

**PLANNING COMMISSION
MEETING
MARCH 22, 2010**

MEMBERS PRESENT: Edward Zapke, Acting Chairman
John Burrage, Massey Loughman, Lynne Matthews,
Heinz Schmidt, Jim Stevens, Charles Zajicek

MEMBERS ABSENT: Edward Viola

OTHERS PRESENT: Teri Tubbs, Zoning Official
Dennis Murphy, Growth Management Director
David Hilston, Urban Design Manager
Joan LeBeau, Chief Planner
Lisa Hannon, Zoning Coordinator
Councilmember Larry Friedman
Vice Mayor Bill Albers
Councilmember Don McCormick
Mayor Harvey Goldberg
Brent Evans, Edward Carter, Jim Gibbon, Walt Peterson,
Scott Eason, Gary Kunshier, Gene Klynoot, Lois Hamilton,
Steve Fabian, Karen Riley, Harold Miller, Paul Ayers,
Jeff Berkey, Lauralee Westine, Donald Taub

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - April 26, 2010

APPROVAL OF MINUTES

- A. Meeting of February 22, 2010
 - Mr. Burrage MOVED, Ms. Matthews SECONDED approval of the February 22, 2010 minutes. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS

- Recording Secretary Kelly swore in all participants.
- A. SE-02-10 - A Special Exception request by Creighton Commercial Development, in accordance with Chapter 26, Article 16, Section 16.8, of the City Code of Ordinances to allow a 7-Eleven convenience store to be operated in an existing building located at 1121 Bal Harbor Boulevard in the Neighborhood Center (NC) zoning district as such requests are permitted by special exception per City Code Chapter 26, Article 3, Section 3.8(f)(9).
Address: 1121 Bal Harbor Boulevard, Punta Gorda, FL 33950.
 - Mr. Zajicek, Ms. Matthews and Mr. Schmidt disclosed they met with representatives of the applicant on March 4, 2010, confirming each had met separately in accordance with the Sunshine Law.

- Mr. Loughman disclosed he met with representatives on March 5, 2010.
- Mr. Zapke disclosed he had several ex parte conversations on this application, adding representatives met with the Punta Gorda Isles (PGI) Civic Association (CA) Board, of which he was a member, at the proposed site.
- Ms. Teri Tubbs, Zoning Official, displayed an overhead of the site location, as delineated in the agenda material, stating certain modifications to the existing building and site were planned. She advised the drive-through lane had been eliminated as had the majority of the overhang area. She mentioned a recent amendment to the application included a request for liquid propane (LP) sales and storage in front of the store. She entered the staff report, as provided in the Commission's agenda material, into the record, asking if approval would ever be sought for installation of fuel facilities as long as the site remained a convenience store.
- Mr. Brent Evans, applicant's representative, replied there would be no fuel facilities, adding the lease contained a stipulation prohibiting same.
- Ms. Tubbs asked if the elevations depicted the design plan for the building.
- Mr. Evans replied affirmatively.
- Ms. Tubbs observed muted beige tones with a darker roof line as well as the proposed location for the LP tanks on the north side of the building. She advised bollards must be placed in front of those tanks for safety purposes and must be decorative in color as well to blend in with the area's architecture. She announced the final rendering of exterior signage, appearance and color scheme would be submitted to and approved by the City Manager prior to commencement of construction and become part of the special exception approval. She acknowledged the 7-Eleven representative was unable to be present this date; thus, she did not have renderings of all options for signage. She displayed some renderings, stating the sizes were not what was proposed.
- Mr. Evans interjected the dimensions depicted on the renderings were incorrect.
- Ms. Tubbs stated a different rendering was presented at the March 16, 2010 citizens' meeting, apologizing for not having same to present this date.
- Ms. Matthews requested clarification of those differences.
- Mr. Evans explained the earlier rendering depicted the lettering on the center portion of the eave, stating same represented the only difference.
- Ms. Tubbs reiterated the final rendering of the exterior signage must be approved by the City Manager. She stated any future change in exterior building design, construction, signage, appearance or color scheme must be approved by City Council. She explained there would be no window signage other than normal 7-Eleven safety and security stickers and those required by law; thus, the structure would maintain

more of a residential type appearance than that typically seen in such establishments. She advised there would be no other external displays, machines or merchandise other than the screened/enclosed LP area, adding outside central trash facilities would be buffered by a wall compatible in design and color with the building walls. She observed a dumpster enclosure existed on site.

