

**BOARD OF ZONING APPEALS
MEETING
AUGUST 26, 2008**

MEMBERS PRESENT: Lynne Matthews, Chairman
Larry Hofmeister, Richard Kilmer,
James McClary, Ray Rose

MEMBERS ABSENT: Henry Bauman, David Brower, Randy Fassett

OTHERS PRESENT: Teri Tubbs, Zoning Official
Lisa Hannon, Zoning Coordinator
David Milligan, Laura Kleiss-Hoeft,
Iliana Parra, Tom Marciniak, Don McCormick

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - September 23, 2008
- C. Last Scheduled Meeting - July 22, 2008

APPROVAL OF MINUTES

- A. Meeting of July 22, 2008
 - Mr. Hofmeister MOVED, Mr. McClary SECONDED approval of the July 22, 2008 minutes.
MOTION CARRIED UNANIMOUSLY.

OLD BUSINESS

- A. Results of City Council Action on August 20, 2008
 - V-06-08 - 123 East Retta Esplanade - Request for a variance to the Land Development Regulations per Section 26-16.10, page 26-196, of the City Code to allow 3 driveways to enter a single street from a single property instead of 2 as permitted per City Code Section 26-16.6(c)(2)b, page 26-185; and to allow a driveway to be located 25 feet from intersecting right-of-way lines instead of 40 feet as required per City Code Section 26-16.6(d)(1)g, page 26-187.
 - Ms. Teri Tubbs, Zoning Official, announced City Council approved V-06-08.

NEW BUSINESS

- Recording Secretary Kelly swore in all participants.
- A. Public Hearing
 - 1. V-07-08 - Request for a variance to the Land Development Regulations per Section 26-16.10, page 26-196, of the City Code to allow an LED, static, changeable message sign on the north wall of the Charlotte Harbor Event and Conference Center instead of individual letters attached directly to the building street frontage as required per Sections 26-11.4(a)(1) and 26-11.4(a)(4), page 26-124; and that the LED, static,

changeable message sign extend 9.5 inches from the building face instead of 6 inches as required per Section 26-11.4(a)(4), page 26-124; and that the copy on the LED, static, changeable message sign may change electronically, instead of individual letters and numbers attached to the sign as required per Section 26-11.3(c)(1), page 26-119, and that the electronically changing message sign will be permitted instead of prohibited per Section 26-11.6(d), page 26-127; and a request for a variance to the Land Development Regulations per Section 26-16.10, page 26-196, of the City Code to allow a ground sign for the Charlotte Harbor Event and Conference Center that is located in the City Center zoning district and is less than 15 feet from the fronting right-of-way as required per Section 26-11.4(7), page 26-126, and that the sign be permitted in conjunction with a facade sign instead of prohibited per Section 26-11.4.(7)c, page 26-126.

Charlotte Harbor Event and Conference Center, 75 Taylor Street.

- Ms. Tubbs displayed an overhead of the site location, as delineated in the agenda material, stating this request had been anticipated due to the location and use of this public facility, which was to serve a public interest. She entered her staff report, as denoted in the agenda material, into the record, and displayed a rendering of the smaller sign proposed to be located on the planter in the front entry area on the corner of Taylor Street and Retta Esplanade, stating this was a reasonable request based on location and configuration of surrounding streets. She noted the sign met dimensional requirements in the City Center (CC) zoning district; thus, the variance was to allow same in addition to the façade sign, adding staff recommended approval.
- Ms. Matthews asked if an overhead was available depicting the ground sign in relation to the surrounding streets.
- Ms. Tubbs displayed same, confirming the Charlevoi Condominium complex was in the top left corner. She then stated the other sign had been the subject of much discussion, adding same was proposed as a Light Emitting Diode (LED), changeable message sign. She displayed an architectural graphic submitted with the variance application, pointing out the highlighted area proposed for the sign location. She advised the sign's purpose would be to announce events being held within the facility, suggesting it could also be used for public service announcements such as road closures or Amber Alerts, for example. She clarified the application met the criteria required for a variance; however, staff recommended against utilizing the sign for off-premises advertising. She displayed an enlarged depiction of the subject section of the structure, stating the sign was proposed to be 10'x20' and to be located 17 feet above

grade. She distributed written comments and graphics from Team Punta Gorda (TPG) and Main Street Punta Gorda (Main Street), reading same into the record.

