



City of
PALMETTO
Florida

DRAFT

Planning and Zoning Board Meeting

September 17, 2020 at 5:45 PM

This meeting will be conducted utilizing communications media technology

516 8th AVENUE WEST
PALMETTO, FL 34221

(941) 723-4570
<http://www.palmettofl.org>

Planning and Zoning Board Members Present

Randy Iaboni, Chair
Jon Moore, Vice Chair (appeared virtually)
Pamela Roberts
William Price, III

Planning and Zoning Board Members Absent

Sharon Tarman

Staff Present

Marissa Powers, Assistant City Attorney
Karla Owens, Development Services Director
Kera Hill, Planning Analyst

To access the Planning and Zoning Board meeting you have the following options:

Call in using a telephone

You may access the meeting from your phone by dialing 1 646 876 9923. When the meeting ID is requested, enter 923 4644 3829. When asked for the participant ID, press the # key.

Access via Zoom Application

Download the "ZOOM Client Meetings" to your computer, laptop, smartphone or tablet by visiting Zoon Download.

Once downloaded, please click this link: <https://zoom.us/j/92346443829>

Public Comment Instructions

Please read below under the public comment section of the Agenda.

*To raise hand to speak, press the *9 key.*

**To mute and unmute yourself, press the *6 key.*

Chair laboni called the meeting to order at 6:05 PM, followed by a moment of silence and the Pledge of Allegiance.

Roll call was taken, Mrs. Tarman was absent from the meeting.

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

1. PLANNING & ZONING BOARD AGENDA APPROVAL

Motion: **Mr. Price moved, Mrs. Roberts seconded, and the motion carried 4-0 to approve with modifications the September 17, 2020 Agenda. Modifications: Rearrange the agenda, moving up item No. 5, so it would be heard first.**

2. APPROVAL OF MEETING MINUTES

(TAB 1)

Motion: **Mr. Price moved, Mrs. Roberts seconded, and the motion carried 4-0 to approve the August 20, 2020 Minutes.**

3. PUBLIC COMMENT

Public Comment: Comments shall be limited to two minutes. The Board does not generally take action on any matter raised during these public comments, but may direct the matter to be placed on the agenda of a future meeting, if appropriate.

a. Public comment via telephone into Zoom Meeting

If you would like to speak during the public comment portions of the Agenda, please press *9 on your phone to activate the “raise your hand” feature on Zoom.

b. Public comment using Zoom Application on laptop, computer, smartphone or tablet

Click the “raise your hand” feature on the participants section at the bottom of the screen.

c. Public comment in the Commission Chambers

Seating will be in accordance with the CDC guidelines and social distancing requirements.

There was no public comment.

4. AA 2020-01 Administrative Appeal (K. Owens)

(TAB 3)

To consider the request for Administrative Appeal 2020-01 of setbacks for Building Permit No. 20-0366 for replacement of a carport located at 1404 4th Street West. The request is from Louise Seeley, property owner at 1412 4th Street West.

Mrs. Owens explained the corrections to the agenda memo, which included:

1. Memo states in the background that the application was reviewed on May 24, 2020, revise to application reviewed on May 5, 2020.

2. Top of page 2 states “at least five (5) feet from the side property line”. Should be corrected to “at least five (5) feet from the rear property line”.

Mr. Moore recused himself stating he had a voting conflict since he owns a property adjacent to the appellant’s property.

Attorney Richard Green, counsel for appellant, Louise Seeley, gave a presentation to the Board. Discussion ensued regarding the appeal time period start date. Attorney Green opined that they applied for an appeal within the required time period. Attorney Green stated further that Mr. Rotondo signed the permit application documents, and with that swore to meet the City regulations for constructing his pole barn. Attorney Green also stated that the existing pole barn is causing run off onto Mrs. Seeley’s property.

Appellant, Louise Seeley appeared virtually, but did not provide testimony. Ms. Seeley provided emails and surveys which have been made part of this record.

Public Comment regarding Administrative Appeal

Bob Gause, neighbor located at 1902 4th Street West. Mr. Gause expressed support of the pole barn, and opined that the structure is not on the subject public easement. Further stated that the structure is completely on Mr. Rotondo’s property and doesn’t agree with the comments regarding the alleged run-off.

Sarah Sutton, neighbor located at 1808 4th Street West. Ms. Sutton expressed her support of the pole barn, and stated that the structure was constructed to enhance the owner’s property, and to allow a safe place for the property owner’s granddaughter to play.

Sarah Colandro, neighbor located at 1407 4th Street West. Ms. Colandro expressed her support for the pole barn, and stated that it was a nice improvement from the old structure that it replaced.

Betty Plum, neighbor located at 410 17th Avenue West. Ms. Plum expressed her support of the pole barn.

