

**PLANNING COMMISSION  
MEETING  
JUNE 22, 2009**

**MEMBERS PRESENT:** Lynne Matthews, Chairman  
John Burrage, Larry Hofmeister, Heinz Schmidt,  
Edward Viola, Charles Zajicek, Edward Zapke

**OTHERS PRESENT:** Teri Tubbs, Zoning Official  
David Hilston, Urban Design Manager  
Mitchell Austin, Urban Design Planner  
Lisa Hannon, Zoning Coordinator  
Mayor Larry Friedman  
James Eason, Cyndee Murphy

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting - July 27, 2009
- C. Last Scheduled Meeting - May 26, 2009

**APPROVAL OF MINUTES**

- A. Meeting of May 26, 2009
  - Mr. Burrage MOVED, Mr. Hofmeister SECONDED approval of the May 26, 2009 minutes. MOTION CARRIED UNANIMOUSLY.
  - Mr. Matthews welcomed Mayor Larry Friedman to the Commission's meeting.

**NEW BUSINESS**

- Recording Secretary Kelly swore in all participants.
- A. Public Hearings
  - 1. ZA-10-09 - 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 11, Sign Standards, amending Subsection 11.4, City Center (CC) Signage, amending Subsection (e)(5), Portable Signs; adding Subsection 11.11, Creative Signs, providing for creative sign review, providing for applicability, providing for application requirements, providing for design criteria, providing for conflict and severability, and providing an effective date.
  - Ms. Teri Tubbs, Zoning Official, stated staff had initiated the subject zoning amendment to address a public need. She explained due to existing site configurations, building locations and one-way streets, certain developed and undeveloped commercial sites had unique barriers to adequately advertise their products and services while remaining within the current sign regulations. She noted the proposed amendment would allow design review for approval of creative signs

which were aesthetic improvements to City Code requirements but which did not meet the literal interpretation of the sign code by allowing unique and creative signs. She stated the amendment included a change which would allow all businesses in the CC and Neighborhood Center (NC) zoning districts to have a portable "A" frame sign to be displayed during business hours, adding same would help promote the businesses through another form of advertising. She clarified the amendment included review and approval processes to ensure the promotion, preservation and maintenance of the public's welfare, safety and aesthetic standards. She advised all signs must be designed to make a unified visual statement which integrated the design of street graphics with the design of the building or side on which they will be displayed and with surrounding areas. She announced the Urban Design Division recommended approval of ZA-10-09, offering to address any questions or concerns.

- Mr. Zapke expressed hope this would level the playing field for all businesses regardless of their location.
- Ms. Tubbs replied that would generally be the case; however, she noted there were regulations particular to designated zoning districts.
- Mr. Zapke clarified the rules would be level for all types of businesses and would be enforced uniformly.
- Ms. Matthews commented on the proposed Section 11.11.8, Expiration of Approval, asking how long approval was valid if an approved sign was installed.
- Ms. Tubbs replied for the duration of time the sign was in place. She noted City Council may designate whether such approval carried the weight of a variance and go with the land or be specific to the current business. She pointed out the sign must be architecturally compatible with the building.
- Ms. Matthews clarified approval would be valid indefinitely. She questioned the application fee.
- Ms. Tubbs replied staff was recommending a \$50 across the board application fee in order to cover administrative costs. She explained staff was not recommending requests undergo the public hearing process; thus, there would be no advertising or mailing costs.
- Mr. Hofmeister commented favorably on uniform enforcement throughout all commercial districts; however, there were a few residential businesses allowed in the City, adding he did not feel sandwich board signs would be viewed in a positive light. He reported his research showed sandwich board signs were the most primarily abused. He opined signage made the most obvious impression in a municipality with regard to its character. He mentioned he also conducted a fair amount of research of

signage in other municipalities, stating Punta Gorda's definition of an "A" frame sign was 24" x 48", non-electrically powered. He stated City Code allowed a two foot square sign to be mounted on a building, which seemed favorable for restaurants; however, he envisioned a building with ten different businesses, each having a two square foot sign as well as ten different sandwich board signs. He opined same was not the character Punta Gorda wished to display. He displayed a photograph, as delineated in the agenda material, depicting what would essentially be considered a sandwich board sign, stating the ordinance did not specify whether same should be displayed in a landscape or portrait manner, the allowed height from the ground up nor the mounting procedure. He pointed out the sign in the photograph was mounted in the rear of a pick-up truck, displaying another photograph more clearly depicting same in front of a local Nissan dealer in the right-of-way (ROW). He then displayed a third photograph further indicating problems which could be encountered without more clearly delineating what would or would not be allowed, including permitted locations. He recommended requiring adequate liability insurance with the City named as an additional insured, adding signs should be weighted, if not permanently anchored, in order to be able to withstand the effects of significant storm events, for example, particularly when placed in the ROW. He mentioned all of the municipalities he researched charged an annual application fee and required annual approval. He asserted sign placement must adhere to Americans with Disabilities Act (ADA) requirements. He recommended the ordinance address the number of sign faces, further suggesting a height restriction of five feet and the sign face as well as the sign itself be no larger than two feet by four feet.

