

**PLANNING COMMISSION
MEETING
APRIL 27, 2009**

MEMBERS PRESENT: Lynne Matthews, Chairman
John Burrage, Larry Hofmeister, Stanley Kubik,
Edward Viola, Charles Zajicek, Jim Stevens

MEMBERS ABSENT: Heinz Schmidt, Edward Zapke

OTHERS PRESENT: Joan LeBeau, Chief Planner
Teri Tubbs, Zoning Official
Dennis Murphy, Growth Management Director
Lisa Hannon, Zoning Coordinator
Amjad Sitti, Patrick Dennis, Joe Graham, John Nocito,
Karen Ford, Thomas Mount

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - Tuesday, May 26, 2009
 - Ms. Matthews reminded members the Commission's next meeting had been moved to a Tuesday due to the Memorial Day Holiday.
- C. Last Scheduled Meeting - March 23, 2009

APPROVAL OF MINUTES

- A. Meeting of March 23, 2009
 - Mr. Hofmeister noted an addition to page 9.
 - Mr. Zajicek MOVED, Mr. Viola SECONDED approval of the March 23, 2009 minutes as amended. MOTION CARRIED UNANIMOUSLY.

Editor's Note: Upon review of the audiotape of the March 23, 2009 meeting, it was determined the minutes were accurate as presented.

NEW BUSINESS

- Recording Secretary Kelly swore in all participants.
- A. Public Hearings
 - 1. CP-02-09 - An Ordinance of the City of Punta Gorda, Florida, Amending the City of Punta Gorda Comprehensive Plan Future Land Use Map; Changing the current designation from Low Density Residential/County (LDR/County) to Professional Office/City (PO/CITY) on property generally described as 24382 & 24384 Airport Road as more particularly described on Exhibit "A" attached to the ordinance; providing for conflict and severability; and providing an effective date.

- Ms. Joan LeBeau, Chief Planner, displayed an overhead of the site location, stating the subject property contained approximately .53 acres of platted property and consisted of 2 parcels. She noted this amendment was precipitated by the applicant's annexation request. She explained the requested PO Future Land Use Map (FLUM) classification was consistent with surrounding classifications. She confirmed trip generation for the site could be accommodated by existing transportation facilities, adequate water and sewer capacity was available, storm water requirements would be met as part of the approval process, and impact on solid waste pick-up and disposal would not significantly degrade current levels of service. She mentioned roadway improvements would be discussed during actual site development. She noted the proposed project was exempt from the school concurrency requirement due to the limited residential component, specifically current calculations would generate less than one student for the total two units being proposed. She confirmed the amendment request met the criteria for processing as a small scale land use amendment pursuant to State Statute, recommending approval of CP-02-09.
- Ms. Matthews noted one photograph in the agenda material depicted a lake in the middle of one piece of land while another did not, requesting clarification of same.
- Mr. Amjad Sitti, Project Engineer, responded the photograph referenced by Ms. Matthews was part of an environmental study conducted for a larger area; however, the subject land encompassed only a small corner of same. He noted an updated survey had since been submitted, displaying an overhead of same. He clarified the body of water was not actually a lake but rather an area which had been excavated for a nursery.
- Ms. Matthews confirmed no portion of the body of water fell below the dotted line depicted on the overhead.
- Mr. Hofmeister clarified this would be a mixed use development. He questioned the number of residential units.
- Ms. LeBeau replied only two would be allowed.
- Mr. Hofmeister commented the level of service on Airport Road was rated "D" according to the traffic study provided in the agenda material, questioning the minimum required level of service for a road to be acceptable for new projects.
- Ms. LeBeau replied "D" was appropriate.
- Mr. Hofmeister recalled a large project on the corner of Airport Road and Cooper Street was recently approved within close proximity of this site which would severely impact traffic in the subject area as well.
- Ms. LeBeau responded both projects were reviewed together.