Ann Bemis, neighbor located at 1510 5th Street West (appeared virtually). Ms. Bemis expressed her objection to the pole barn. Ms. Bemis stated that she had been over at the appellant’s home in the evening and that lights from the pole barn project into Ms. Seeley’s property.

Cindy Semonick, neighbor located at 409 14th Avenue West (appeared virtually). Ms. Semonick expressed her objection to the pole barn.

Carmen Rotondo, neighbor and daughter to Mr. Rotondo, located at 814 10th Avenue West. Ms. Rotondo explained that her father has been a realtor in this area for over 20 years, and that he would never intentionally not follow the City Codes. Ms. Rotondo further stated that not following the City Code would also result in problems with trying to sell his property in the future.

David Sutton, neighbor located at 1808 4th Street West. Mr. Sutton expressed his support of the structure.

Marilyn Phillips, neighbor located at 1400 4th Street West. Mrs. Phillips expressed her support of the pole barn.

Robert Rotondo, property owner at 1404 4th Street West, appeared in person and explained to the Board that he was unaware of any issues with the construction of the pole barn's setbacks until the concerns were brought to his attention. At that time he voluntarily had the pole barn surveyed to verify the setbacks of the structure. He stated further that he did not intend to deceive the City or to disregard the City Code.

Discussion ensued regarding the appeal time period. Mr. Price stated that the appellant, Ms. Seeley, was given all of the information and deadline for applying for an administrative appeal in writing on June 18, 2020. Mr. Price stated in his opinion that the request was not made within the deadline of the appeal period.

Motion: **Mr. Price moved, Mrs. Roberts seconded, and the motion carried 3-0 that based upon the evidence and documentation presented in the record and the evidence and testimony at the public hearing, to deny Administrative Appeal 2020-01, due to the appeal not being timely filed.**

5. CU 2018-02 CONDITIONAL USE PERMIT (K. OWENS)

(TAB 2)

To consider a Conditional Use Permit Application (CU-2018-02) by the applicant, Church on the Rock, to allow an electronic message sign at 1401 14th Avenue West, Palmetto, Florida. A conditional use approval is required for electronic message signs pursuant to the newly adopted Ordinance 2020-06.

Mrs. Owens explained to the Board that the City Commission recently approved the new Sign Ordinance which now allows electronic message board signs in residential districts for residential support uses. A church is a listed residential support use. Mrs. Owens explained that the subject message board sign was erected two years ago without a building permit and other approval. Once notified, the Church immediately applied for a conditional use permit, and turned the sign off. Until the adoption of Ordinance No. 2020-06, however, electronic message signs were prohibited in residential districts. The permit has been on hold since then pending approval of the new sign ordinance.

Tad Mathews, Pastor for Church on the Rock (appeared virtually), and presented testimony.

Chair laboni asked Mr. Mathews if the Church would agree to turn the sign off at 6PM each night, if the Board added the stipulation to the conditional use permit. Mr. Mathews said that would defeat the use of the sign. The Church has events at night and want to utilize the sign into the evening. Chair laboni inquired about an incident that occurred in recent weeks where the sign was on. Mr. Mathews stated that due to a storm in the area, a power error occurred and the sign turned to a white screen. As soon as the Church became aware of the problem they immediately turned the sign off. Chair laboni expressed his opinions against the sign and the brightness. Mrs. Owens explained that the applicant will have to adhere to the criteria for

electronic signs in the sign ordinance which specially regulates the brightness of the sign. Mrs. Owens further explained that if the sign is approved, the Building Official will go out and complete an inspection to verify such criteria are met.

Public comment was opened and then closed as there was no comment.

Mr. Moore verified with staff that the application does meet the newly adopted sign ordinance amendment.

Mr. Price moved to recommend denial of Conditional Use Permit (CU 2018-02) to the City Commission. The motion failed, due to no second.

Motion: Mr. Moore moved, Mrs. Roberts seconded, with a vote of 2-2 to recommend approval of Conditional Use Permit (CU 2018-02) subject to the conditions set forth in the order, to the City Commission. Chair laboni and Mr. Price voted nay. The motion was a tie vote, which results in a technical denial of the request.

Mrs. Owens explained the item will be heard at the September 28, 2020 City Commission meeting.

6. OLD BUSINESS

Mrs. Owens notified the Board that The Old Salt Marine conditional use request was approved by the City Commission. The conditional use was for a request to sell new boats.

7. NEW BUSINESS

There was no new business.

8. ADJOURNMENT

Chair laboni adjourned the meeting at 8:57PM

*The September 17, 2020 Planning and Zoning Board meeting minutes were approved on: _____2020
Planning and Zoning Board*