

Tab 2

Approval of December 15, 2011 Meeting Minutes

**DRAFT MINUTES
CITY OF PALMETTO
PLANNING AND ZONING BOARD
December 15, 2011 – 5:30 P.M.**

516 8th Avenue West
Palmetto, FL 34221

www.palmettofl.org
941-723-4570

PLANNING AND ZONING BOARD MEMBERS

ERIC GILBERT, Chair
JAMES PASTOR, Vice Chair -Absent
BARBARA JENNINGS -Absent

JON MOORE
CHARLIE UGARTE

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.

“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 15th day of December 2011 are truthful?”

ORDER OF BUSINESS:

1. Approval of September 15, 2011 and October 13, 2011 Special Meeting, Meeting Minutes Tab 1

Mr. Ugarte moved to approve the September 15, 2011 and October 13, 2011 Special Meeting Minutes. Mr. Moore seconded. **MOTION CARRIED UNANIMOUSLY.**

2. SpaceBox Palmetto, LLC. Conditional Use (CU-2011-05) Tab 2

Ms. Lyn reviewed the staff report, stating the applicant is asking for additional signage for its existing storage facility located at 2100 N. US 301, which is zoned CHI. The City Code, Section 3-154(c) (1), permits signage of up to 150 square feet in area for this site. SpaceBox currently has 82.23 square feet including the existing 26 square feet electronic sign for which a CU permit was granted in 2010. Since then, a 7,285 square foot retail center has been completed in front of this site requiring additional signage. Staff requested that SpaceBox prepare a master sign plan which initiated this conditional use application since the proposed signage exceeds 150 square feet.

SpaceBox is requesting an additional 24.5 square feet of tenet panels (5) to be added to the existing pylon sign and an additional 62.77 square feet of wall sign for the new retail building. Under SpaceBox's master signage plan, the retail center would have a total of 87.27 square feet, increasing the total signage to 169.5 square feet. In addition, SpaceBox is requesting 307.5 square feet of channel letters on both sides of the main 4-story building. The proposed master plan calls for a total of 477 square feet of signage along US 301 North.

The proposed signage is compatible with surrounding land uses which are predominantly commercial and heavy commercial/industrial uses. The subject property has a frontage of 236' along US 301 and is approximately 886' deep. The northern portion of subject property is used for retention and the railroad tracks run on the western side of the property, curving to the east on the north end. Considering the general character of the immediate area and other signage approvals, staff recommends approval of the proposed Conditional Use permit for additional signage for SpaceBox as proposed on their master sign plan.

Mr. Ugarte stated one of the criticisms of the current sign ordinance is that applicants come in with a conditional use and bypass what is set in place, making the sign ordinance almost obsolete. Ms. Lyn stated the proposed sign ordinance is more detailed than the existing sign ordinance. The current sign ordinance does not address street frontage or specific uses. The Director along with staff of Planning and Building supports the concept of developing a master sign plan for review when a project is submitted. The sign plan will have to adhere to the sign ordinance.

Mr. Rudacille referenced an e-mail that was sent to the Board Members on December 14, 2011 making them aware that council was working with planning staff on addressing issues related to the proposed conditional use approval on the Board's agenda. He stated that the new sign ordinance is not in place at this time and the existing sign ordinance does not have any basis to approve a conditional use for additional signage. The conditional use application before you is at an integrated shopping center site that already has increased square footage.

Mr. Ugarte stated that the Board has approved increases in sign area by conditional use under the current code in the past and asked if there are provisions in the code that would allow for that? Mr. Rudacille stated he has not reviewed all the past approvals but used MSA as an example of one which was recently approved. There is a section in the code that allows additional square footage for freestanding signs by conditional use approval in a commercial zoning district. That is not what is being considered here. This conditional use is for additional square footage in an integrated shopping center which already has additional square footage that is allowed in an industrial zone district.

Mr. Ugarte asked what is the difference between MSA and SpaceBox conditional use requests. Mr. Rudacille stated SpaceBox is an integrated commercial

shopping center in an industrial zone district and MSA is free standing sign for a single occupancy commercial tenant.

Ms. Lyn stated the sign ordinance is set up by zoning districts; residential, commercial and industrial. If CHI is considered an industrial district, the only time the code mentions a conditional use is requiring one for an electronic message sign. However a conditional use is allowed in the commercial district in two instances besides requiring one for an electronic message sign; for additional square footage and height of a pylon sign. She clarified that CHI stands for Heavy Commercial and Light Industrial and most if not all commercial uses are permitted in CHI implying that both sections of the Sign Code (commercial and industrial) should apply to CHI zoning.

Chair Gilbert asked what other properties zoned industrial were granted additional signage by a conditional use. Ms. Lyn stated 84 Lumber (zoned CHI) that was granted a CU in 1996 and Wal-mart (zoned CHI and CG) which was granted a sign variance in 2005 for additional signage. She also pointed out that MSA is zoned neither commercial nor industrial but PD-MU, requiring interpretation of the code.

Mr. Moore indicated that under staff's findings in the report, the sign would be limited to 89 sq. ft. under the proposed sign ordinance and asked what would the square footage be under the current sign ordinance? Ms. Lyn stated the pylon sign would be limited to 75 sq. ft. and the total square footage would be 150 sq. ft. Mr. Moore commented that it is important to rely on the sign code that is currently in place. What is the current square footage of SpaceBox's pylon sign? Ms. Lyn stated it is 82 sq. ft. and already exceeds the allowed square footage.

