

**SPECIAL MEETING MINUTES
CITY OF PALMETTO
PLANNING AND ZONING BOARD
APRIL 13, 2011 – 4:30 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
BARBARA JENNINGS-Absent

JON MOORE-Absent
CHARLIE UGARTE

STAFF

Mark Barnebey, City Council
Lorraine Lyn, City Planner
Linda Butler, Recording Secretary

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 parties speaking to the board.

ORDER OF BUSINESS:

1. Approval of March 17, 2011 Meeting Minutes Tab 1

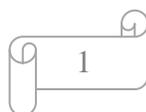
Mr. Pastor moved to approve the March 17, 2011 meeting minutes. Mr. Ugarte seconded. MOTION CARRIED UNANIMOUSLY. Two members absent.

2. Amending the Sign Code Tab 2

ORDINANCE NO. 2011-12

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE SIGN CODE, ARTICLE III OF CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO ESTABLISHING NEW SIGN REGULATIONS FOR THE US 41/301 HIGHWAY INTERCHANGE INTERSECTION IN THE AREA AROUND 10TH STREET WEST BETWEEN 3RD AVENUE WEST AND HABEN BLVD.; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Lyn reviewed the staff report and also noted some of the City Commissioners concerns that were raised at the Commission workshop on April



4th 2011. Minutes from the Commission workshop are located on the City Web. Draft minutes were included in the Members' packets.

Ms. Lyn stated that this is a public hearing on an amendment to the sign ordinance within a limited area of the City defined as "interchange Intersection" defined as a special area along 10th Street W requiring more localized regulations. The amendment defines a new type of signs, "Freestanding Signs" and would allow freestanding signs up to 85 feet high and no more than 400 square feet in surface area.

Of all the businesses fronting 10th Street within the area defined as Interchange Intersection, there were/are 3 nonconforming signs (McDonalds, Wendy's and Burger King) or 9% of all the parcels. McDonalds sign was 90-95 feet high, Wendy's is 85 feet high with a surface area of 325 (14.7' by 22') square feet and Burger King's is 60 feet with a surface area of 256 square feet (16' by 16'). These signs are nonconforming because they predate the 1986 ordinance. Wal-mart's sign is conforming.

Staff supports the current sign ordinance. However, if a special "interchange intersection" district is identified along 10th Street West which is a 4 lane roadway, staff maintains a recommendation 60 feet maximum height based on the maximum height permitted in the CG and CC zoning districts. The proposed ordinance would allow an increase of height by 183% for single use commercial only, not including integrated shopping center.

Ms. Lyn stated a survey and matrix has been prepared for the businesses fronting 10th St. to show the sign heights, widths and surface areas.

Mr. Ugarte commented on the relationship of the speed of traffic to the height of the signs.

Chair Gilbert asked how staff came up with the 60 ft height proposal. Ms. Lyn stated she based her recommendation on the maximum height allowable in the CC and CG zoning districts.

Mr. Ugarte inquired about the Elliott's rule used to calculate the sign height. Chair Gilbert stated that these rules are used to determine the height of a sign based on an overpass, but not necessarily the rules applicable to determine the size or height that a sign should be based on the speed and number of lanes.

Mr. Barnebey noted that the Burger King sign is visible from the west side of 10th St from around 3rd Avenue while the other signs are not.

Mr. Pastor asked what are the ramifications of changing the height of the signs and how does it affect the existing signs. Ms. Lyn stated that if the code is changed to allow 85 foot signs, all the existing signs will be conforming except that the code as written, speaks of freestanding signs and she had concerns about the existing pylon signs becoming non-conforming.

Mr. Barnebey stated that pylon signs are considered free-standing signs. If you change the height to a higher level, everyone that is higher than that height approved will be non-conforming and the businesses will have to be notified of their non-conforming status.

Chair Gilbert opened the public hearing.

Mr. Prather, Porges, Hamlin, Knowles & Prouty, P. A. stated that he is representing McDonalds Cooperation.