- Mr. Evans explained the dumpster area was located on the southwest corner of the site and would remain the same.
- Ms. Tubbs stated the configuration and intensity of exterior lighting would not change, adding surrounding landscaping would be enhanced and maintained so as to sustain a visual buffer consistent with security requirements. She noted the City required an approved landscape plan, which would be initially approved by the City Manager. She advised any product deemed by City Council to be offensive or conducive to illegal conduct would be removed from display and sales inventory.
- Mr. Evans pointed out 7-Elevens did not carry drug paraphernalia or pornographic magazines; however, other magazines may be deemed as offensive by some; thus, he requested that restriction be removed.
- Ms. Tubbs announced another provision was to have construction completed and the store operational within six months of approval of the special exception.
- Mr. Evans noted this was an existing building in which 7-Eleven must design a new interior, including modification to architectural, mechanical, electrical, plumbing and structural aspects as well. He clarified their intent was to have the store open and operational as quickly as possible.
- Ms. Matthews asked if both driveway entrances would remain open.
- Mr. Evans replied nothing would change.
- Ms. Matthews stated it appeared there were entrances on both the Aqui Esta Drive and Bal Harbor Boulevard sides, asking if the former would be closed off.
- Mr. Evans replied the Aqui Esta Drive side would be the entrance to the 7-Eleven store.
- Ms. Matthews questioned the plans for the remainder of the lease area.
- Mr. Evans displayed an overhead of the east elevation, as denoted within the agenda material, stating no windows would be removed from the building but rather same may be blacked out from the interior. With regard to the remainder of the lease area, he stated an idea was under consideration but nothing was committed at this time.
- Ms. Matthews questioned the location of the proposed entrance to that side.
- Mr. Evans replied the southeast side of the building, pointing out same on an overhead of the east elevation.

- Ms. Matthews clarified Clipper Cove Condominiums were across the street from the Bal Harbor Boulevard side. She confirmed the entrance would be on the Aqui Esta Drive side, specifically where a door currently existed, asking if the door in the center on the Bal Harbor Boulevard side would be closed off.
- Mr. Evans replied it would be locked and never used as an entrance.
- Mr. Zapke opined the existing shopping center had held the City hostage for several years, asking if anything could be done to avoid the same situation with the 7-Eleven in the event the business was not successful and shut down.
- Ms. Tubbs expressed uncertainty with regard to the lease provisions.
- Mr. Evans replied 7-Eleven would be liable for all rent due if the business closed down.
- Ms. Matthews stated she understood the subject property was a separate parcel from the former Food Lion shopping center, asking if this was correct. She clarified there was some concern with regard to competition between two potential businesses.
- Ms. Tubbs replied it was considered an outparcel; however, she was unaware of any internal agreements or lack thereof.
- Ms. Matthews explained she understood Food Lion's lease had a non-compete clause, essentially holding the landlord hostage since they vacated the premises. She questioned the expiration of Food Lion's lease, stating she had been advised same was anywhere from one to fifteen years from this point in time. She clarified the Food Lion property would most likely be a grocery store again some time in the future.
- Mr. Evans replied there was no agreement between the shopping center and the outparcel but rather same were completely independent of each other.
- Ms. Matthews confirmed no one was aware of the terms of the above mentioned lease.
- Mr. Zapke asked if the dumpster enclosure would remain the same as it was currently.
- Mr. Evans replied affirmatively, confirming it would be repaired.
- Ms. Tubbs interjected one condition was a requirement to buffer the outside central trash facility by a wall compatible in design and color with the building walls, the intent being to upgrade the enclosure to concrete block.
- Mr. Evans responded same had not been discussed, confirming the enclosure would be the same color as the building and landscaping would be added to meet Code requirements.
- Mr. Burrage asked if staff or the applicant had reviewed the 15 criteria proposed by the PGI CA Board, confirming same was made a part of the record. He opined the proposal would be much more palatable if all criteria was agreed to.
- Mr. Zapke listed several criteria on which both the PGI CA Board and the City agreed, specifically no fuel, no window signage, no external vending machines, no drug

