



City Council Agenda

CITY OF PUNTA GORDA, FLORIDA

326 West Marion Avenue, Punta Gorda, FL 33950

July 9, 2008

ANNOTATED AGENDA

CITY COUNCIL

Larry Friedman, Mayor
Harvey Goldberg, Vice-Mayor
Marilyn P. Smith-Mooney, Councilmember
William F. Albers, Councilmember
Charles Wallace, Councilmember

CITY OFFICIALS

Howard Kunik, City Manager
David Levin, City Attorney
Sue Foster, City Clerk

NOTE: Anyone wishing to address the Council on any agenda item may do so at the appropriate time during the meeting. Those who choose to speak must state their name for the record. Each person will be allowed to speak once on each subject up to a maximum of three minutes.

9:00 AM CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE

I. PROCLAMATIONS/PRESENTATIONS

- A. Proclamations**
- 1. National Night Out** **PROCLAIMED**
- B. Presentations**
- 1. Introduction of Board / Committee Nominees**

II-A. PUBLIC HEARINGS

- 1. CP-02-07 - 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 Commercial Corridor / County (CC/County) to Commercial / City (C/City) on Property described as Parcel Nos. 0071944-000000-0, 0071936-000000-0, 0071936-000100-9, 0071937-000000-9, 0071939-000000-7, and 0071940-000000-4, also known as 1603, 1605, 1621,**

1725, 1801, 1825 and 1901 Tamiami Trail and more particularly described on Exhibit "A" attached to the Ordinance and from High Density Residential / County (HDR/County) to Commercial / City (C/City) on property described as Parcel No. 0071943-000000-1, also known as 24136 Shreve Street and more particularly described on Exhibit "B" attached to the Ordinance, all properties collectively known as "**Palm Automotive**" and generally bound to the North by West Henry Street, to the East by Tamiami Trail, and to the West by Shreve Street; providing for conflict and severability and providing an effective date

Continued From May 21, 2008 to August 20, 2008 - SECOND READING
CONTINUED TO 8/20/08

2. **CP-02-08** - An Ordinance of the City of Punta Gorda, Florida, **Amending** the City of Punta Gorda, Florida, **Local Comprehensive Plan Future Land Use Map** from Public to Professional Office on Property commonly known as "The City of Punta Gorda **Public Works Campus**" and further described as:

A portion of Trabue Subdivision, Blocks 51, 52, 53, 55, 56 & 78 as recorded in Plat Book 1, Page 1, Section 12, Township 41 South, Range 22 East, of the Public Records of Charlotte County, Florida, being more particularly described as follows:

Commencing at the Southeast Corner of Block 78, also being the Point on the North Right-of-Way of Henry Street and the Southwest Right-of-Way of Shreve Street; thence N. 88° 59'38" W., along the North Right-of-Way of Henry Street, a distance of 749.14 feet to the point of beginning; thence continue along said Right-of-Way N. 88° 59'38" W., a distance of 800.66 feet; thence run perpendicular to said Right-of-Way, N. 1° 00'22"E., a distance of 320.0 feet; thence parallel with said Right-of-Way, N. 88° 59'38" W., a distance of 145.0 feet; thence S. 1° 00'22" W., a distance of 320.0 feet, to the North Right-of-Way Line of Henry Street; thence N. 88° 59'38" W., along said Right-of-Way a distance of 203.39 feet to the Northeast Right-of-Way of Maude Street; thence N. 42° 28'05" W., along said Right-of-Way of Maude Street a distance of 320.33 feet, to the Northwest Corner of Block 53, Lot 1, also being the Southerly Right-of-Way of West Olympia Avenue; thence N. 47° 29' 18" E., along said Right-of-Way a distance of 143.86 feet; thence S. 88° 59'38" E., a distance of 237.41 feet, to the South Line of the Seaboard Coastline Railroad (formerly the Atlantic Coastline Railroad); thence N. 64° 42'47" E. along the South Line of said Railroad a distance of 552.90 feet to the Southwest Right-of-Way of Pittman Street; thence S. 42° 30' 29" E., along said Right-of-Way, a distance of 75.96 feet to the Northeast Right-of-Way of Virginia Avenue; thence N. 47° 29'13" E. along said Right-of-Way, a distance of 245.0 feet, returning to the South Line of the Seaboard Coastline Railroad (formerly the Atlantic Coastline Railroad); thence N. 64°42'47" E., along said Railroad Line a distance of 245.44 feet to the Southwest Right-of-Way Line of Shreve Street; thence S. 42° 20'48" E. along said Right-of-Way a distance of 478.85 feet to the Southwest Right-of-Way Line of Charlotte Avenue, thence S. 47° 39'12" W. along said Right-of-Way a distance of 411.54 feet; thence S. 1°00'22" W., a distance of 194.01 feet to the point of beginning containing 16.47 acres +/- as described on Exhibit A attached hereto; providing for conflict and severability and providing an effective date

Continued From May 21, 2008 to August 20, 2008 - SECOND READING
CONTINUED TO 8/20/08