- Mr. Hofmeister confirmed this was a tabletop analysis. He stated he believed a “C” rating was required for all roads in Charlotte County.
 - Mr. Sitti replied that was not necessarily the case.
 - Ms. LeBeau added Charlotte County had changed their level of service limit from “C” to “D”.
 - Mr. Hofmeister asked if a great deal more traffic would result.
 - Mr. LeBeau replied the roadway would withstand more traffic before failing, adding there was actually another gradient of “E” before failing.
 - Mr. Hofmeister asserted he would be inclined to require a turn lane for this project.
 - Ms. LeBeau confirmed traffic would be considered specific to the project in connection with the others at the time of development review, adding that recommendation could be made.
 - Mr. Hofmeister concluded traffic would be very disruptive without a turn lane, noting he traveled that road daily. He mentioned there was also a fair amount of truck traffic.
 - Ms. Matthews called three times for any one to speak on CP-02-09.
 - Mr. Viola MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Burrage MOVED, Mr. Hofmeister SECONDED to recommend approval of CP-02-based upon the evidence and testimony presented contingent upon addition of a turn lane. MOTION CARRIED UNANIMOUSLY.
2. Z-02-09 - An Ordinance of the City of Punta Gorda, Florida, Rezoning property described on Exhibit “A”, commonly know as 24382 & 24384 Airport Road, from Agricultural Estates/County (AE/County) to Neighborhood Center/City (NC/City); providing for conflict and severability; and providing an effective date.
- Ms. LeBeau displayed an overhead of the site location, stating this was the companion application to the Comprehensive Plan amendment discussed under Item 1. She reviewed the criteria of Section 26-15.5 of the City Code, as delineated under Finding #5 in the agenda material, noting staff considered the application to be in order based upon the known factors to include use, site planning and the availability of infrastructure. She concluded with the Urban Design Division’s recommendation for approval. She then submitted into the record an approval for exemption from the School Impact Analysis for Concurrency Process from both the City and the Charlotte County School Board. She further provided clarification on traffic, stating this was a Charlotte County road; thus, staff would work with the County on same as they would have input on this development.

- Mr. Hofmeister commented on the aerial photograph depicting the boundary outline on page 103 of the agenda material, requesting clarification as it was not consistent with the survey and, in fact, showed houses on the north side of the property.
 - Ms. LeBeau explained page 103 was an old environmental photograph which was taken when this property was part of another project.
 - Mr. Hofmeister asked if the houses had been demolished.
 - Ms. LeBeau replied she believed the houses had been removed.
 - Mr. Sitti confirmed same.
 - Mr. Hofmeister noted it appeared the lake had been expanded.
 - Ms. Teri Tubbs, Zoning Official, explained the photograph included all of the surrounding property; thus, the lake appeared larger than in actuality.
 - Ms. LeBeau reiterated this was originally part of another project which had since separated, adding the photograph on page 103 was part of the environmental review conducted when the projects had been conjoined and included the subject section.
 - Ms. Matthews clarified the "Approximate Project Boundary" outlined in yellow was not applicable to the subject project. She then called three times for any one to speak on Z-02-09.
 - Mr. Viola MOVED, Mr. Stevens SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Hofmeister MOVED, Mr. Viola SECONDED to recommend approval of Z-02-09 based upon the evidence and testimony presented.
 - Mr. Zajicek asked what was planned for Parcels 17 and 13.
 - Ms. LeBeau replied those parcels had the same zoning designation; however, no development concept plan had been provided as yet.
 - MOTION CARRIED UNANIMOUSLY.
3. SE-05-09 - A Special Exception request by Steve Cianflone, agent, per Section 26-16.8 of the City Code of Ordinances to allow artificial turf to be installed as permitted by Special Exception approval per City Code Section 26-12.3(n) on private property addressed as 1401 Thrasher Drive and on the City right-of-way that directly abuts this private property, all of which is located in a General Single Family (GS) zoning district. Legal Description: Block 204, Lot 16, PGI Section 14.
- Ms. Tubbs displayed an overhead of the site location and submitted the staff report, both denoted in the agenda material, into the record. She stated the applicant had demonstrated the turf met or exceeded the required criteria of Ordinance #1579-09, providing a detailed review of same. She noted the applicant had proposed to extend a small amount of turf into the front yard up to an existing landscape area, adding a

