING ELECTRICAL AND PLUMBING DRAWINGS FOR UTILITY SERVICE ENTRANCE LOCATIONS, SIZES, AND CIRCUITING.
- ALL ELEVATIONS SHOWN ARE IN REFERENCE TO THE BENCH-MARK AND MUST BE VERIFIED BY THE GENERAL CONTRACTOR AT GROUND-BREAK.
- FINISH WALK AND CURB ELEVATIONS SHALL BE 8" ABOVE FINISH PAVEMENT.
- ALL LANDSCAPE AREAS SHALL BE ROUGH GRADED TO 6" BELOW TOP OF ALL WALLS AND CURBS. FINISH GRADING, LANDSCAPING, AND SPRINKLER SYSTEMS ARE BY THE OWNER/OPERATOR.
- LOT LIGHTING CONCRETE FOOTINGS TO CONFORM WITH THE SOILS REPORT RECOMMENDATIONS FOR THIS PARTICULAR SITE.
- SEE SHEET C-9 FOR ALL MCDONALD'S DETAILS.
- NOT USED
- DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS SHOWN (BOC) WHICH INDICATES BACK OF CURB.
- ALL RADII ARE 3' TO FACE OF CURB UNLESS OTHERWISE NOTED.
- ALL CURBING TO BE SPALL-TYPE (UNLESS SHOWN SHADED WHICH DESIGNATES STANDARD CURB AND GUTTER).

ON-SITE PAVING SPECIFICATION
 (MINIMUM 2" TOTAL COMPACTED ASPHALT THICKNESS)

THE GENERAL CONTRACTOR SHALL PROVIDE MCDONALD'S WITH STRUCTURALLY AND COSMETICALLY SOUND DRIVEWAY AND PARKING AREAS ACCORDING TO THE FOLLOWING SPECIFICATIONS. ALL SUB-BASE SOIL, FILL AND BACK-FILL AREAS SHALL BE COMPACTED IN ACCORDANCE WITH THE SOILS REPORT. THE BASE MATERIAL SHALL CONSIST OF 8" MAXIMUM COMPACTED THICKNESS CRUSHED LIME/CURB (FOOT APPROVED WITH LBR # 100) PLACED AND COMPACTED TO 98% OF THE MAXIMUM MODIFIED PROCTOR DRY DENSITY (ASTM D-1557/ASTM D-1558). ALTERNATE BASE MATERIALS MAY BE USED BASED UPON RECOMMENDATIONS OF THE SOILS ENGINEER AND APPROVAL OF THE MCDONALD'S PROJECT MANAGER. ALL ASPHALT SHALL BE STATE OF FLORIDA SPECIFICATION TYPE S-11 MODIFIED WITH A MIN. WASH-SHALL FIELD STABILITY TEST OF 1,250 LBS AND MINIMUM COMPACTED THICKNESS OF 3". ALL TESTING SHALL BE DONE BY A COMPANY APPROVED BY THE MCDONALD'S PROJECT MANAGER. SAID COMPANY SHALL BE DIRECTLY RESPONSIBLE TO AND SHALL CONSIDER MCDONALD'S AS ITS ONLY CLIENT FOR THIS PROJECT. THE LOCATIONS OF ALL TESTS SHALL BE SELECTED BY THE MCDONALD'S PROJECT MANAGER. THE SUB-BASE SHALL BE TESTED IN FOUR (4) LOCATIONS FOR BEARING VALUE AND COMPACTION. THE BASE SHALL BE TESTED IN FOUR (4) LOCATIONS FOR THICKNESS AND COMPACTION. THE ASPHALT SHALL BE TESTED IN FOUR (4) LOCATIONS FOR THICKNESS, TYPE AND STABILITY. ALL THE TESTING FOR EACH PRECEDING MATERIAL MUST BE SATISFACTORY BEFORE EACH SUCCESSIVE MATERIAL IS INSTALLED. MCDONALD'S SHALL BE NOTIFIED OF THE TEST RESULTS OF ALL TESTS AND RE-TESTS. WHEN A TEST FAILS OR WHEN, IN THE OPINION OF THE MCDONALD'S PROJECT MGR. AND/OR CONSTRUCTION MGR., THE INSTALLATION IS UNSATISFACTORY, REMEDIAL TESTING AND/OR CORRECTIVE MEASURES SHALL BE DONE AT THE GENERAL CONTRACTOR'S EXPENSE AND SHALL BE INCLUDED IN HIS/HER C/S.

NOTE: MCDONALD'S ENGINEER RESERVES THE RIGHT TO REQUEST A COMPACTION TEST AND/OR A CORE SAMPLE. IF TESTS PROVE CORRECT, PER ABOVE SPECIFICATION, TESTS WILL BE AT THE EXPENSE OF MCDONALD'S, OTHERWISE, O.C. WILL BE CHARGED.

LOT LIGHTING RECOMMENDATION

NOTES:

- ALL ASB FIXTURES TO BE TILTED AT A 35 DEGREE ANGLE UNLESS OTHERWISE SPECIFIED
- THE FOOT CANDLE LEVELS SHOWN ON THE LIGHTING PLAN ARE BASED ON THE FOLLOWING CRITERIA:
 1. SECURITY LIGHTING SYSTEMS MODEL ASB-1000MH-TT-MT
- THE CONTRIBUTION OF THE METAL HALIDE SOFT LIGHTING IS NOT REFLECTED ON THESE PLANS
- DISTANCE BETWEEN BEAMS IS 10'
- ELECTRICAL CONTRACTOR TO CREDIT LOT LIGHTING AS NOTED

PARKING INFORMATION

TOTAL SPACES REQUIRED	PARKING REQUIRED 1.0 PER 50 SF OF A PUBLIC USE 1,891 SF = 34 SPACES REQUIRED
TOTAL SPACES PROVIDED	32 PROPOSED SPACES: 9' X 20' STANDARD @ 60' 3 PROPOSED SPACES: 10' X 18' STANDARD @ 90' 2 PROPOSED SPACES: 12' X 20' ACCESSIBLE @ 50' 9 PROPOSED SPACES: 17' X 20' ACCESSIBLE @ 90'

UTILITY INFORMATION

UTILITY	LOCATION
SANITARY SEWER	8" RUB OUT ON THE EAST PROPERTY LINE
WATER	8" RUB OUT ON THE EAST PROPERTY LINE
RECLAIM WATER	N/A
STORM SEWER	8" RUB OUT ON THE SOUTH SIDE OF PROPERTY
ELECTRIC	LINE AT EAST SIDE OF PROPERTY
GAS	N/A

SURVEY INFORMATION

PREPARED BY: CPH ENGINEERS, INC.
 500 W. FLA TON STREET
 SANFORD, FLORIDA 32711
 (407) 322-6841

DATE: JULY 2006

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McDONALD'S PROJECT
 CODE: 009-0399

GEORGE E. HENNESSEE, P.E.
 FL. REG. NO. 29163

cph
 500 N. Westshore Blvd.
 Suite 700
 Tampa, Florida 33609
 Phone (813) 258-0213
 Fax (813) 258-0433

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 Design/Build

REVISION	DATE	BY	REVISION
1	10-07	RMW	REVISED PER FDOT COMMENTS
2	10-10-07	RMW	REVISED PER CITY OF PALMETTO COMMENTS
3	09-11-07	RMW	REVISED PER CITY OF PALMETTO COMMENTS
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SITE DIMENSION PLAN

McDonald's
 699 10th STREET EAST
 PALMETTO, MANATEE COUNTY, FL

Sheet No.
C-4

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OLD BUSINESS

NEW BUSINESS