Mr. Prather gave a brief history of how McDonalds arrived at this point. McDonald's pole sign was erected and standing when the City adopted their present sign ordinance. The ordinance listed 30 ft maximum based on the zoning classification in that area for height and 40 sq. ft maximum for the surface area for the face. McDonald's sign was already at 90 + feet in the face at that time. In 1986 the City undertook legislation that clearly caused the signs to be non-conforming. The City had an amortization provision in the ordinance that states in 7 years after the adoption date of the ordinance, the signs will come into compliance Also in the ordinance was a registration requirement on the part of the City to identify and notify the sign owners of the non-conformity. From 1986 to July 1993 the City had available to it, the ability to enforce the amortization and cause the sign owner to come into conformity. Burger King came in after 1993 for a face change after the amortization period.

Mr. Prather stated they support the ordinance that is before the Board Members.

Mr. Prather read a memorandum in its entirety into the record (attached). Mr. Prather also noted that in 2008 McDonalds came before the P&Z for a conditional use permit and it was recommended for approval but the City Commission denied the application request.

Mr. Mike Motta, Regional Construction Manager for McDonalds stated signage is very important to the business; they rely heavily on visibility and due to the lost visibility since the removal of the sign, sales have been negatively impacted.

Mr. Ugarte asked how is a sign size determined, is there a formula used? Mr. Motta said they use a sign company to do a test by putting up a mock sign at a certain height and size.

Mr. Pastor asked whether the square footage would go down if the height is lower and will the formula still apply? Mr. Motta stated yes.

Mayor Bryant asked what the actual height of the overpass is. She recommended that the answer be provided before the next Commission meeting. The Mayor stated that the City Commissioners, in order to move forward, will need you to clarify your decisions and the guidelines you establish for a specific corridor that is closer to the interchange (as opposed to the eastern City limits).

She stated that it is very important to convey a business friendly atmosphere and thanked and commended the Board for their expertise.

Chair Gilbert stated that it is the Board's intent to set a business friendly atmosphere. With the amount of traffic that travels US 41, it is important to have tall signs for visibility. If the signs are not visible, people won't stop and revenue is lost for the City.

Chair Gilbert closed the public hearing.

Mr. Ugarte stated he agreed with Mr. Prather comments. He indicated that at the last meeting, the Board established and agreed upon this area being a special district. Different criteria are needed for this area, but how do you determine the limits of that district, and the proper height and size of signs? Chair Gilbert stated Mr. Motta explained it well, you do a mock sign test by using a crane and raising the sign until it is visible.

Mr. Pastor asked whether the old McDonald's sign will be re-installed. Mr. Prather stated it depends on the vote. It will not be 94 or 96 ft high, but a more modern new pole sign.

Mr. Ugarte stated staff is recommending 60 ft, and asked whether 60 ft is too low. Chair Gilbert stated the closer the sign is to the interchange the smaller and lower to the ground it can be and still work; the further away you are from the interchange the taller and larger it has to be. The higher the sign the more square footage you will need. There is a huge difference between a 60 ft and 85 ft sign. The size height was chosen by using Wendy's sign because it is the largest in place now.

Mr. Pastor stated Wendy's will be non-conforming and asked Mr. Barnebey for clarification of the history of the past signs. Mr. Barnebey stated he does not know if any notices were sent out, but his position on the non-conforming signs is they should be removed. The question at hand is what do you think is appropriate? The existing signs that are non-conforming will be dealt with as they come forward. Mr. Barnebey stated the Board is balancing the appearance of the City with what is important to business.

Ms. Lyn asked whether it would be defensible to identify the types of businesses that need higher signs. Is there another approach to spell out the specific purposes of why certain businesses need higher signs? Mr. Barnebey stated he is not aware of an ordinance that does that. You could allow the taller signs of the existing businesses that are non-conforming by extending the amortization period. Chair Gilbert suggested identifying the businesses by the following: "food, fuel and lodging" as used on the interstate.

Mr. Ugarte moved to recommend approval of Ordinance 2011-12 with modifications. Modifying the maximum height under Section 3-154-e Subparagraph 1 (a) amending the 400 square feet to read 325 square feet

maximum surface area and (c) limiting those signs that are 85 ft in height and 325 sq. ft to businesses that provide at least 50% of food, lodging and fuel within the corridor and limiting signs in the underlining districts to 76 sq ft surface area and 30 ft in height. Mr. Pastor seconded. **MOTION CARRIED UNANIMOUSLY**, two members absent.

Adjournment: 6:00 p