3. A Resolution of the City Council of the City of Punta Gorda, Florida, Authorizing Transmittal to the Florida Department of Community Affairs for Review the “City of Punta Gorda Comprehensive Plan 2025”

APPROVED

4. **CP-08-08** - An Ordinance of the City of Punta Gorda, Florida adopting the Evaluation and Appraisal Report based Amendments including the Goals, Objectives and Policies of the 1997 Comprehensive Plan to be known as “City of Punta Gorda Comprehensive Plan 2025” containing the Future Land Use Element, Conservation & Coastal Management Element, Infrastructure Element, Housing Element, Recreation and Open Space Element, Community Facilities Element, Transportation Element, Public Schools Facilities Element, Intergovernmental Coordination Element, and the Capital Improvements Element in accordance with Chapter 163.3191, Florida Statutes; and Repealing Text, Maps, Analysis and Related Materials of the 1997 Comprehensive Plan; providing for conflict and severability and providing an effective date

FIRST READING

APPROVED

2nd PUBLIC HEARING: 11/19/08

II-B. QUASI-JUDICIAL PUBLIC HEARINGS

1. **CCSP 05-08** - Petition for special permit under the provisions of Section 6-6 (j) of the Punta Gorda Code of Ordinances to install one (1) four (4) post boat lift at Lot 6, Block 180, Section 14, Unit 122, Slip D-4, AKA 3245 White Ibis Drive, Punta Gorda, FL
Owner/Petitioner: Janine E. Silva

APPROVED

2. **Z-04-07** –An Ordinance of the City of Punta Gorda, Florida, **Rezoning** from Commercial Intensive / County (CI / County) to Highway Commercial / City (HC / City) On Property Described As Parcel Nos. 0071936-000000-0, 0071937-000000-9, 0071939-000000-7, 0071940-000000-4 and, also known as, 1603, 1605, 1801, 1825, and 1901 Tamiami Trail as more particularly described on Exhibit “A” attached to the Ordinance and from Planned Development / County (PD / County) to Highway Commercial / City (HC/City); on Property described as Parcel Nos. 0071944-000000-0 and 0071943-000000-1 and, also known as 24136 Shreve St more particularly described on Exhibit “B” attached to the Ordinance and from Commercial General / County (CG / County) to Highway Commercial / City (HC / City); on property described as Parcel 0071936-000100-9 and, also known as 1621, 1725 Tamiami Trail as more particularly described on Exhibit “C” attached to the Ordinance; all properties collectively known as “**Palm Automotive**” and generally bound to the North by West Henry Street, to the East by Tamiami Trail, and to the West by Shreve Street; providing for conflict and severability and providing an effective date

Continued from May 21, 2008 to August 20, 2008 - SECOND READING

CONTINUED TO 8/20/08

3. **V-04-08** – Request for a variance to the Land Development Regulations per Section 26-16.10., Page 26-196, of the City Code for new construction to allow a 15 foot rear yard water side setback for a pool and pool enclosure instead of 20 feet as required by City Code Section 26-3.13.(d) on page 26-26, for a new home and pool.

LEGAL: Block 0001, Lot 0011, Amended Plat of Punta Gorda Isles Section One, of the Public Records of Charlotte County, Florida.
A/K/A 101 Donna Court, Punta Gorda Florida DENIED

4. **V-05-08** – Request for a Variance to the Land Development Regulations by Eileen Cavanaugh, Agent for Plaza Camille, per Section 26-16.10., Page 26-196, of the City Code to allow non-conforming signs be re-established on an existing non-conforming sign structure that is 19 feet in height and 106 square feet in area, instead of 5 feet in height and 16 square feet in area, as is required in the City Center Zoning District per Section 26-11.4.(e)(7)(a) on page 26-126.

LEGAL: Block 0035, Lots 2,3,4,5 and 6, PUG
A/K/A 205-225 Wood Street, Punta Gorda Florida
APPROVED WITH CONDITIONS

5. **Z-02-08** - An Ordinance of the City of Punta Gorda, Florida, **Rezoning** from **Public to Neighborhood Center** on Property commonly known as “The City of Punta Gorda **Public Works Campus**,” providing for conflict and severability, and providing an effective date and further described in the metes and bounds description below:

A portion of Trabue Subdivision, Blocks 51, 52,53,55,56 & 78 as recorded in Plat Book 1, Page 1, Section 12, Township 41 South, Range 22 East, of the Public Records of Charlotte County, Florida, being more particularly described as follows:

Commencing at the Southeast Corner of Block 78, also being the point on the North Right-of-Way of Henry Street and the Southwest Right-of-Way of Shreve Street; thence N. 88° 59’38” W., along the North Right-of-Way of Henry Street, a distance of 749.14 feet to the point of beginning; thence continue along said Right-of-Way N. 88° 59’38” W., a distance of 800.66 feet; thence run perpendicular to said Right-of-Way, N. 1° 00’22” e., a distance of 320.0 feet; thence parallel with said Right-of-Way, N. 88° 59’38” W., a distance of 145.0 feet; thence S. 1° 00’22” W., a distance of 320.0 feet, to the North Right-of-Way Line of Henry Street; thence N. 88° 59’38” W., along said Right-of-Way a distance of 203.39 feet to the Northeast Right-of-Way of Maude Street; thence N. 42° 28’05” W., along said Right-of-Way of Maude Street a distance of 320.33 feet, to the Northwest corner of Block 53, Lot 1, also being the Southerly Right-of-Way of West Olympia Avenue; thence N. 47° 29’ 18” E., along said Right-of-Way a distance of 143.86 feet; thence S. 88° 59’38” E., a distance of 237.41 feet, to the South Line of the Seaboard Coastline Railroad (formerly the Atlantic Coastline Railroad); thence N. 64° 42’47” E. along the South Line of said Railroad a distance of 552.90 feet to the Southwest Right-of-Way of Pittman Street; thence S. 42° 30’ 29” E., along said Right-of-Way, a distance of 75.96

feet to the Northeast Right-of-Way of Virginia Avenue; thence N. 47° 29'13" E. along said Right-of-Way, a distance of 245.0 feet, returning to the South Line of the Seaboard Coastline Railroad (formerly the Atlantic Coastline Railroad); thence N. 64°42'47" E., along said Railroad Line a distance of 245.44 feet to the Southwest Right-of-Way Line of Shreve Street; thence S. 42° 20'48" E. along said Right-of-Way a distance of 478.85 feet to the Southwest Right-of-Way Line of Charlotte Avenue, thence S. 47° 39'12" W. along said Right-of-Way a distance of 411.54 feet; thence S. 1°00'22" W., a distance of 194.01 feet to the point of beginning from Public to Neighborhood Center; providing for conflict and severability and providing an effective date

SECOND READING

Continued from May 21, 2008 to August 20, 2008

CONTINUED TO 8/20/08

II-C. ORDINANCE/RESOLUTION (No Public Hearing Required)

1. A Resolution of the City Council of the City of Punta Gorda, Florida, approving modification to the Airspace Agreement dated November 3, 2005; authorizing the Mayor to sign the Agreement and providing an effective date.

APPROVED

2. An Ordinance of the City of Punta Gorda, Florida, amending Chapter 23 of the City Code of Ordinances, "Traffic", Article II, "Parking Areas", Section 23-13, "Parking in Laishley Park and Ponce De Leon Park", by adding a new subsection (b) establishing fees on an annual or daily basis for boat trailer parking throughout Laishley Park and Ponce de Leon Park, amending Section 23-14(a), providing a penalty for violation of boat trailer parking fee requirements; providing for conflict and severability and providing an effective date

SECOND READING

NO ACTION TAKEN

III. CONSENT AGENDA

All matters listed under this item are considered to be routine and action will be accomplished by one motion without separate discussion of each item. If a member of the Council desires discussion, that item(s) will be removed from the Consent Agenda and considered separately.

A. CITY CLERK

1. Approval of Minutes:
 - a. Regular Meeting of July 2, 2008 **APPROVED**
2. A Resolution of the City Council of the City of Punta Gorda, Florida in support of an Air Traffic Control Tower at the Charlotte County Airport; and providing an effective date **APPROVED**

B. LEGAL DEPARTMENT

1. Statement of Allen, Norton & Blue, Esqs., dated June 24, 2008, in the total amount of \$1,028.01 for services rendered through May 31, 2008

APPROVED

REGULAR AGENDA

IV. UNFINISHED BUSINESS

- A. Revisions to Impact Fee Ordinance related to Affordable Housing and Commercial Projects
DIRECTION TO PROCEED WITH ORDINANCE

V. NEW BUSINESS

- A. Discussion on Merits of an Electronic Sign at the Charlotte Harbor Event and Conference Center
DIRECTION TO PROCEED WITH VARIANCE

VI. RECOMMENDATIONS FROM CITY OFFICERS

- A. City Manager
- B. City Attorney
- C. City Clerk

VIII. BOARDS AND COMMITTEES

- A. Announcement of Vacancies
 1. Board of Zoning Appeals – Alternate **ANNOUNCED**
 2. Building Board – Alternate **ANNOUNCED**
 3. Revitalization Committee **CLAIRE PHELEN APPT.**
 4. Building Board – 2 **ANNOUNCED**
- B. Nominations
 1. Planning Commission – Alternate **JAMES STEVENS APPT.**
- C. Appointments

IX. POLICY AND LEGISLATION

- A. Mayor
- B. Councilmember Comments

X. CITIZENS' COMMENTS

NOTE: Anyone wishing to address the Council may do so at this time. Those who choose to speak must state their name for the record. Citizens will be allowed no more than three (3) minutes to express their opinion.

XI. ADJOURNMENT

At public hearings, any member of the audience who wishes to speak will be recognized and heard.

If a person decides to appeal any decision made by the City Council, such person will need a record of proceedings, and for such purpose the person may need to ensure that a verbatim record of proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Florida Statute 286.26, special accommodations may be made by contacting the Office of the City Clerk at (941) 575-3369.