- Mr. McClary clarified TPG and Main Street were recommending the sign be lowered and moved slightly to the left.
- Ms. Tubbs mentioned the Board had the option to make their recommendation contingent upon certain stipulations and/or safeguards. She reiterated the application met the criteria necessary for a variance, adding staff may be in favor of changing certain features but could not require same. She concluded with a recommendation for approval, offering to answer any questions.
- Mr. McClary noted the sign was proposed to be 20 feet wide, confirming the lettering at the top of the sign would be fixed while the bottom 2/3 would be changeable. He stated he had no problem with the proposed location; however, he asked if the sign would be visible from the top of the U.S. 41 Bridge. He pointed out two large trees which may need to be moved.
- Mr. David Milligan, Charlotte County representative, responded the location had been field tested from the U.S. 41 Bridge, offering to answer any technical questions related to the sign. He introduced Ms. Laura Kleiss-Hoeft, Charlotte County, stating she would be able to field any questions relating to the nuances of programming and operations. He noted only the palm trees along the Harborwalk presented the potential for impeding visibility; however, because drivers viewing the sign were moving, he did not anticipate the two above mentioned trees would be a problem.
- Mr. Hofmeister clarified there was a third sign which would not require a variance.
- Ms. Tubbs agreed, stating same would be a façade sign on the other side of the building.
- Mr. Hofmeister asked who would control the messaging.
- Ms. Tubbs replied Charlotte County would handle all scheduling for the Event Center and thus would be responsible for any messaging; however, she opined any public service type message requested by the City would be accommodated.
- Ms. Kleiss-Hoeft stated their goal was to advertise and attract visitors to the site. She commented favorably on allowing public service messages, especially something such as an Amber Alert or hurricane/storm updates, for example.
- Mr. Hofmeister asked how messaging would be limited.
- Ms. Kleiss-Hoeft responded caution must be exercised regarding same.
- Mr. Hofmeister asked if the light would dim at night.
- Mr. Milligan replied affirmatively, stating same was automatic but could be overridden if necessary.

- Mr. Kilmer questioned the justification for the second sign in front.
- Mr. Milligan replied the intent was to attract walkers and/or bicyclists to the facility. He clarified same would provide identification at street level.
- Mr. Kilmer expressed concern approval of the request would set a precedent.
- Ms. Tubbs responded all variances must be considered on a case by case or stand alone basis.
- Mr. Kilmer commented favorably on TPG's recommendations, expressing hope the County would take same into consideration. He requested further detail on the sign itself, i.e., color, etc.
- Mr. Milligan replied the small frame around the sign was black, the top, fixed lettering would be black, and the changeable message portion would be a black matrix, each LED having unlimited colors. He confirmed adherence to Florida Department of Transportation (FDOT) guidelines of a six second delay with a minimum three second transition; thus, messages would not be flashed in a quick and rapid manner but rather would dissolve.
- Mr. Kilmer asked if messages would scroll.
- Mr. Milligan replied they would not but rather would fade or dissolve.
- Ms. Matthews commented favorably on the concept, asking why the Sunloft Center, for example, was not allowed a similar sign.
- Ms. Tubbs replied the Event Center was an entirely public facility while the Sunloft Center was comprised of individual businesses.
- Ms. Matthews reiterated a concern with regard to setting a precedent.
- Ms. Tubbs agreed anyone was allowed to submit a variance application; however, specific criteria must be met, adding staff felt same had been met in this case.
- Ms. Matthews expressed appreciation to TPG and Main Street for their comments; however, she was somewhat concerned with the potential for obstruction by trees if the sign was moved to the left as suggested.
- Mr. McClary agreed the sign should remain in the location originally proposed by the County.
- Ms. Matthews added lowering the sign may further limit visibility. She agreed the sign colors should be coordinated with the structure itself.
- Mr. Milligan noted he was a registered landscape architect, adding the proposed sign location was chosen for maximum visibility. He stated with regard to the location of the sign in relation to the two palm trees, he assured members the horizontal separation between the trees and the sign created a perspective in which the palms

passed very quickly for drivers; thus, there would be no static, long term obstruction of the sign.

