

Tab 1

APPROVAL OF THE P&Z FEBRUARY 18, 2010
MEETING MINUTES

**DRAFT MINUTES
CITY OF PALMETTO
PLANNING AND ZONING BOARD
FEBRUARY 18, 2010 – 6:15 P.M.**

516 8th Avenue West
Palmetto, FL 34221

www.palmettofl.org
941-723-4570

PLANNING AND ZONING BOARD MEMBERS PRESENT

MICHAEL BURTON, Chair
BARBARA JENNINGS, Vice Chair
CHARLIE UGARTE
JON MOORE

ERIC GILBERT
ED BENNETT

ABSENT
CHRISTOPHER MOQUIN

Anyone wishing to speak before the Planning and Zoning Board must sign in prior to the meeting, stating name, address and topic to address. All comments will be limited to two minutes.

Swearing in of all persons speaking to the Board:

“Do you swear or affirm that the evidence or factual representations that you are about to give or present to the Planning and Zoning Board on this 18th day of February 2010 are truthful?”

ORDER OF BUSINESS:

1. Approval of January 21, 2010 Meeting Minutes Tab 1

January 21, 2010 Meeting Minutes

Action request: Mr. Bennett motion to approve the January 21, 2010 Meeting minutes with corrections, page 3, second bullet, change to “proposing” not purposing. Mrs. Jennings seconded the motion. MOTION CARRIED UNANIMOUSLY.

2. Space Box Conditional Use Sign Permit CU-2010-02 Tab 2

Mr. McCollum briefed the Board on the conditional use permit and stated staff recommends approval with the following conditions.

1. A written agreement with the City of Palmetto for the use of the sign during designated emergencies is required.
2. The electronic sign shall be illuminated only between the hours of 6:00 a.m. and 10:00 p.m. daily.
3. The electronic sign may not flash or utilize continuous scrolling text. Messages may change no more often than two-minute intervals.
4. The electronic sign shall be used in calculating total signage allowed for the site.

Mr. Jack May, McGee Signs, offered technical information regarding the sign and stated the sign will be available for the City use in the event of emergencies.

Chair Burton opened the public hearing. No one from the public came forward to speak for or against the agenda item.

Chair Burton closed the public hearing

Mrs. Jennings asked does this affect our sign ordinance. Mr. Rudacille stated the Board has to apply the ordinance that is in effect at this time when making your decisions.

Mr. Ugarte asked if the square footage meet current sign ordinance. Mr. McCollum stated it does meet the existing sign ordinance requirement.

Action Request: Mr. Ugarte moved to approve the Conditional Use Permit Application CU-2010-02 as proposed with staff recommended conditions. Mr. Bennett seconded.

Mr. Rudacille stated for clarification purposes, make the language clear regarding the frequency of the time due to the clock that will be on the sign.

Mr. Ugarte amended the motion to accept the condition that the electronic sign may change no more often than one-minute intervals. Mr. Bennett amended the second.

MOTION CARRIED UNANIMOUSLY.

3. **Tony Katsamakís Conditional Use CU-2010-03** Tab 3

For the record Mr. Moore abstained from the agenda item, stating he is a resident of the site location and will be speaking regarding the agenda item.

Mr. McCollum reviewed the staff report and highlighted staffs recommendations:

1. The number of conditional uses shall be limited to one conditional use per property. If the property for this Conditional Use Application is currently subject to a Conditional Use Permit, the existing Conditional Use Permit shall cease upon approval of this conditional use. If approval of this conditional use is not granted, the existing Conditional Use Permit shall remain in full force and effect.
2. The hours of operation shall be limited to no earlier than 8:00 a.m. and no later than 10:00 p.m. The term, "operation" shall include preparing the site for the business day (i.e., blowing off the parking area).
3. All outside lighting shall be directed away from all residential areas at all times.
4. Repairs of vehicles shall be permitted during hours of operation.
5. It shall be the responsibility of the owner to make any sublease aware of the conditions of the Conditional Use Permit.
6. All applicable provisions of the City Code of Ordinances, including, but not limited to, landscaping, signage, parking, etc. shall be met.

Chair Burton opened the public hearing

Mr. George Sanchez voiced concerned with noise and test driving vehicles in the area with children. Mr. Sanchez requested limiting the work hours.

Mr. Moore, 706 Riverside Drive, stated he supports staff recommendations, especially item 3 and noted the current lighting on the property is relatively invasive. Also reinforced what Mr. Sanchez stated regarding children in the area. Mr. Moore asked staff to explain why stipulation number 7 was removed from the original conditional use permit.

E-mail read into record:

Mr. McCollum stated one of the prior stipulations that were of concerns was number 3 from the CU-03-01 (Test driving of vehicles is prohibited on local streets). The use of a local street is not a land use regulation, which is a matter for the Police Department; it will be hard for the City to enforce.

Mr. Rudacille stated if the concern is for safety there are others ways to address those issues.

Mr. McCollum stated condition 7 & 8 of CU-03-01 (violation of conditions of the conditional use permit will result in the permit being null and void) was removed because of enforceability. We do not have the authority to go beyond what the Code of Ordinances permits us to do.

Mr. McCollum stated hours of operation and auto repair is something the Board possibility has a right to limit.

Mr. Rudacille stated his concern with limiting the hours of operation on the auto repair is that the auto repair use is not the conditional use. Auto repairs are a permitted use in the zoning district, which if there was no stipulations on the conditional use a garage can be operated at that site immediately under the City's regulations. However hours of operation can be limited to the site in general.

Chair Burton stated for clarification, the conditional use is specifically for auto sales, if there were no conditional use for auto sales the site can operate as a garage. Mr. Rudacille stated that is correct.