Chair Gilbert opened the public hearing

Mr. Jack May, Magee Sign, agent for the applicant stated that the unique situation in building size, design and location is what precipitated this issue. Mr. May presented a picture of a sign that is next door to the applicant, but in the county. The neighboring storage facility is only 10 ft. tall, almost 20 ft. long but has an 80 sq. ft. sign. The appearance for SpaceBox shown in the hand-out is by no means overpowering. It is the applicant's intent to stick with the appearance of what the City desires and put a Palmetto business in competition with another business just a few feet away. The applicant looked very carefully when considering the size ratio of the sign in comparison to the building. The intent is not just to get more square footage but to have an appealing facility and achieve the job that the client wants which is to generate business.

Chair Gilbert closed the public hearing

Mr. Ugarte asked Chair Gilbert his opinion as a sign expert. Chair Gilbert stated the building is noticeable. There is an attractive message sign and there is no

doubt that the use is a storage facility. However, there is no room for tenants to put advertising other than plastering it on the windows.

Mr. Ugarte stated that signs on the building takes from the aesthetics. The issue he has with the request is with the large self storage wall signs on the building. The pylon sign seems to be sufficient.

Mr. Moore requested Mr. Rudacille to re-state his earlier statement regarding granting a conditional use permit for this site. Mr. Rudacille stated he has not seen any basis in the sign code for granting a conditional use. The Board can approve whatever it wants but there is a case law that states if a permit is issued in violation of the code, it is void.

Chair Gilbert asked whether any of this complies with code, are they already at the maximum? There is no wall signage, is the pole sign taking all the allowable signage? Ms. Lyn reviewed the hand-out provided by SpaceBox. The proposed pylon sign will meet code; it complies with the total 150 sq. ft. for the entire site.

Chair Gilbert asked if the conditional use was not approved, can the applicant still obtain a permit for a wall signs for future tenants up to a total of 150 sq. ft. Ms. Lyn stated that is correct, but you are talking about 44 sq. ft versus the requested 300 sq. ft. This information is found in the code under section 3.127 and section 3.132. The code does not speak to wall signs.

Mr. Moore stated that he is not clear if this should be a variance or a conditional use.

Mr. Rudacille stated that if council is asked their opinion, it will be that one cannot get a variance for a sign. One of the requirements for a variance is a hardship and you have no other beneficial use of the property which is a tough standard to meet for additional signage.

Ms. Lyn read a section of the code, under advertising sign, section 3.127 stating:

The following requirements shall be observed for advertising signs in industrial zoned districts:

Three advertising signs may be used per individual lot; in the case of an industrial park, three advertising signs shall be allowed per individual industrial use, including freestanding signs, wall signs, projecting signs and signs on marquees or canopies. The total cumulative area of the three signs shall not exceed one hundred fifty square feet.

Ms. Lyn stated that it depends on one's interpretation because "individual lot could mean a zoning lot (the site or use), or each lot or parcel. If the code is talking about each lot or parcel, SpaceBox has 9 parcels/lots and since the use is

a combination of retail and storage uses, would they be allowed 300 sq. ft. of signage?

Chair Gilbert asked for an interpretation of this section. Mr. Rudacille stated he's not sure if this is applicable. And if it is, then a conditional use approval is not required.

Mr. May asked for clarification on the differences between lot and parcel and stated they are willing to continue the hearing.

Chair Gilbert called for a motion.

Mr. Ugarte moved to recommend continuing SpaceBox Palmetto, LLC. CU-2011-05 until a time certain of January 19, 2012 at 5:30 PM in the City Hall Commission Chambers. Mr. Moore seconded. **MOTION CARRIED UNANIMOUSLY.**

4. Old Business

- a. Update 5th St Streetscape Project, Ugarte & Associates – Will make a presentation when a full Board is seated.

5. New Business - Informational only

Proposed Changes to City Code

- a. Development Review Procedures Ord. 2011-32: Mr. Rudacille informed the Board that this item was approved by the City Commission on December 5, 2011 changing the development review procedure due to Sunshine requirements for committees. It will no longer be called Development Review Committee but SDR, Staff Development Review. It will not change the way things are done, but will eliminate the word "committee" in the code.
- b. Farm Labor Camp Conditional Use Stipulations Ord. 2011-33. This item will come before the Board on Jan 19, 2012. The City Commission held several workshops regarding establishing conditional use standards/stipulations for farm labor camps.

Mr. Moore inquired if affected property owners were notified of these meetings and proposed changes? Mr. Rudacille said the Commission has only held workshops and has not yet held its public hearing. The agendas are posted to the board at City Hall and to the website and a legal notice is placed in the newspaper. Mr. Moore stated that in all fairness, workshop or not, the affected parties should be notified.

Mr. Moore moved to recommend that all property owners in the affected zoning district, including businesses involved in farm working and farm worker housing be properly noticed. Mr. Ugarte seconded. **MOTION CARRIED UNANIMOUSLY.**

c. Concurrency policy

Ms. Lyn reviewed the hand-out on concurrency and stated this item will come back before the Board in February.

Mr. Ugarte asked if the recommendation to reinstate the concurrency management policy came from DCA. Mr. Moore stated DCA no longer exist. Who would you submit the policy to? Ms. Lyn stated the Department of Economic Opportunity.

Mr. Ugarte stated according to his memory, the P&Z Board requested the concurrency policy be removed. Traffic concurrency is one of the biggest causes of development sprawl and he would not like to see it put back, in the form it was. Ms. Lyn stated transportation concurrency probably can be left out, but some type of Level of Service (LOS) standards will need to replace it.

Mr. Moore stated his request is to see the Land Development Code (LDC) modified. Mr. Ugarte requested that the definition of height also be changed in the LDC. Ms. Lyn stated this item will have to be done at a later date since it was not combined with the upcoming code change and the City Commission has already posted the advertisement setting their hearing.

6. Adjournment 7:15