paraphernalia, no pornographic material, exterior lighting and commencement of construction within approximately six months.

- Mr. Evans countered the latter criteria was the only one of concern for the reasons he stated above.
- Mr. Zapke then listed criteria being requested by the PGI CA Board: (1) no additional window space other than that required by the second entrance; (2) only two trash containers on either side of the main entrance; (3) store to be open on a 24 hour basis unless conditions dictated otherwise; (4) merchandise plan geared toward customers' desires; (5) clerk to have visual access to everyone entering and exiting the building; (6) 7-Eleven to ensure cleanliness of interior and exterior; (7) no loitering; (8) community partnership, with 7-Eleven to seek applicants from the community for newly created jobs.
- Mr. Evans expressed agreement with Items (1) through (3).
- Mr. Zapke interjected he understood someone would be on the premises for 24 hours even if operating hours were reduced.
- Mr. Evans responded that was correct. He then expressed agreement with Items (4), (5), (6) and (7). He voiced uncertainty with how to address Item (8).
- Mr. Zajicek clarified the current zoning of the subject property was NC, asking why a special exception was being sought.
- Mr. Tubbs replied convenience stores were specifically listed in other zoning districts as a permitted use; therefore, it could not be included as a general, retail, commercial use, such as a grocery store.
- Mr. Burrage asked if delivery trucks could be expected during later hours if the store hours were changed to close at 8:00 p.m., for example.
- Mr. Evans replied all deliveries took place during daytime hours, with the exception of baked goods, which were delivered early in the morning at approximately 5:30 a.m.
- Mr. Zajicek asked if it would be advisable to connect the main parking lot with 7-Eleven's.
- Mr. Evans explained retention areas existed between the two areas, adding same would be looked on negatively by the Southwest Florida Water Management District (SWFWMD).
- Mr. Schmidt confirmed a 7-Eleven clerk would conduct an outside sweep of the facility to ensure the property was kept clean and neat. He noted another suggestion of the PGI CA was to require vehicles left on site more than 30 minutes to be towed, asking who would make that decision.

- Mr. Evans explained 7-Eleven operated as an “in-and-out” type business, acknowledging exceptions for someone whose vehicle broke down; however, 7-Eleven did not encourage loitering in any way.
- Ms. Tubbs reminded members the Commission could recommend any contingencies and/or safeguards they desired, stating City Council could impose same.
- Mr. Zapke asked if the applicant would agree in writing to the specified criteria.
- Mr. Evans replied he would first review each criteria, reiterating his agreement expressed above.
- Mr. Burrage provided Mr. Evans with a list of each criteria.
- Mr. Edward Carter, Cimarron Drive, commented the nearby Fire Station was extremely busy as was the intersection of Aqui Esta Drive and Bal Harbor Boulevard, expressing concern with regard to a significant increase in left turns in an area primarily geared for emergency services. He stated he also personally felt the lights in the plaza were excessively bright. He recommended the entrance be relocated to Bal Harbor Boulevard; thus, the north side, which was adjacent to a residential area, would not be confronted with signage and traffic.
- Mr. Jim Gibbon, Cimarron Drive, expressed concern with regard to increased traffic both entering and exiting the site, suggesting a traffic survey be conducted. He stated he did not feel a commercial business should be allowed in a residential area.
- Mr. Walt Peterson, PGI resident, pointed out the potential for commercial development on the subject parcel was apparent. He expressed hope 7-Eleven held a guaranteed lease with the corporate structure in order to ensure the business’ success. He recommended the dumpster area be increased by roughly two to three times its current size and be constructed of concrete to match the building.
- Mr. Scott Eason expressed support for the PGI CA list read earlier, stating he did not believe same had been circulated. He opined a 7-Eleven store was out of character for the PGI neighborhood, pointing out there were other convenience stores existing at locations not far from PGI. He concluded there were a number of differences between that which had been published by staff, by the developer and by Councilmember Larry Friedman.
- Mr. Gary Kunshier, Aqui Esta Drive, opined traffic would be a significant problem, particularly during lunch time.
- Mr. Gene Klynoot, 740 Bal Harbor Boulevard, stated he conducted a traffic survey this date and observed one vehicle every 5 seconds passing his home; thus, he believed traffic would be a problem. He questioned whether there may be a future need to