Chair Burton closed the public hearing.

Mr. Ugarte questioned the location of where and what type of repairs will take place on the site. Will it be inside a structure or on the lot? Mr. McCollum stated he does not have specific knowledge of where the repairs will take place or the type of repairs. A lessee will have to comply with the City Code regarding repairs.

Discussion ensued regarding lighting, repairs and test driving.

Action Request: Mrs. Jennings move to approve the Katsamakos Conditional Use Application CU-2010-02 with the following conditions.

1. The number of conditional uses shall be limited to one conditional use per property. If the property for this Conditional Use Application is currently subject to a Conditional Use Permit, the existing Conditional Use Permit shall cease upon approval of this conditional use. If approval of this conditional use is not granted, the existing Conditional Use Permit shall remain in full force and effect.
2. The hours of operation shall be limited to no earlier than 8:00 a.m. and no later than 10:00 p.m. The term, "operation" shall include preparing the site for the business day (i.e., blowing off the parking area).
3. All outside lighting shall be directed away from all residential areas at all times and shall not exceed 10ft candles within 10 ft of the property line.
4. All repairs of vehicles shall be conducted within an enclosed structure and shall be limited to no earlier than 8 a.m. and no later than 6 p.m.
5. It shall be the responsibility of the owner to make any sublease aware of the conditions of the Conditional Use Permit.
6. All applicable provisions of the City Code of Ordinances, including, but not limited to, landscaping, signage, parking, etc. shall be met.
7. A no right turn sign shall be placed at every exit on 3rd St Dr. W.

Mr. Gilbert seconded the motion. **MOTION CARRIED.**
Mr. Moore abstained from voting and was not present in the Chambers during the vote.

Mr. McCollum stated the continuance is for a Site Plan approval and invited Mr. Zirkelbach to brief the Board regarding the new changes.

Mr. Zirkelbach, 1415 10th St E Palmetto, stated he had not been contracted nor is he working for the church, he is in attendance as a friend. A review of the short term plans and long term plans for the children church was presented. Mr. Zirkelbach presented pictures of surrounding area to show the compatibility of the proposed portables. Pictures of what the portables will look like when finished were also presented.

Mr. Zirkelbach noted the portables are only temporary. The church goals are two years in use and 1 year to construct the new building, for a total of three years.

Mrs. Jennings asked if the site will have a fenced in area for the basketball court as presented at the January meeting. Mr. Zirkelbach stated to his knowledge there will be no outdoor basketball court that will be lit.

Chair Burton opened the public hearing:

Larry Walton, 1901 7th St W, Palmetto High Teacher, stated the building will be used for youth meetings and all activities will be held indoors. The opportunity to obtain and set-up the portable will give the youth to hold their meeting and other activities.

Mr. Zirkelbach stated there will only be two portables, not three, no outdoors lighting, or basketball court.

Mr. Don Olmstead, 627 11th Ave W., stated he had several questions, #1, if the item being presented was a conditional use application, # 2, Are they church related uses, #3, are they portable structures or accessory structure, #4 do this fit in the Comprehensive Plan, and #5, What about parking?

Mr. Jeff Boyd stated parking was there when the funeral home was in its location, no extra spaces is taken up, as stated before the purpose of the portables is to give the youth a place to meet because space is not adequate.

No one else from the public came forward to speak.

Mr. McCollum addressed the questions put forwarded by Mr. Olmstead, and noted, the property is shown on the FLU (Future Land Use) category as P (Public) and is also zoned as P. Mr.

McCollum informed the members that the the City Code requires that all development proposals in the P zoning category require the City Commission to review the plan and make a finding of compatibility with the surrounding area.

Mr. Zirkelbach stated for the record and for clarification, at no time did he say the building are bad; he was only showing compatibility to the surrounding area. The use of the portables will be for church use, and the portables meet all ADA standard and they will have to meet all building codes and requirements.

Chair Burton closed the public hearing.

Discussion ensued regarding portables, Downtown Design Guideline (DDG) and the Land Development Code (LDC).

Action Request: Mrs. Jennings moved to approve the First Baptist Church Site Plan determination for compatibility. Mr. Bennett seconded.

Discussion:

Mrs. Jennings stated it was a good presentation and it is unfair to the neighbors to drag this project out. Mr. Bennett stated he concur with Mrs. Jennings.

Motion failed 3 to 3

Mrs. Jennings, Mr. Gilbert, Mr. Bennett, yea,
Mr. Moore, Chair Burton, Mr. Ugarte nay,

Mr. Rudacille stated a tie vote means the motion failed, the Chair can entertain another motion.

Chair Burton asked if the applicant is willing to continue and provide more information at a future meeting. Mr. Zirkelbach stated yes, and will also provide set backs and landscape information. Mr. Zirkelbach also stated typically in a site plan approval process landscape is done through the code requirements and not at this level.

Mr. Moore moved to approve the First Baptist Church compatibility with the condition of a three year limitation that the structures will be removed. Mr. Bennett seconded.

Motion passed 4 to 2

Mrs. Jennings, Mr. Gilbert, Mr. Bennett, Mr. Moore, yea

Mr. Ugarte, Chair Burton nay

5. Old Business

- a. Mr. McCollum reported the 2010 Comp Plan was approved by City Commission
- b. The 2030 Comp Plan will going to the City Commission as a workshop soon
- c. A P&Z Sign Ordinance Workshop has been scheduled for March 4th 6:15 to review and discuss the Draft Ordinance

6. New Business

- a. None

7. Adjournment: 9:00 pm