new survey of the property had been provided. She mentioned a separate right-of-way (ROW) permit would be required if the special exception was approved. She explained if maintenance was required in the City ROW or utility easement, the property owner would be responsible to remove, replace and repair, at their expense, any artificial turf within 60 days. She confirmed the City would not be held liable for damage to any turf or other items placed within the ROW or any area covering any City utilities. She advised a copy of the special exception, if approved, as well as the conditions thereof must be recorded in the Public Records of Charlotte County to provide notice of the special rules relating to artificial turf to any subsequent purchaser. She concluded with a recommendation for approval of SE-05-09 with the above stated conditions, offering to answer any questions.

- Ms. Matthews asked what was planned for the rear yard. She expressed disapproval of the appearance at a Via Tripoli address where artificial turf had been installed, particularly next to the adjacent property, asserting this was the foundation for her recommendation to allow artificial turf on an “all or nothing” basis. She explained the colors of the neighboring sod and the artificial turf were completely different. She opined the photographs provided in the agenda material indicated “zeroscaping” as opposed to “xeriscaping.”
- In response, Mr. Patrick Dennis, Forever Lawn, displayed several photographs of the rear yard, stating there would be no turf in the back yard. He explained the rear yard was comprised of low growing ivy with a sea shell base abutting the seawall.
- Ms. Matthews asked if same was legal.
- Ms. Tubbs replied it was actually a violation but not part of the subject request, stating she had advised the homeowner of her intention to pass same on to the Code Compliance Division; however, the request was applicable to the ROW up to existing planters in the front yard. She clarified she was required to process an application as submitted.
- Mr. Viola asked if the Code Enforcement Board (CEB) had been presented with this case.
- Ms. Tubbs replied not as of this date.
- Mr. Hofmeister proposed postponing this request until the property was clear of all violations.
- Mr. Burrage concurred.
- Ms. Matthews stated she had understood artificial turf must be installed throughout the entire yard.

- Mr. Zajicek asked if staff had received any complaints from surrounding property owners.
- Ms. Tubbs replied they had not. She then clarified the ordinance did not require artificial turf throughout the entire yard; thus, these types of requests must be accepted and processed. She pointed out all requests would present an issue relative to neighboring sod.
- Ms. Matthews pointed out the areas in violation in the rear yard would have to be replaced with some type of material. She expressed agreement with Mr. Hofmeister's recommendation to postpone a decision.
- Mr. Kubik opined a continuance was not appropriate if the rear yard was redone in concurrence with City Code. He confirmed artificial turf was allowed to be installed over part of the property; thus, postponing a decision based on the rear yard violations was not proper. He asked if sod would be allowed in the rear yard.
- Ms. Tubbs replied affirmatively.
- Mr. Kubik commented favorably on the use of artificial turf in light of ongoing drought conditions.
- Mr. Hofmeister asserted his objection was a matter of principle as the way the City conducted business, specifically the Commission should not grant a request when outstanding violations existed. He opined the request would probably be approved under normal circumstances.
- Mr. Zajicek spoke in opposition to a postponement, stating he believed the Commission must either approve or deny this request.
- Mr. Kubik concurred, stating he did not believe the Commission should act on principle but rather on existing law.
- Ms. Matthews expressed surprise City Code did not stipulate artificial turf must be installed throughout the entire yard.
- Ms. Tubbs clarified the yard contained a certain amount of landscaping which the homeowner claimed were native plants.
- Ms. Matthews confirmed zeroscaping was contrary to City Code.
- Discussion ensued with regard to whether or not the Commission could postpone a decision.
- Ms. Tubbs briefly reviewed Section 26-16 of the City Code, stating she believed the Commission had the authority to continue the request to a date certain, perhaps for 2 to 3 months.
- Ms. Matthews called three times for any one to speak on SE-05-09.