- Ms. Matthews asked if Mr. Milligan objected to TPG's recommendation with regard to height.
- Mr. Milligan replied it was felt the originally proposed location was the most desirable. He mentioned vandalism was less likely if the sign was located as proposed.
- Mr. Hofmeister agreed, stating he believed any interference from landscaping would be addressed if necessary.
- Ms. Iliana Parra, TPG, noted the top, fixed portion of the sign was acrylic with vinyl letters, suggesting the building's colors could be incorporated into the sign box to create a frame around the fixed and changeable portions of the sign. She concluded the photograph displayed this date was taken from the U.S. 41 Bridge, opining it made no sense to place the sign where it would be obstructed by the palm trees.
- Ms. Matthews asked if the background colors could be changed to coordinate with the roof.
- Mr. Milligan responded a sign must first be readable, adding studies showed contrast to be critical to obtain same. He advised numerous studies had shown colors other than black lettering on a white background would prove to be a distraction. He opined mixing and/or matching colors would cause the sign structure to become an element in itself, pointing out the message was what was important. He concluded their recommendation was for a white panel with black letters for easy visibility and to retain a black frame.
- Ms. Matthews again asked if the color could be changed to match the roof.
- Mr. Milligan expressed uncertainty regarding same, stating he would have to research the possibility.
- Mr. Tom Marciniak, TPG, opined their most significant goal as far as relocation and color of the sign was to improve its aesthetic appeal, especially in light of the fact the City had expended a fair amount of funds related to the building's appearance. He stated he felt the white background with black lettering on the fixed portion of the sign gave it the appearance of being "cheap."
- Mr. Don McCormick commended TPG on a very interesting proposal, urging the Board to recommend approval of same.
- Mr. Marciniak suggested perhaps a border could be added if the frame could not be altered.
- Mr. Milligan agreed to consider same; however, he reiterated his concern with regard to drawing attention to the sign itself as opposed to the message.

- Mr. McClary agreed, stating very few people would be unfamiliar with the building and its purpose but rather would be more interested in a specific event being held at a particular time.
- Mr. Kilmer then asked if the area above the four, large, front windows was a flat surface.
- Mr. Milligan replied affirmatively.
- Mr. Kilmer asked if it was possible to replicate the wall sign on the north elevation and have the message sign stand alone.
- Mr. Milligan replied he believed TPG would agree with their attempt to minimize the application of elements, stating a great deal of work had gone into attaining an architecturally cohesive façade. He opined a sign on the west side of the building would be a distraction.
- Mr. McClary agreed, pointing out same faced a congested area.
- Mr. Kilmer interjected his suggestion was not to place the sign on the west elevation but rather to keep it on the north elevation and then place a very similar wall sign with individual letters over the four windows. He opined black lettering on a white background was reminiscent of that utilized by schools.
- Discussion ensued with regard to alternative colors and locations.
- Ms. Matthews agreed with Mr. Kilmer's comment regarding the "inexpensive" appearance of black letters on a white background.
- Mr. Hofmeister stated he felt white letters on a black background would be much more visible at night.
- Ms. Parra concurred.
- Ms. Matthews called three times for anyone to speak on V-07-08.
- Mr. Kilmer MOVED, Mr. Hofmeister SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Rose reminded everyone the sign presented a very limited viewing area. He expressed surprise at the high wattage described in the agenda material.
- Ms. Matthews recommended the sign be aligned with the joint lines of the building and remain as high as possible for maximum visibility. She stated perhaps a colored border coordinated with the roof color could be considered, adding she was not in favor of plain black lettering on a white background.
- Mr. Hofmeister MOVED, Mr. Kilmer SECONDED to recommend approval of V-07-08 based upon the evidence and testimony presented contingent upon the following: limit messaging to advertisement of event functions only; white lettering on a black background at the top, fixed portion of the sign so as to not detract from the

changeable, bottom portion; aesthetically blend the sign into the wall without detracting from the sign's functionality. MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS

A. Revised Bylaws

- Ms. Tubbs drew members' attention to the Committee's revised bylaws, as delineated in the agenda material, stating City Council recently instituted a new attendance policy for members of all City advisory boards and committees. She explained members would be allowed three absences in a twelve month period after which they would automatically forfeit their seat, such vacancy to be filled by City Council. She noted members who wished to appeal this forfeiture to City Council would have the opportunity to do so in writing through the City Clerk's Office, adding the City Clerk would then refer same to City Council. She asked members to advise the City Clerk's Office in the event they were unable to attend a particular meeting, stating same would allow staff to ensure a quorum of members.
- Ms. Matthews confirmed Mr. Bauman and Mr. Brower had advised they would not be in attendance this date.

MEMBER COMMENTS

- Mr. Hofmeister commented on the recently instituted absence policy, stating he was not personally opposed to same; however, there were extenuating circumstances such as an illness or family emergency. He opined there should be guidelines of excusable events as opposed to a hard and fast rule.
- Ms. Matthews reiterated City Council had provided for an appeal process due to those types of extenuating circumstances.

ADJOURNMENT

- Meeting Adjourned: 5:03 p.m.

Lynne Matthews, Chairman

Mary Kelly, Recording Secretary