

**MINUTES
CITY OF PALMETTO
PLANNING AND ZONING BOARD
AUGUST 18, 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
BARBARA JENNINGS

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 18th day of August 2011 are truthful?”

ORDER OF BUSINESS:

1. Approval of July 21, 2011 Meeting Minutes

Tab 1

July 21, 2011 Meeting Minutes

Mrs. Jennings moved to approve the July 21, 2011 meeting minutes. Mr. Pastor seconded. **MOTION CARRIED UNANIMOUSLY.**

Continuance from July 21, 2011

2. Manatee School for the Arts R-O-W Vacation (VAC-2011-01)

Tab 2

Mr. Moore stated for the record he has a conflict of interest as he is the architect for MSA and will be the representing the client. Mr. Pastor stated he also has a conflict and recused himself.

Ms. Lyn presented the staff report. Manatee School for the Arts (MSA) petitioned the City to vacate the main ingress and egress into the school property in order to acquire the existing public rights-of-way (R-O-W) for private use.

The school is interested in improving (paving and restriping etc.) the primary ingress and egress onto the school campus part of its expansion plan and for better overall circulation. MSA is requesting that the City vacate the two strips of rights-of-way which the City has owned since the construction of the original bowling establishment. Now that the school owns all of the property accessing the right-of-way, the need for City control of this R-O-W no longer exists. Staff recommends approval of the proposed right-of-way vacation.

Mr. Rudacille asked if there are anymore easements along the R-O-W. Mr. Moore stated just the one for the fire department connection that is out on Haben, the others are private.

Chair Gilbert reopened the public hearing.

No one from the public came forth to speak.

Chair Gilbert closed the public hearing.

There was no discussion

Mrs. Jennings moved to recommend approval of Manatee School for the Arts Right-of-Way VAC-2011-01. Mr. Ugarte seconded. **MOTION CARRIED UNANIMOUSLY**, Mr. Moore and Mr. Pastor abstained.

Continuance from July 21, 2011

3. Manatee School for the Arts Conditional Use (CU-2011-02)

Tab 3

Mr. Moore stated for the record he has a conflict of interest as he is the architect for MSA and will be the representing the client. Mr. Pastor stated he also has a conflict and recused himself.

Ms. Lyn stated the school is requesting a Conditional Use (CU) Permit for a freestanding 20 foot high modern, artistic, pole-supporting sign containing 26 sq. ft. of identification surface area and 28.6 sq. ft. of electronic message surface area for a total of 54.6 sq. ft. of surface area located at the south side of the main entrance of the school. No flashing or scrolling is proposed.

Ms. Lyn stated the City's current sign ordinance does not permit animated signs but it permits electronic message signs as a Conditional Use. The

proposed request for any type of electronic signs including animated signs would be considered an electronic message sign. In addition to the type of sign, this Conditional Use petition will also consider the size of the proposed sign which exceeds the maximum surface area of 40 sq. ft. permitted by the sign ordinance in commercial districts.

Ms. Lyn stated that the following were considered by the Planning and Building Departments in developing a recommendation for the proposed sign at MSA:

- a) The general character of the immediate area including proximity and orientation of residential uses in the immediate area;
- b) Haben Boulevard is a 4-lane divided arterial. A round-about is proposed approximately 560 feet south of the proposed sign where Haben Boulevard curves at the entrance of the Hammocks at Riviera Dunes. The proposed round-about will result in slower traffic thereby increasing the required change time necessary to avert a traffic hazard;
- c) Other conditional use approvals in the City for electronic signs;
- d) Applicable regulations in nearby jurisdictions;

Staff recommends approval of the proposed Conditional Use permit for an electronic sign and the sign size subject to the following conditions for the changeable copy portion of the sign:

1. Brightness shall not exceed 5000 lumens in the daytime and 1500 lumens at nighttime;
2. Changeable copy display shall not change more than once every thirty (30) seconds.

Mrs. Jennings asked if staff considered recommending not having the sign lit at night as that stipulation has been applied to other conditional use applications for signs. Staff indicated that some of the stipulations placed on conditional use approvals have not been followed. Mrs. Jennings also pointed out that the proposed roundabout slated for the area is due to start in September.

Chair Gilbert asked staff if there is a reason why the sign is located on the south side of the entrance. Ms. Lyn stated that this location was submitted by the applicant but Mr. Moore may have a more detailed answer to that question.

Mr. Ugarte inquired whether the square footage of the proposed sign would meet the new sign ordinance, indicating that we should make sure the proposed sign would not become non-conforming when the City adopts the new sign ordinance. Ms. Lyn stated they currently have a 62 sq. ft. sign, and the proposed sign is 54.6 sq. ft.