- Mr. Viola MOVED, Mr. Hofmeister SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Hofmeister MOVED, Mr. Viola SECONDED to recommend disapproval of SE-05-09 based upon the evidence and testimony presented or to continue the request to a date certain if City Council so desired.
 - Mr. Kubik asked if the work proposed for the front yard was allowed by City Code.
 - Ms. Tubbs replied affirmatively.
 - VOTING AYE: Burrage, Hofmeister, Stevens, Viola, Zajicek, Matthews.
 - VOTING NAY: Kubik.
 - MOTION CARRIED.
4. SV-01-09 - A Resolution of the City Council of the City of Punta Gorda, Florida, Approving the change of name of that portion of the street known as West Retta Esplanade lying between Taylor Street and U.S. 41 Northbound in the City of Punta Gorda to Harborside Avenue in the City of Punta Gorda; and providing an effective date.
- Ms. Tubbs displayed an overhead of the site location, as delineated in the agenda material, stating because of the pending development and reopening of the previously vacated West Retta Esplanade public ROW which bisected Block 5, PUG, a new street name for the access easement currently named West Retta Esplanade must be established. She noted the condominiums currently addressed as 150 West Retta Esplanade would need to have a new address assigned, adding each individual condominium owner had been notified. She concluded the Urban Design Division recommended approval of SV-01-09.
 - Mr. Zajicek confirmed there had been no objections.
 - Mr. Dennis Murphy, Growth Management Director, interjected one condominium resident had voiced approval of the idea.
 - Mr. Hofmeister noted a “Harborside” address existed in Port Charlotte, which he believed would cause directional problems for users of Global Positioning Systems (GPS), acknowledging same was not a critical issue; thus, he recommended “Harborway.” He stated he personally felt Harborway was much more upscale.
 - Ms. Tubbs stated she had conducted similar research and found a Harborside Circle and Harborside Drive as opposed to Harborside Avenue.
 - Mr. Kubik pointed out a GPS would provide correct directional instructions by including either “Punta Gorda” or “Port Charlotte.”
 - Mr. Joe Graham, Charlevoi Condominiums, expressed complete agreement the street name must be changed; however, he suggested something without “Harbor.” He

suggested “La Cali Puente,” “Bridge Street” or something utilizing the word “Puerto” which meant Harbor. He pointed out both “Retta Esplanade” and “Punta Gorda” had Spanish origins, suggesting same was more upscale.

- Ms. Matthews asked if any official action had been taken thus far.
 - Ms. Tubbs replied City Council had adopted a resolution at their most recent meeting announcing their intent to rename the street.
 - Mr. John Nocito, Charlevoi Condominium Association President, agreed the street name needed to be changed, adding he was not opposed to Harborside Avenue; however, the local telephone directory listed 15 other streets beginning with “Harbor.” He expressed concern with the condition of the roadway itself, asserting the lack of lighting and poor surface conditions presented significant danger.
 - Ms. Matthews asked staff if any street improvements were planned.
 - Ms. Tubbs replied she would need to check with the Public Works Department; however, as property was developed, owners were responsible to construct a public sidewalk adjacent to their development, acknowledging same was not always immediate.
 - Ms. Matthews assured Mr. Nocito his comments would be passed on to the appropriate staff member. She then called three times for any one to speak on SV-01-09.
 - Mr. Zajicek MOVED, Mr. Viola SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Zajicek commented there had been a fair amount of discussion on the street name, asking if a decision regarding same must be made.
 - Mr. Hofmeister replied the actual street name could be left open.
 - Ms. Matthews asked staff how they would prefer the Commission to proceed in light of the above stated dissention.
 - Mr. Murphy replied City Council would make the final decision. He mentioned “Harborside” had been suggested due to the close proximity of the Event Center to Charlotte Harbor.
 - Mr. Hofmeister MOVED, Mr. Kubik SECONDED to recommend approval of SV-01-09 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
5. SV-02-09 - An Ordinance of the City Council of the City of Punta Gorda, Florida, Naming the unnamed sixty-six foot (66’) wide right-of-way lying in Punta Gorda Harbor Parcel D in the City of Punta Gorda, Charlotte County, Florida, as Laishley Court; and providing an effective date.
- Ms. Tubbs displayed an overhead of the site location, as delineated in the agenda material, stating with construction of the Ship’s Store and the Crab House restaurant