widen Bal Harbor Boulevard as was the case with Aqui Esta Drive. He questioned the citizens' response in terms of letters received thus far.

- Ms. Tubbs reported as of a few days earlier, there were 51% in support with conditions, 38% opposed and 7% no opinion stated. She stated staff continued to track responses and would report same to City Council.
- Mr. Klynoot suggested a formal survey be conducted.
- Ms. Lois Hamilton expressed strong disagreement with Mr. Evans' statement regarding 7-Elevens being kept neat and clean. She opined the proposed 7-Eleven would create a significant traffic problem, concluding she was opposed to SE-02-10.
- Mr. Steve Fabian stated he had originally been informed the entrance would be toward Bal Harbor Boulevard, away from the residential area, and the entrance off Aqui Esta Drive would be closed.
- Ms. Karen Riley stated she traveled through this intersection on a daily basis and resided approximately one-half mile away, adding she had not moved to Punta Gorda to be faced with a 7-Eleven. She expressed concern with regard to real estate values, concluding she did not believe this was a well thought out proposal.
- Mr. Harold Miller, 932 Cimarron Drive, expressed support for existing, local businesses, stating he did not feel the PGI CA spoke for PGI citizens. He asserted most 7-Eleven owners were foreigners, with workers brought over on work visas, concluding he was opposed to this request.
- Councilmember Larry Friedman pointed out if every brand name/franchise type business which had evolved since Hurricane Charley in August 2004, i.e., the Sheraton Hotel, or which generated traffic were barred, there would most likely have been no development since that time. He announced he resided within six blocks of the subject location, submitting it would be more favorable to have an upscale restaurant, for example; however, this was simply not the case nor had it been for many years. He asserted this site had become more and more of a code compliance problem as far as visual blight. He clarified the City was not negotiating an agreement with Creighton nor 7-Eleven but rather as part of this special exception process, the City Council would hear recommendations from the Commission and the citizenry. He explained City Council could impose conditions on approval of the special exception, adding if those conditions were not adhered to, the City could abrogate the special exception, thus forcing the applicant to cease operations. He then noted the driveway scenario had never changed from two driveways. He acknowledged both businesses initially indicated their entryway into the storefront would be on the Bal Harbor Boulevard side;

however, that had changed by the following week. He urged citizens to give the City the opportunity to conduct negotiations.

