

CITY OF PALMETTO
PLANNING AND ZONING BOARD
516 8TH Avenue West
Palmetto, Florida 34221

MEETING MINUTES
JUNE 9, 2008 – 6:15 P.M.

BOARD MEMBERS PRESENT

Barbara Jennings, Chair
Michael Burton, Vice Chair
Jon Moore

Robert Smith
Ed Bennett
Devin Harms

BOARD MEMBERS ABSENT

Charlie Ugarte

SCHOOL BOARD APPOINTEE ABSENT

Mike Pendley

STAFF AND OTHERS PRESENT

Bob Schmitt	Tanya Lukowiak
Ken Hawkins	Chris Lukowiak
Linda Butler	Michelle Hall

The regular meeting of the Palmetto Planning and Zoning Board was called to order by Chair Jennings, in the Palmetto City Hall Commission Chambers, 516 8th Ave. W., Palmetto, Florida at 6:15 p.m. pursuant to notice being sent to the public and the Board members in accordance with Palmetto's City Code.

Bob Schmitt, Ken Hawkins, Michelle Hall, Chris Lukowiak, Tanya Lukowiak, Kim Binkley-Seyer and Verlin Woods are sworn in.

ORDER OF BUSINESS

1. Approval of Minutes for the April 14, 2008 meeting.

MOTION: Mr. Burton moved and Mr. Smith seconded the motion to approve the April 14, 2008 meeting minutes.

Chair Jennings noted a correction on page 2 and 3 in the minute's header; the date is incorrect, should read "April 14, 2008". **MOTION CARRIED UNANIMOUSLY.**

2. McDonalds Sign CU-08-02

Mr. Schmitt reviewed the staff report. The McDonalds sign does not conform to the current Land Development Code (LDC) sign height limitation of 30 feet. The sign ordinance has an amortization provision that applies to all nonconforming signs, however this provision was not enforced at the time it was to take effect. Mr. Schmitt stated the recommendation was a difficult one to make and in light of the above mentioned amortization provisions not being enforced, staff recommends approval of the McDonalds Conditional Use Permit.

Chair Jennings opened the public hearing.

Ms. Kim Binkley-Seyer, Seyer Group, referenced the handout in the Member's packets and addressed the Board stating, "McDonalds is requesting a Conditional Use Permit to keep its existing pylon sign. The signage is critical to the store's success. The site will comply with the Sign Ordinance in all other respect and the revitalization of the site and area will help promote a healthy tax base".

Ms. Seyer stated Commissioner Williams suggested at a workshop on May 5th, 2008, researching to see if the sign can be made a historic landmark. A submission was made to the Historical Commission and due to the store not being 50 years old, it does not qualify as a historic landmark.

Chair Jennings stated for clarification purposes, will the sign remain as it currently stands or will there be modifications made? Ms. Seyer stated there will be no changes to the sign itself, maybe some cosmetic work to the base of it, but nothing to the actual sign.

Chair Jennings asked staff the height of the other two signs, Burger King and Wendy's? Mr. Schmitt stated the actual height is not known, but they are lower than McDonalds. The two signs are approximately in the 60 to 80 feet range.

Mr. Moore asked if the McDonalds sign meets the Manatee County Sign Ordinance or Highway Sign. Mr. Schmitt stated he did not check other entities but do not think it meets Manatee County sign ordinance.

Mr. Harms stated he likes the idea of the Green Building standard being incorporated into the new McDonalds design.

Chair Jennings stated for clarification, if the Board does not approve the CU, then it is possible we will lose McDonalds or they will not renovate the existing store. Ms. Seyer stated that is the reality of it.

Ms. Hall asked if the applicant is requesting a CU permit with a fixed period of time. Ms. Seyer stated they would not put a time limit on it. Mr. Schmitt stated that was discussed with McDonalds and they are not interested in a time limit as a possible stipulation. Ms. Hall asked if the city grant in perpetuity. Mr. Schmitt stated the city can grant in perpetuity or they can condition the permit.