currently underway, a new street name was necessary in order to clearly identify the location of these buildings. She confirmed no other addresses would be affected by this street naming but rather this action would provide accurate identification of the location of both of the above mentioned businesses. She presented the Urban Design Division's recommendation for approval of SV-02-09, offering to answer any questions of the Commission.

- Ms. Matthews called three times for any one to speak on SV-02-09.
 - Mr. Burrage MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Zajicek MOVED, Mr. Hofmeister SECONDED to recommend approval of SV-02-09 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
6. SV-03-09 - An Ordinance of the City Council of the City of Punta Gorda, Florida, naming the unnamed sixty-six foot (66') wide platted right-of-way lying between Taylor Street and U.S. 41 Northbound in Block 5 of the Plat of Trabue, as recorded in Plat Book 1, Page 1, of the Public Records of Charlotte County, Florida, as West Retta Esplanade; providing for severability; providing for conflict; and providing an effective date.
- Ms. Tubbs displayed an overhead of the site location, as delineated in the agenda material, stating with the planned reopening of the previously vacated public ROW bisecting Block 5, PUG, a street name must be established for this redeveloped public ROW. She explained to establish consistency in geographic location, the renaming of this ROW needed to be reestablished as West Retta Esplanade, adding no addresses would require reassignment due to this street naming. She concluded the Urban Design Division recommended approval of SV-03-09.
 - Ms. Matthews called three times for any one to speak on SV-03-09.
 - Mr. Zajicek MOVED, Mr. Viola SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Stevens MOVED, Mr. Hofmeister SECONDED to recommend approval of SV-03-09 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
7. ZA-06-09 - 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 16, Application Review and Approval Requirements; amending Subsection 16.6, Application for Development Plan; amending Subsection (c), Urban Design Findings, adding (10), Street Addressing and Numbering Requirements; amending Subsection (g) Fire and Police Department Findings; removing (3), Street Addressing and Numbering Requirements and Renumbering Accordingly; providing for conflict and severability; and providing an effective date.

- Ms. Tubbs announced this zoning amendment had been drafted to reflect a change in departmental responsibilities, specifically the responsibility for assigning addresses had been transferred from the Fire Department to the Urban Design Division. She concluded the Urban Design Division recommended approval of ZA-06-09.
 - Mr. Burrage questioned the Fire Department’s reaction to this proposed action.
 - Mr. Murphy replied the idea was raised by Fire Chief Robert Hancock. He mentioned addressing was typically done by municipal zoning departments.
 - Mr. Kubik opined addressing should be the responsibility of zoning staff.
 - Ms. Matthews called three times for any one to speak on ZA-06-09.
 - Mr. Viola MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Burrage MOVED, Mr. Hofmeister SECONDED to recommend approval of ZA-06-09 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
8. ZA-07-09 - An Ordinance of the City of Punta Gorda, Florida, Amending Chapter 9C of the City Code of Ordinances known as “Fire Prevention,” Section 9C-4, Responsibility; Areas of Enforcement; removing Subsection 9C-4(g), Addressing Responsibilities; providing for conflict and severability; and providing an effective date.
- Ms. Tubbs announced this zoning amendment had been drafted to reflect a change in departmental responsibilities, specifically the responsibility for assigning addresses had been transferred from the Fire Department to the Urban Design Division. She concluded the Urban Design Division recommended approval of ZA-07-09.
 - Ms. Matthews called three times for any one to speak on ZA-07-09.
 - Mr. Burrage MOVED, Mr. Kubik SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Burrage MOVED, Mr. Zajicek SECONDED to recommend approval of ZA-07-09 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
9. ZA-08-09 - 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 11.2, Rules of Interpretation; adding Subsection (g), Providing for Permit Requirements; amending Subsection 11.3(c), Changeable Copy Signs; providing regulations for all types of changeable copy signs; providing requirement for continuous message; providing for automatic dimming; providing for frequency and method of message change permitted; providing for conflict and severability; and providing an effective date.
- Ms. Tubbs distributed a revised copy of the proposed ordinance, as delineated in the agenda material, stating she had added “Public (P) zoning districts” under Section