- Mr. Paul Ayers stated during the applicants' meeting with the PGI CA, they relied several times on the terms of their lease with 7-Eleven to provide comfort to various concerns. He urged the Commission to not take any comfort in that lease as same was between two private entities; thus, Punta Gorda had no legal standing within that lease.
- Mr. Zapke called three times for anyone else to speak on SE-02-10.
- Ms. Matthews MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Zapke stated the material submitted by the City and the PGI CA should be compiled into one document.
- Ms. Matthews stated in concept, she did not have a problem with this store going into this location; however, she expressed much concern with regard to the entranceway on Aqui Esta Drive. She clarified she would vote against the entire request if both entrances to both businesses were not placed on the Bal Harbor Boulevard side of the parking lot. She commented on the concerns expressed relative to traffic, strongly recommending the intersection be widened to three lanes in front on the Bal Harbor Boulevard side to allow for a turn lane. She suggested consideration be given to opening up the parking lot into the main shopping center, regardless of the concerns relative to SWFWMD as stated earlier. She expressed total agreement with the PGI CA, asserting all those criteria must be met for the application to be approved. She pointed out this commercial location would be fully occupied at some point.
- Mr. Zajicek agreed with Ms. Matthews' comments, particularly with regard to an entrance into the main shopping center.
- Mr. Burrage commented his main concern related to traffic.
- Mr. Schmidt asked if members felt a formal traffic study should be done.
- Ms. Matthews pointed out northern residents would be leaving shortly; thus, a traffic study at this time would not provide accurate results.
- Mr. Loughman stated the outparcel and shopping center were two distinct entities, adding the former typically impeded access to the latter. He commented it would be difficult to have Aqui Esta Drive widened in light of the ongoing construction on same, adding he did not feel there was sufficient space for an entrance off of Bal Harbor Boulevard.
- Ms. Matthews MOVED, Mr. Burrage SECONDED to recommend approval of SE-02-10 based upon the evidence and testimony presented contingent upon the following: all criteria in the memo from the PGI CA Board of Directors of March 21, 2010, to the

Planning Commission must be met; the entrance to the 7-Eleven should be located on the Bal Harbor Boulevard side of the building and not the Aqui Esta Drive side; a traffic pattern modification should be done at the intersection, including a turn lane on Bal Harbor Boulevard into the shopping center, at the very least.

- Mr. Zajicek asked how the criteria to hire PGI applicants would be enforced.
- Ms. Matthews replied she felt it was a stipulation the applicant could be asked to consider.
- MOTION CARRIED UNANIMOUSLY.

B. SE-01-10 - A Special Exception request by Lauralee G. Westine, Agent for AT&T Mobility, LLC, pursuant to Chapter 26, Article 16, Section 16.8, of the City Code of Ordinances to modify a previously approved Special Exception for a 110 foot high wireless communication facility with a minimum of 3 carriers to allow a replacement 150 foot high wireless communication facility to be constructed to facilitate up to 6 carriers, a use that is permitted by Special Exception approval within the Public (P) zoning district, per Chapter 26, Article 3, Section 3.12(g), specifically addressed as 1623 or 1625 Aqui Esta Drive, Punta Gorda, FL 33950. Any approval of the Special Exception request will be subject to approval of variance application request V-03-10 to allow the additional height and use of the chain link fence.

LEGAL: A portion of Lots 5 and 6, Block 1, Plan of Punta Gorda Center according to the map of plat thereof as recorded in Plat Book 1, Page 20, of the Public Records of Charlotte County, Florida [long legal description on file with the City of Punta Gorda Urban Design Division, 126 Harvey Street, Punta Gorda, FL 33950 (941)575-3372], a/k/a 1623 or 1625 Aqui Esta Drive, Punta Gorda, FL.

- Ms. Tubbs displayed an overhead of the site location, as delineated in the agenda material, stating the request would facilitate a total of six carriers instead of the three which currently existed in order to provide additional service to customers and to enhance locating 911 emergency callers. She noted the request also required a variance for the proposed height of the tower and expansion of the existing chain link fence; however, the variance request was not part of this review and would be reviewed separately in a public hearing before the Board of Zoning Appeals (BZA) and City Council. She explained the site was City owned property, adding the existing Unipole would be replaced with a 150 foot Unipole, all antennas and cables to be located inside the tower and thus not be visible. She pointed out the equipment area would be fenced and buffered from any public right-of-way (ROW). She advised the adjacent property was a nature park with sufficient natural plant buffering. She mentioned the proposed tower would generate approximately one trip per carrier per month or six

total trips per month; however, no other vehicular or pedestrian traffic would be generated by the proposed use. She concluded the requested use would not adversely affect neighboring properties nor have a traffic impact on the area, adding there would be no excessive lighting, noise, smoke dust or odors generated by the proposed use. She recommended approval of SE-01-10, offering to answer any questions regarding same.