Chair Gilbert stated that traffic will be going slowly therefore a big sign is not needed.

Mr. Ugarte stated the brightness of the sign at Space Box is pretty bright; they are not adhering to the stipulations placed on the conditional use application approval. Code Enforcement needs to be notified.

Chair Gilbert re-opened the public hearing.

Mr. Jon Moore Architect/agent for MSA. Mr. Moore stated since being on the P&Z Board since 2004 the Board has presented a number of proposed sign ordinances to the City Commission and they have not approved any of them to date. The most recent proposed sign ordinance that was presented was not approved, and the current ordinance is not being enforced. Mr. Moore stated the P&Z Board have approved CU's for a number of similar electronic signs.

Mr. Moore stated that the location of the sign was discussed with the school administrators who opted for the south side since the north side is where the NRFD easement is located. The school would be willing to move the sign to the north side if that is the vote of this Board.

Mr. Boyle, Clear View stated the sign can be programmed for up to four years in advance to turn on and off at a certain times and the sign company can remotely access the sign offsite. The signs are built with auto circuitry to auto dim. Mr. Boyle stated he is an advocate for turning the sign off at night because it saves on the life cycle of the sign and the targeted audience is not out there to see the sign at that time. The Federal Highway Administration set the standard for the intervals on the billboard signs which is 5 second intervals.

Mr. John Boyle, Clear View and Mr. Marc Delisle, West Coast Signs provided a demonstration of what the proposed sign will look like. The demonstration illustrated the brightness of the sign and the 5 second interval time.

Mrs. Jennings asked if the proposal is just for a message sign that changes every 5 seconds, no video, animation, scrolling or flashing. Mr. Boyle stated a message sign changing every 5 seconds is what is being proposed, although the machine is capable of providing video.

Mrs. Jennings asked if this sign is a one sided-sign perpendicular to the street. The answer is the sign is two sided-sign and it will be perpendicular to the street.

Mr. Moore stated for the record the reason the school is proposing this type of technology is because they are requesting a video clip to be able to play on the signage.

Mr. Ugarte inquired if any neighboring counties or municipalities allow streaming video signs. Mr. Boyle stated there are none locally. The issue is more aesthetic and what the residents wants.

Chair Gilbert closed public hearing.

Discussion:

Mr. Ugarte stated he is ok with the size of the sign, the brightness can be controlled, but there has to be a way to make it comfortable for the surrounding properties and residents, turning the sign off from the hours of 11 pm to 6 am and implementing the 5 second cycling can be one of the requirements. Mr. Ugarte stated he is not sure we are ready to jump to full video.

Chair Gilbert asked where do you draw the line between video and animation and how do you define it? Mr. Rudacille stated that it is not defined in our codes.

Mrs. Jennings stated that she is ok with the size, the sign, the time frame and the 5 second interval, and the brightness but not the video.

Mr. Moore stated the school is opening this week therefore none of the school staff is present.

Chair Gilbert requested that the sign be moved north of the entrance for the neighbors' sake.

Mr. Ugarte moved to recommend approval of the proposed electronic message sign for Manatee School for the Arts Conditional Use 2011-02 with stipulations, as follows. Mrs. Jennings seconded. **MOTION CARRIED UNANIMOUSLY.** Mr. Moore and Mr. Pastor abstained.

1. Signage shall be automatically programmed not be illuminated between the hours of 11pm to 6am.
2. The brightness of the sign on the south side shall not exceed 5000 lumen during the day time and 1500 lumen at night time. Brightness of the sign on the north side shall not exceed 6000 lumen in the daytime and 1800 lumen at night time. Brightness of the sign shall be subject to the discretion of the Building Official.
3. Changeable copy display shall not change more than once every 5 seconds.
4. The sign shall be in substantial conformance with the rendering dated 7/6/11 that was presented at the hearing.
5. No video, animation or scrolling.

6. Sign placement shall move to the north side of the entrance outside of the visibility sight triangle.

4. Roy's Annexation, Plan Amendment, Rezone, General Development Plan/Preliminary Plat (AN-PA-Z-GDP-2011-03). Tab 4

Ms. Lyn presented the staff report. The property is located in the northwest section of the City, just south of the Terra Ceia Golf and Country Club planned development. The general area, including an enclave of unincorporated Manatee County is developed with scattered estate/large lot single family residential and zoned for a minimum of one acre lots; A-1 (Suburban Agriculture) in the County and E-R (Estate Residential) in the City. Lake Rowlett which abuts the southern border of the subject property lies between 21st Street W and 17th Street W.