11.3(c), Changeable Copy Signs, in order to facilitate the planned changeable copy sign for Laishley Park for events. She announced current regulations allowed changeable copy signs consisting of letters or numbers which were attached to the sign to be periodically changed to a different message; however, current requirements for sign permits were vague and must be addressed. She proposed the following changes to existing regulations: (1) remove restriction on types of businesses or uses which may have a changeable copy sign but limit the location such signs were permitted (proposed permitted locations would be the Highway Commercial (HC) and Special Purpose (SP) zoning districts); (2) create definitions for the multiple types of changeable copy signs such as reader board, electronic, multi-vision or rotating; (3) limit the number of times the copy on any changeable copy sign could be changed to one time in a twenty-four hour period; (4) require all messages to be static and not permit same to be blinking, flickering, scrolling, flashing or to change in intensity or color, no audio or pyrotechnics permitted; (5) if display is digital, sign must automatically dim after dusk until dawn; (6) if changeable copy sign is of electronic or multi-vision type, sign must be placed so no portion of its face was visible from any residentially zoned property; (7) no off-premise changeable copy signs permitted; (8) changeable copy signs only permitted to occupy up to one half the sign face of a ground sign or entire sign if a marquee sign; (9) changeable copy signs may not be placed on a building as a wall sign or any location other than the ground or marquee signs. She clarified current regulations required a sign permit; however, existing verbiage was very vague. She explained in order to promote and preserve the aesthetics of the community, construction, location, size, brightness, legibility and operational characteristics of changeable copy signs must be regulated. She recommended approval of ZA-08-09, offering to address any concerns of the Commission.

- Mr. Zajicek commented the Event Center sign did not comply with some of the above stated regulations.
- Ms. Tubbs responded a variance had been granted for same.
- Mr. Kubik questioned the basis for allowing only one change in a twenty-four hour period. He further requested clarification of the detrimental effect on the public or the City by allowing more frequent changes, especially during daylight hours.
- Ms. Tubbs replied there had always been a concern within the City regarding scrolling, continually changing and flashing signs. She noted those types of signs were distracting to traffic.