- Mr. Zapke requested clarification on how 911 service would be enhanced.
- Ms. Tubbs replied she understood more technology would be available to locate 911 callers by virtue of having additional carriers.
- Mr. Jeff Berkey, AT&T representative, explained calls would be triangulated between multiple sites to coordinate locations.
- Mr. Zajicek asked if 40 additional feet was necessary to achieve same.
- Mr. Berkey replied affirmatively.
- Mr. Zajicek questioned the average cell tower height.
- Mr. Berkey replied anywhere from 100 feet to 300 feet.
- Mr. Zajicek asked if the height would need to be increased again in the future.
- Mr. Berkey replied it would not.
- Mr. Burrage commented the PGI CA had requested there be no strobe lighting; however, he understood the Federal Aviation Administration (FAA) required same.
- Mr. Berkey responded that was correct.
- Ms. Lauralee G. Westine, applicant, added an FAA determination had been submitted as part of the application package, stating the tower was not required to be lighted. She mentioned towers over 199 feet were required to be lit at the top.
- Mr. Burrage questioned the potential for damage in the event the tower was blown down in a hurricane.
- Ms. Westine replied cell towers were designed to “bend” as opposed to “topple over.” She mentioned a few citizens had expressed opposition to a flag being flown from the tower, confirming same was not planned.
- Mr. Zapke asked what carriers would be leasing space on the tower.
- Ms. Westine confirmed AT&T, Verizon, Sprint and Nextel, stating she believed the tower would be filled relatively quickly.
- Mr. Eason commented his current cell carrier, AT&T, typically provided insufficient service inside his home, asking if the taller tower would worsen same.
- Ms. Westine replied citizens would see an increase in “in-building” coverage.
- Mr. Berkey agreed, pointing out AT&T was not currently located on the tower but rather three miles away.

- Mr. Donald Taub asked if any studies been conducted relative to radiation from the tower with the addition of AT&T.
 - Ms. Westine replied these sites generally operated at less than .02% of what was allowed by the Federal Communications Commission (FCC).
 - Mr. Zapke called three times for anyone to speak on SE-01-10.
 - Mr. Zajicek MOVED, Ms. Matthews SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Burrage MOVED, Mr. Zajicek SECONDED to recommend approval of SE-01-10 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
- C. ZA-04-10 - An Ordinance of the City of Punta Gorda, Florida, Amending Chapter 26 of the City Code of Ordinances known as the Land Development Regulations, Article 3, Regulating Districts, by adding “Schools” as a new permitted principal use and structure; amending Subsection 3.9(f), removing (10) schools from uses permitted by special exception and renumbering accordingly; providing for conflict and severability; and providing an effective date.
- Ms. Tubbs announced staff had discovered “schools” listed as a use permitted by special exception as opposed to by right in the City Center (CC) zoning district. She explained the CC zoning district was intended to encourage redevelopment and expansion of the traditional town center and to provide a broad array of integrated uses. She advised based on that intent, staff had drafted the proposed ordinance to allow schools or educational facilities as a principle permitted use. She concluded with a recommendation for approval of ZA-04-10.
 - Mr. Zapke asked if “school” was defined in City Code.
 - Ms. Tubbs replied affirmatively, stating same was defined as an instruction facility.
 - Mr. Zapke called three times for anyone to speak on ZA-04-10.
 - Mr. Burrage MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Ms. Matthews MOVED, Mr. Zajicek SECONDED to recommend approval of ZA-04-10 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- A. Lighting of Commercial Structures in the Waterfront Overlay (WO) Zoning District
- Ms. Tubbs announced staff was asked by City Council to look into various lighting options for commercial structures in the City’s WO zoning district. She stated a brief presentation was made to the Waterfront Development Advisory Committee (WDAC) where concerns were raised relative to enforcement of maintenance, design and level of intensity. She mentioned the existing Crab House lighting was 12 volt, 0.5 watt, 4-

chip LED, adding citizen response had been positive; thus, staff recommended limiting brightness to not exceed those specifications. She reviewed possible verbiage for consideration, as denoted in the agenda material, requesting comments and recommendations from the Commission for presentation to City Council.