- Ms. Matthews interjected the ordinance provide verbiage requiring the sign to be "A" frame in design with a dimension not to exceed 24 inches wide by 48 inches high.
- Mr. Hofmeister countered same referred to the face of the sign as opposed to the sign itself. He asserted the definition was too liberal.
- Mr. Scott Eason commented he had noticed similar signs mounted on trucks and bicycles, expressing agreement with Mr. Hofmeister's statements. He asserted signs were an enormous detraction of how a City was viewed. He spoke in opposition to the approval running with the land after a sale; however, he expressed agreement with the other issues raised by Mr. Hofmeister.
- Ms. Cyndee Murphy stated she was not overly concerned with some of the issues raised by Mr. Hofmeister; however, she would not be in favor of seeing a line of "A" frame signs along the length of U.S. 41, for example. She cautioned the Commission

on how this ordinance was crafted while keeping in mind the difficulty businesses were experiencing in the current economy.

- Mr. Viola asked how long the ordinance would be in effect assuming it was adopted.
- Ms. Tubbs replied this would be a permanent amendment to City Code; however, the Commission could recommend a sunset provision, i.e., two years from the date of adoption.
- Mr. Zapke asked if the sign itself would require approval by a certain committee.
- Ms. Tubbs replied affirmatively for the creative signs; however “A” frame signs had not required any other type of permit. She pointed out limiting signage to a specific use treaded closely to “freedom of speech.”
- Mr. Zapke asked Mr. Hofmeister if a review board and some type of annual or semi-annual sign review would satisfy some of his concerns.
- Mr. Hofmeister countered he was not opposed to signs but rather with the lack of restrictions relative to same.
- Discussion ensued with regard to sign regulations specifically with regard to shopping malls and/or plazas.
- Ms. Matthews interjected she believed staff could be relied upon to interpret City Code appropriately, adding the Code Compliance Division was responsible for addressing violations of City Code. She asserted the more rules which were imposed, the harder it was for merchants to effectively promote their businesses. She stated the City must be business friendly, especially in light of the current economy.
- Mr. Zajicek commented the insurance issued raised by Mr. Hofmeister was important, asking if same should be addressed within City Code.
- Ms. Matthews asked if businesses typically included same in their insurance policies.
- Mr. Hofmeister asserted placement of a sign in the ROW became the City’s liability.
- Ms. Murphy responded not all businesses carried liability insurance, acknowledging same was costly.
- Ms. Matthews called three times for any one to speak on ZA-10-09.
- Mr. Viola MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Hofmeister MOVED, Mr. Burrage SECONDED to recommend approval of ZA-10-09 based upon the evidence and testimony presented with the following stipulations: the liability issue must be addressed; maximum height allowance must be defined; annual permits were required; signs must be wind proofed to withstand normal thunderstorm activity. MOTION CARRIED UNANIMOUSLY.

### **OTHER BUSINESS**

- A. Community Redevelopment Agency (CRA) Status Report
  - No discussion.
- B. Fiscal Year (FY) 2010 Strategic Plan - Discussion
  - Mr. David Hilston, Urban Design Manager, announced Mayor Friedman had requested input from various stakeholders, including the City's advisory boards/committees, noting a copy of the Strategic Plan was provided in the Committee's agenda material. He explained members could submit suggestions either individually, as a committee or both.
  - Ms. Matthews requested members be provided with a list of properties being considered for annexation.
  - Mr. Zajicek questioned the status of the entranceway sign.
  - Mr. Hilston replied work was ongoing.
- C. City of Punta Gorda Parks & Recreation Master Plan
  - Mr. Mitchell Austin, Urban Design Planner, urged members to connect to the City's web site, reporting three sections of the Master Plan, Introduction, Level of Service Analysis and an introduction to the various park types, were complete. He noted public comment and input continued to be sought, specifically with regard to an implementation strategy.
  - Mr. Burrage recalled City Council commented recently on the South Park, intended for placement in Brunt Store Meadows; however, it was later determined same could not be constructed at that location. He clarified the City Manager indicated funding would remain available but only for a specific period of time. He asked if the South Park would be maintained as an entity.
  - Mr. Austin replied same was still in the implementation strategy, stating there were two other parcels of land owned by the City in the immediate area of Burnt Store Meadows which may be suitable for conversion to park land.
  - Mr. Zajicek asked if State or Federal funding was available for a park system.
  - Mr. Austin replied essentially all State and Federal funds were in the form of competitive grants.

### **MEMBER COMMENTS**

- Mr. Viola commented on the special exception recently approved to operate a massage therapy business in the Special Residential Overlay (SRO) District, asserting much work had gone into the type of restrictions developed over the years relative to the various SROs. He expressed concern with regard to the possibility of detrimental activity

resulting from this type of business and the inability of the City to be able to address same.

**CITIZEN COMMENTS**

- Mr. Eason commented on the above mentioned special exception, stating he understood the Punta Gorda Isles Civic Association (PGI CA) representative had presented the PGI CA's opposition to City Council relative to that request. He asserted a barrier had been breached, suggesting the Commission convey their objections to City Council. He clarified he was opposed to operation of a home based business in the SRO district.

**ADJOURNMENT**

- Meeting Adjourned: 3:07 p.m.

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Lynne Matthews, Chairman

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Mary Kelly, Recording Secretary