Chair Jennings inquired about the amortization provision and why it was not enforced. Ms. Hall stated the amortization provision in general is to allow and protect investment backed expectations. 6 years after the sign was erected, which was in 1986, the city passed a law making the height of those type signs illegal. Notification should have gone out making the applicant aware of the law and giving them 7 years from the date the law was passed, it is not known if, when or why that didn't happen. Mr. Schmitt stated the nonconformities don't just apply to McDonalds, Burger King and Wendy's; there are signs all around the city that do not conform.

Mr. Burton asked if there is an available process by which an informational sign could be placed at exits or off ramps on US 41/301 that will alert motorists to the available services, although they are state roads. Mr. Lukowiak stated staff is looking at monument signs with directions/information as part of the sign ordinance. Staff is open for suggestion. We will also check with DOT regarding permits and right-of-way for state roads.

Mr. Smith questioned if the Board could place a time limit on the sign as a stipulation. Mr. Verlin Woods, Area Construction Manager for McDonalds stated if a time limit stipulation is placed on the sign it is the same as a denial of the sign, and cannot commit to rebuilding the store.

Mr. Bennett asked if the applicant could live with the condition, if approved, the store remaining a corporate owned store.

Mr. Moore stated to his understanding we are actually giving McDonalds a financial edge over any of the other fast food places in that vicinity. Mr. Schmitt stated, "even under the current sign ordinance, anybody has the ability to go higher than 30 feet with a conditional use permit. Mr. Moore asked, "are we going to set a precedent here, if someone else comes in,

how and what will be the reason we tell them no?" Mr. Moore said if we vote for McDonald's CU we might as well let everyone else that request it have a big sign. Ms. Hall stated there is a distinction and you will find it in case law as well, and that is they had their sign that height first, then the City put the height regulation in effect 6 years later.

Chair Jennings closed the public hearing.

MOTION: Mr. Burton moved to approve McDonalds Sign Conditional Use Permit 08-02. Mr. Smith seconded. Mr. Bennett moved to amend the motion on the floor to include a condition. Mr. Burton seconded. **MOTION CARRIED** 5 to 1, Mr. Moore opposed, Mr. Ugarte absent. Mr. Bennett moved to recommend **approval with condition** the store remains a corporate store; the conditional use is specific to this applicant, McDonalds Corporation and non-transferable. Mr. Harms seconded. **Discussion:** Mr. Burton made a point for clarification, stating he disagrees with Mr. Moore in that we are giving an unfair financial advantage to the applicant. Under these particular criteria if any one of the other two restaurants wants to make the same application they can do so. Mr. Burton stated he personally doesn't want to see the sign, and he is reluctantly supporting the CU. **MOTION CARRIED:** 5 – 1, Mr. Moore opposed, Mr. Ugarte was absent.

3. Old Business:

Michele Hall stated she was not aware of the Board request to have her review the legality of CAD drawings, but she will research and consult with someone more knowledgeable in that area and report back to the Board in July with her findings.

4. New Business:

CRA will meet Wednesday June 11, 2008 at 6:00 pm. It will be a workshop type meeting to include signage.

Chair Jennings stated for the record that she attended a recent City Commission meeting, the last annexation matter that we approved as a Board went before the City Commission. Chair Jennings stated she felt sitting in the audience, the Commission did not really respect the process the Board went through in reviewing the annexation application. The P&Z tries to do a thorough job in reviewing applications. To have the

City Commission call for a workshop was like starting everything back over as if it was never reviewed by the P&Z Board or they just disregarded the P&Z recommendation.

Mr. Burton stated as someone that regularly appears before the County Commission that is not unusual for them to do that. Ms. Hall stated that on occasion the City Commission asks what is the P&Z Board thought process and recommendation.

8. Adjournment: 7:30 pm

MOTION: the Board unanimously moved to adjourn the meeting. Next Planning and Zoning Board meeting will be held on July 14, 2008.

Barbara Jennings, Chairman