

**CITY OF PALMETTO
PLANNING AND ZONING BOARD MEETING
April 16, 2015 – 5:30 P.M.**

Elected Officials Present

Randy Iaboni, Chair
Larry Denyes
Eve Joy
William Price, III

Elected Officials Absent

Jon Moore, Vice Chair

Staff Present

Scott Rudacille, Assistant City Attorney
Debra Woithe, City Planner
Kera Hill, Planning Technician



Chair Iaboni called the meeting to order at 5:39 p.m. Mr. Price was not present at the time the meeting started.

All persons intending to address the Planning and Zoning Board were duly sworn in.

1. PLANNING & ZONING BOARD AGENDA APPROVAL

Motion: Chair Iaboni made a motion to move item # 4 to item # 6, and to move # 6 to item # 4 on the Agenda. Ms. Eve moved, Mr. Denyes seconded, and the motion carried 3-0 to move the Agenda Items.

2. APPROVAL OF MEETING MINUTES

(TAB 1)

Motion: Ms. Joy moved, Mr. Denyes seconded, and the motioned carried 3-0 to approve the January 15, 2015 meeting Minutes.

3. PUBLIC COMMENT

None

4. New Business (Previously # 6 on the Agenda)

In recent months there have been two electronic message signs, Pet's Life and the City Gateway. Electronic signs are required a conditional use permit in commercial and industrial areas. The conditional use permit is heard by the Planning Board and City Commission for approval. One of the recent conditional uses was for Pet's Life, but it was disapproved the first time it went to Commission. Mr. Burton with the CRA initiated having guidelines for electronic signs prior to approval.

Mrs. Woithe worked with the CRA to establish the guidelines and Pet's life would have to come into compliance with those guidelines. It was observed that the Pet's Life Sign didn't have as high resolution compared to the City Gateway Sign. The City Commission has decided to have the City Gateway sign be the set standard for electronic signs. Mrs. Woithe stated the resolution is determined by the pitch; pitch is the distance between the pixels. The pitch for the Pet's Life sign is 16 and the pitch for the City Gateway sign is 20. The standard for the pitch is 20 or better. The timing also referred to the dwell time, which is the timing to view each image. It was researched and eight seconds is what has been decided should be the standard, but has to be static. These stipulations have not been implemented into City Code but could be adopted as guidelines for the Conditional Use Permit for electronic signs for approval.

Mrs. Woithe went over the proposed guidelines and stated the following:

- Only one electronic sign allowed per lot
- Brightness established and appears to be within reason
- Display was approved at 16 seconds, but will now be changed to 7 and half seconds
- No flashing or scrolling
- No sound shall admit from the sign
- Using sign for emergency messages
- Minimum pitch shall be 20 MM

Mr. Denyes expressed concerns on electronic signs that he's observed a couple as being very bright, scrolling and hard to make out. But glad that we're looking into this early.

Ms. Joy asked if we've considered where and if we want to limit the electronic signs. Mrs. Woithe expressed that should be something we look into and that a conditional use permit is required for the sign, but would only be allowed in commercial districts, however in the downtown guidelines electronic signs are prohibited in the old Main Street area.

5. Old Business

None

Mr. Price entered the meeting at 5:47 PM

6. ORDINANCE 2015-04 (D.WOITHE) (Previously # 4 on the Agenda) (TAB 2)

AN ORDINANCE OF THE CITY OF PALMETTO, PROVIDING FOR FINDINGS OF FACT; REZONING AND AFFIRMING ZONING OF APPROXIMATELY 7.34 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF SNEAD ISLAND ROAD (AKA 13TH STREET WEST), AND WEST OF THE SNEAD ISLAND CUTOFF CHANNEL AT 4307 SNEAD ISLAND ROAD WEST FROM COUNTY ZONING DESIGNATION R1-B TO CITY ZONING DESIGNATION OF GENERAL COMMERCIAL (GC); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (CITY INITIATED, OWNER: BRADENTON YATCH CLUB, INC., PID# 2931700059/APPROXIMATELY 7.34 ACRES.)

Chair laboni removed himself from voting on the item, due to conflicting interests.