- Mr. Zapke recommended all lighting be required to be shielded, stating a major concern when boating after dark was night blindness or night vision problems.
- Mr. Burrage concurred.
- Ms. Tubbs added WDAC felt the voltage currently existing on the Crab House satisfied those concerns.
- Mr. Schmidt asked if State standards existed which limited voltage.
- Mr. Zapke replied he did not believe so.
- Ms. Tubbs confirmed staff would address these concerns from a technical standpoint.
- Ms. Matthews then stated red or green lights should be specifically prohibited.
- Mr. Zapke confirmed there were no other comments or concerns.

B. Vehicle Advertising Ordinance

- Ms. Tubbs drew members' attention to a proposed ordinance, as denoted within the agenda material, noting same was not an amendment to the Land Development Regulations (LDRs) but rather to Chapter 23, Traffic, and would thus not include a public hearing before the Commission. She explained the intent of this proposed ordinance was to address traffic safety hazards created by signage in or on vehicles as well as aesthetic blight and visual clutter. She stated the ordinance prohibited the parking of any vehicle or trailer having signs of any form on any property, public or private, in any non-residentially zoned district if visible from the public ROW; however, this prohibition did not apply to vehicles or trailers temporarily parked and actively engaged in normal day to day business services. She mentioned if a location was impractical or impossible to park in compliance with the ordinance, the sign on the vehicle must be covered with a material of uniform color or the vehicle must be parked in an area so as not to be visible from the ROW. She described a situation where a special exemption may be sought from City Council who in turn could impose terms and conditions deemed appropriate. She stated the ordinance allowed for a "special parking permit" for event participants and vendors for dates and times associated with an event. She described the penalties provided in the ordinance for failure to comply, concluding the ordinance was scheduled for presentation at the April 7, 2010 City Council Meeting.

- Ms. Matthews asked how this affected a police vehicle parked in a driveway for consecutive days, stating a sheriff's vehicle had been parked in a driveway of a PGI property for months.
- Ms. Tubbs replied the proposed ordinance had been written specifically for non-residential districts, stating emergency or law enforcement vehicles had typically been exempted from commercial parking regulations in residential districts. She expressed uncertainty as to whether the ordinance would have any effect on the situation described by Ms. Matthews.
- Mr. Loughman asked if Section 23 of the City Code outlined sign size restrictions with regard to vehicle signage.
- Ms. Tubbs replied it did not.
- Mr. Zajicek asked if Charlotte County had adopted a similar ordinance.
- Ms. Tubbs replied affirmatively, adding same was within their sign code.

STAFF COMMENTS

- A. Community Redevelopment Agency (CRA) Project Status Report
 - Ms. Tubbs announced the CRA Project Status Report was available on the City's web site, stating staff had ceased including same in all agenda packets in the interest of cost savings.
 - Mr. Zapke countered he believed members should be provided with a hard copy of the report.
 - Mr. Dennis Murphy, Growth Management Director, reiterated budget restrictions prohibited same.
 - Ms. Matthews suggested a short recap of activity over the previous 30 days would suffice.
 - Consensus of the Commission was agreement with Ms. Matthews' recommendation.

MEMBER COMMENTS

- Ms. Matthews addressed comments made during the SE-02-10 public hearing with regard to franchisees being looked upon with disfavor, pointing out the positives associated with two of the City's hotels, the Sheraton and Best Western. She then asked if any action could be taken relative to a vehicle parked in the Cross Town shopping center being used to advertise a tobacco store located within same.
- Ms. Tubbs replied City Council would hear that ordinance on first reading on April 7, 2010, adding adoption was scheduled for April 21, 2010. She clarified staff could then immediately begin enforcing the new regulations.

ADJOURNMENT

- Meeting Adjourned: 3:58 p.m.

Edward Zapke, Acting Chairman

Mary Kelly, Recording Secretary