- Mr. Kubik pointed out most changeable signs which utilized newer technology were extremely subtle, even during evening hours.
- Ms. Tubbs noted staff's proposed changes were based on the general consensus of citizens and City Council.
- Ms. Matthews asked how this would affect existing billboards which had three sides on each panel.
- Ms. Tubbs replied same were listed as one of the changeable copy signs and would be restricted to one change in a twenty-four hour period.
- Ms. Matthews clarified the type of sign to which she was referring changed every five to ten seconds.
- Mr. Kubik replied they would not be allowed; however, the change was not noticeable unless a person focused solely on the sign, stating he did not understand the objection to same.
- Ms. Tubbs explained staff could not pick and choose which signs should be allowed to change on a more frequent basis. She stated the ones which simply rotated were not necessarily distracting, adding signs which could scroll basically represented the overriding thought on all types of changeable copy signs.
- Ms. Matthews mentioned she had seen "light-up" type billboards in Fort Myers and Cape Coral, adding each message panel was in back-lit neon. She commented the proposed language seemed to indicate billboards were not desired in Punta Gorda.
- Ms. Tubbs responded billboards were already prohibited in the City.
- Ms. Matthews countered a billboard was in place downtown.
- Ms. Tubbs explained it was considered an existing, non-conforming sign.
- Mr. Hofmeister opined the intent was to update the City's sign ordinance to be more simple and less restrictive; however, he felt there was sufficient verbiage to restrict it to current technology. He stated he believed the sign code should be written in general enough terms to negate the need for continuous re-writes. He recommended changeable copy signs include and be limited to the following: (1) mechanical; (2) electrical; (3) electronic. He opined terms such as "reader boards" represented old technology. He asserted no business owner would purchase a \$50,000 electronic sign which could only be changed once a day.
- Mr. Kubik insisted the proposed regulations were not pro-business.
- Mr. Hofmeister noted slots or cylinders did not need to be mentioned with regard to multi-vision, rotating and similar signs as mechanical or electrical would cover same. He continued restricting orientation so as not to be visible from any residential zoned property would eliminate 98% of existing signs. He contended Section 11-3(d),

Orientation, must be reworded to perhaps prohibit signage from being a nuisance, i.e., restricting light intensity, adding allowance of one change in a twenty-four hour period was not acceptable for electrical or electronic signs. He suggested allowing hourly changes, acknowledging even that would eliminate graphic display signs which were so costly. He commented perhaps a committee of involved stakeholders could be formed to consider what time frame was reasonable; however, there would be problems associated with this ordinance for businesses such as Palm Automotive. He then referred to Section 11.3(c)(2)(a), "... change shall be done by a transition to another static image for a period of at least one second ...," asserting that verbiage had no meaning whatsoever. He questioned the basis for having any time period at all.

- Ms. Tubbs replied that section had been written to prevent flashing.
- Mr. Hofmeister countered flashing was prohibited in another part of the ordinance. He contended a change every 1.5 as opposed to 1 second would still appear as a flashing sign; thus, the time period should not be restricted but rather the function of the sign not to be flashing. He commented favorably on the verbiage relative to dimming. He recommended a change from residential "structures" to residential "property" in Section 11.3(d)(2)(b)(ii). He stated prohibiting blinking, scrolling, flashing or changing in intensity except when required for dimming from dusk to dawn, as depicted in Section 11.3(d)(3), eliminated all graphic signs as they continuously changed in intensity. He explained if a smooth transition was desired, one sign should fade out before bringing forth another; however, the proposed verbiage prohibited same and was thus not workable. He recommended prohibiting blinking, flickering, scrolling or flashing. He expressed approval of the language relative to audio and pyrotechnics. He cited an example of a car lot raising the hood of a vehicle and advertising "Sale Today," asking if same was a changeable sign.
- Ms. Tubbs replied it was not by definition.
- Mr. Hofmeister countered it should be.
- Mr. Kubik expressed agreement with the majority of Mr. Hofmeister's comments, reiterating the proposed ordinance did not reflect the existing business community. He concluded he was not in favor of the ordinance in any way.
- Ms. Matthews called three times for any one to speak on ZA-08-09.
- Mr. Burrage MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Kubik MOVED, Mr. Hofmeister SECONDED to recommend disapproval of ZA-08-09 based upon the evidence and testimony presented.
- VOTING AYE: Burrage, Hofmeister, Kubik, Stevens, Zajicek, Matthews.

- VOTING NAY: Viola.
- MOTION CARRIED.
- Mr. Hofmeister clarified he was not opposed to a sign ordinance; however, he opined the version provided in the agenda material was not the right one. He offered to meet with staff and assist with drafting a sign ordinance.
- Ms. Tubbs responded ZA-08-09 must first be presented to City Council.
- Mr. Zajicek questioned the language utilized by other cities.
- Ms. Tubbs replied much of that presented this date was derived from ordinances of other municipalities.