Recent applications have come through; one of them is for The Manatee River Pram Fleet sailing program. Their proposing to build a new building and to abandon the old building on the southeast side of the property; a dock permit came through as well and will be built with the Pram shelter. Most of the property is zoned CG (business and light commercial) but when reviewing the permit applications staff found that that there was a section missing on the GIS digital map. Mrs. Woithe explained that this is not really a rezone, but that they were unable to find any official documents to show assigned zoning. However, the property has always been treated as CG since the time it was annexed in 1988. Staff even considered treating this as a scrivener error, but it was recommended by the City Attorney to do a rezone. The process started with a first read on March 16, 2015 through City Commission, if approval is given at this meeting it would then continue to City Commission on April 20, 2015 for final approval.

A GIS digital map dated in 2010 showed the eastern portion of the Bradenton Yacht club as zoned CG, the western portion wasn't. Before the property was annexed into the City, Manatee County had the property zoned as R1-B and went to the west, which is City property and is at the edge of the City limits. The property to the west is residential and is outside City limits. When reviewing previous maps, there were two parcels that made up the property, and was shown as yacht club one and yacht club two. When the digital maps were created, appears that the west portion of the yacht was missed. There were two pages that would show the whole property, appears that the first page is what was assigned a zoning destination and that page 2 appeared to be overlooked. In 2010 the whole lot was unified for the future land use designation as GCOM (General Commercial).

The use of the Bradenton Yacht club is expected to continue indefinitely. The property was purchased in 1966 and the building was built shortly thereafter 1968, then in 1988 they annexed the land into the City, after that they built the current building that is currently being used. More recently the land has been further developed, with the assumption that the property had CG zoning.

Basin, tennis courts, tiki-hut, swimming pool, youth sailing program etc. and have been permitted through the City as Commercial General; nothing came up on the western part, where the zoning was missing on the map.

Mrs. Woithe went on to explain that the code of ordinances allows us to make changes to our zoning, correcting a manifest error, and there are four considerations that has to be met:

1. Need and justification

There is a need to formalize a zoning that appears to not be formally assigned a zoning district.

2. The effect of the change

There should not be any effect; the property has been operating as Commercial General.

3. The amount of undeveloped land in the general area and in the City with the same zoning

In Western Palmetto, there currently isn't much commercial general. Any vacant Commercial General in the eastern part is being targeted by the CRA and is functioning separately.

4. Relationship to the Comprehensive Plan

Commercial General is consistent with the zoning.

- Amendment may be initiated by the Zoning Administrator or other staff.

The City has decided to initiate the Rezone to correct the error and not make the owner take on the responsibility. It is staff's recommendation to adopt ordinance 2015-04.

Mr. Price foresees adjacent owners not welcoming the proposed dock. Mrs. Woithe did mention that when it comes to the permit process, that as long as the setbacks are met, that public approval wouldn't be required. Mrs. Woithe stated we haven't received any public complaints regarding the rezoning of the property. There was a neighbor who asked if there was any other zoning district designation that the property could be zoned for. There was another zoning designation that was researched and that could fit and it was CN (Neighborhood Commercial) but it wouldn't allow marinas, restaurants or drinking establishments. Those are the categories among that the business has operated as since it was established. CG is what fits, CHI (heavy commercial and light industrial) would fit, but that wouldn't be a good fit from the neighbor's perspective.

No members of the public were present at the meeting.

Motion: Mr. Denyes moved, Ms. Joy seconded, and the motion carried 2-1. Mr. Price was opposed and Chair laboni refrained from the vote.

Mrs. Woithe mentioned that the City now has two new code enforcement officers and we will be stepping up the expectations of businesses and home owner.

She also explained that the City will be having a beautification project. The contest is in which the City gives recognition to businesses or residential properties that have made minor changes to their home or business. The curb appeal contest may become a quarterly event and there will be some flyers going around. They'll be working with the community on donations to help with the program. Looking for those properties that do a little sprucing up with making the hedges look nice, adding some flowers and just taking pride in what you have.

Ms. Joy asked about the status of the Olympia Theater and the fencing issues. Mrs. Woithe stated that the construction fence was less attractive than the current fence, but the understanding is to complete the design of the new fence and then come in for a permit. Code Enforcement is taking the next step in formalizing and establishing a time line. Mrs. Woithe explained that it's not being ignored or intentionally let go.

Chair laboni adjourned the meeting at 6:21 PM

Minutes approved: July 16, 2015