There are 8 lots proposed on 8.01 acres at a gross density of 1.0 du/ac. The existing single family houses are on Lots 3 and 6 and the barn and gazebo are on Lot 4. The smallest lot proposed is 34,199 square feet or 0.79 acres and the largest lot, Lot 6 is 52,719 square feet or 1.21 acres.

The proposed single-family residential development is consistent with the City's 2030 Comprehensive Plan in terms of its use and density and is consistent with the surrounding uses and the general area.

Staff recommends approval of the annexation, small scale plan amendment to Res-4, rezoning to PD-H and the proposed GDP/preliminary site plan with the stated PD deviations in the report.

Chair Gilbert opened the public hearing

Mr. Leo Mills Jr. thanked the Board for the opportunity to speak and staff for the great job on presenting the proposed project. Mr. Mills reiterated what Ms. Lyn said. He indicated that Mr. Roy wants to be able to preserve and create home sites for family members to maintain this way of life for himself and his family.

Mr. Mills presented the layout on the overhead.

Mr. Ugarte asked if the equestrian tract in lots 1 and 2 will remain or be taken out eventually. Mr. Mills stated that Mr. Roy wants to maintain it as the last parcel for development.

Chair Gilbert closed the public hearing

Mr. Rudacille stated for the record that staff has provided information for each item, the Annexation, Plan Amendment, Rezone and GDP and they are included in the packet.

- **Annexation:** Mr. Ugarte moved to recommend approval of Roy's AN-2011-03. Mr. Moore seconded. **MOTION CARRIED UNANIMOUSLY.**
- **Plan Amendment:** Mrs. Jennings moved to recommend approval of the Roy's PA-2011-03 from County RES-3 to City RES-4. Mr. Moore seconded. **MOTION CARRIED UNANIMOUSLY.**
- **Rezone-GDP:** Mr. Moore moved to recommend approval of Roy's Z-GDP-2011-03 from ER (City) and A-1 (County) to PD-H (City). Mrs. Jennings seconded. **MOTION CARRIED UNANIMOUSLY.**

5. Varnadore Properties, LLC. Annexation, Plan Amendment, Rezone (AN-PA-Z-2011-04) and Vacation of Utility Easement (VAC-2011-02). Tab 5

Mr. Ugarte stated for the record that he has done work on this property but have no knowledge or interest in this project.

Ms. Lyn presented the staff report. The subject properties are located on the north side of 17th Street West between 7th and 8th Avenues W and make up most of an enclave of unincorporated Manatee County at this location. The general area is developed predominantly with general commercial uses along 8th Avenue W and 17th Street W with speckled residential units along 7th Avenue W and multi-family uses along 17th Street W.

The proposed applications including the utility vacation are intended to assemble a buildable lot for redevelopment. The property owner is seeking to develop the subject 3 parcels consisting of Lots 1, 18, 19 & 20, Block 1 of Orange Park subdivision. The property has access onto 3 streets; 8th Avenue W, 17th Street W and 7th Avenue W. The owners have inquired about including the subject property into the CRA boundaries.

Staff recommends approval of the annexation, small scale plan amendment to GCOM, rezoning to CG and the proposed vacation of a 10' utility easement to promote the redevelopment of this property.

Mr. Raymond Varnadore, business located at 1706 8th Ave W. Mr. Varnadore presented and explained the layout of the proposed lots to be annexed and vacated. The lots that are being proposed for vacating is a 10ft utility easement with no utilities on them and all appropriate parties have signed off on the vacation. The proposed easement to be vacated is located between lots 1 and

20, 2 and 19 and 3 and 18, and is requesting annexing lots 1, 18, 19 and 20 which will go into the CRA district.

Chair Gilbert closed the public hearing.

Mr. Ugarte stated it makes perfect sense to have the parcels in the City. Mr. Moore concurred.

The motion is as follows:

- **Annexation:** Mr. Ugarte moved to recommend approval of AN-2011-04. Mr. Moore seconded. **MOTION CARRIED UNANIMOUSLY.**
- **VACATION of Utility Easement:** Mr. Pastor moved to recommend approval of VAC – 2011-02. Mr. Ugarte seconded. **MOTION CARRIED UNANIMOUSLY.**
- **Plan Amendment:** Mrs. Jennings moved to recommend approval of the PA-2011-04 from ROR-Retail/Office/Residential (County) to GCOM-General Commercial (City). Mr. Pastor seconded. **MOTION CARRIED UNANIMOUSLY.**
- **Rezone:** Mrs. Jennings move to recommend approval of Z- 2011-04 GC-General Commercial (County) to CG-Commercial, General (City). Mr. Moore seconded. **MOTION CARRIED UNANIMOUSLY.**

6. Old Business

- a. None

7. New Business

- a. None

8. Adjournment 7:10