OTHER BUSINESS

A. Discussion - Limited Home Occupation

- Ms. Tubbs announced a resident had requested authorization to operate a fairly minimal home occupation; however, it did not meet the test of the literal reading of City Code. She acknowledged the resident could apply for a special exception; however, the concern relative to same was the \$750 application fee. She explained the driving factor behind her request was based on current economic conditions, specifically she would incur no additional rental fees, utility bills or child care fees. She asked if the Commission wished to recommend any changes to current City Code to allow certain types of limited home occupations, stating music, art and similar instruction were currently allowed. She concluded the resident who had approached staff with this request was present, introducing Ms. Karen Ford.
- Ms. Matthews questioned the type of occupation in this instance.
- Ms. Tubbs replied massage therapy.
- Mr. Zajicek mentioned the deed restrictions of the City's Special Residential Overlay (SRO) zoning districts very specifically prohibited home based businesses without special permission from the association boards.
- Mr. Kubik interjected home based businesses were operating at this time; however, some civic associations overlooked same due to the difficult economic climate.
- Ms. Tubbs explained Ms. Ford wished to operate legally, confirming all State licensing requirements were in place. She further stated Ms. Ford would see an absolute maximum of five clients each day.
- Mr. Stevens asked what types of home occupations were allowed.
- Ms. Tubbs replied one example was a business which was completely computer based; however, shipping from home was prohibited. She added music, art and similar instruction would be allowed as well.

- Mr. Stevens suggested simply adding massage therapy to the list of allowed occupations.
 - Discussion ensued with regard to whether to recommend allowing massage therapy by right or by special exception.
 - Consensus of the Commission was to recommend Ms. Ford submit an application for a special exception and request a waiver of the fee.
- B. Community Redevelopment Agency (CRA) Status Report
- Ms. Matthews asked if an update was available on the Hilton Gardens.
 - Ms. Tubbs replied the developer made a request to City Council to submit for Development Review Committee (DRC) approval in early 2010 and to have a permit submitted in August or September of 2010. She explained the developer was experiencing financing difficulty, specifically justification of construction of a hotel under current economic conditions; thus, they had requested an extension.
 - Ms. Matthews requested an update on the City Marketplace property.
 - Ms. Tubbs replied the City received a demolition permit application for removal of the light stanchions and certain areas of pavement, stating additional information was needed before the permit could be processed.
 - Mr. Kubik asked if any landscaping was proposed.
 - Ms. Tubbs replied some sod.
- C. City of Punta Gorda Park & Recreation Master Plan
- Ms. LeBeau directed members to the following link to the City's web page:
www.ci.punta-gorda.fl.us/departments/commdevelopment/Rec&OpenSpaceMastPlan.htm)
- She displayed a portion of the document as it appeared on the City's web site, stating a vision, mission statement, values and goals had been drafted. She noted a map of the City's parks had been developed along with a matrix of amenities available at each location. She encouraged continued comments from Commission members and the entire community over the next two months. She announced staff planned to present the Master Plan to the Commission in July 2009 and City Council in August 2009, with final approval taking place in September 2009.
- Mr. Kubik commented the public workshops held in February 2009 were outstanding.
 - Mr. Hofmeister concurred, stating they had been quite enjoyable. He pointed out a great deal of money had been saved in that a consultant was not hired but rather development of the Plan was being accomplished by City staff.

CITIZEN COMMENTS

- Ms. Ford thanked the Commission for consideration of her request. She mentioned she was also excited about the Parks & Recreation Master Plan.

- Mr. Thomas Mount stated he was a neighbor of Ms. Ford, expressing support of her request.

ADJOURNMENT

- Meeting Adjourned: 3:29 p.m.

Lynne Matthews, Chairman

Mary Kelly, Recording Secretary