



City Council Agenda

CITY OF PUNTA GORDA, FLORIDA

326 West Marion Avenue, Punta Gorda, FL 33950

August 20, 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. Judge Donald E. Pellecchia Appreciation Week **PROCLAIMED**
 - 2. Firefighters' Appreciation Week **PROCLAIMED**

- B. Presentations
 - 1. Introduction of Board / Committee Nominees

II-A. PUBLIC HEARINGS

- 1. An Ordinance of the City Council of the City of Punta Gorda, Florida amending Chapter 11A of the Punta Gorda City Code ("City Code"), the City of Punta Gorda Affordable Housing Impact Fee Incentives to establish an Impact Fee Installment Payment Program for Rental Affordable Housing; amending Section 11A-2, Findings, amending Section 11A-4, Authority, amending Section 11A-5,

Definitions; Amending Section 11A-7 to correct an error; adding a new Section 11A-9 to establish a Rental Affordable Housing Impact Fee Installation Payment Program; amending Section 11A-10, as renumbered, to provide for collection of Impact Fees in the event of default; amending Section 11A-11, as renumbered, regarding reporting on and suspension of Affordable Housing Impact Fee Incentive; providing for severability; providing for conflicts; and providing for an effective date.

FIRST READING
APPROVED

2. A Resolution of the City Council of the City of Punta Gorda, Florida, approving an amendment to the 2007 Community Development Block Grant Action Plan for the City of Punta Gorda, Florida.
WITHDRAWN BY STAFF
WITHDRAWN
3. **ZA-05-07** – 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, Section 11.3., Permitted Signs, Subsection (g), Ground Signs, providing for standards for signs in all zoning districts; providing for conflict and severability and providing an effective date.**FIRST READING**
APPROVED AS AMENDED
4. **ZA-03-08** - 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 5 Planned Development, Section 5.5. Residential Density Limits, removing the limitation for residential density; providing for conflict and severability and providing an effective date.
FIRST READING
APPROVED
5. **ZA-10-08** – An Ordinance of the City of Punta Gorda, Florida, amending Section 26-11.3.(k)(6) of the City Code of Ordinance requiring removal of political signs within 15 days after an election, to allow an exception for those candidates who progress from the primary election to the general election; providing for conflict and severability and providing an effective date.
FIRST READING
APPROVED
6. **ZA-11-08** – 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, Section 11.3., Permitted Signs; amending Subsection 11.3.(o) temporary pre-development signs to allow a time extension for such signs; providing for conflict and severability and providing an effective date.
FIRST READING
APPROVED
7. **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 an 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 TO SEPTEMBER 17, 2008

- 8. 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" W., 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 TO SEPTEMBER 17, 2008

II-B. QUASI-JUDICIAL PUBLIC HEARINGS

1. **V-06-08** – 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 enter a single street from a single property instead of 2 as permitted per City Code Section 26-16.6.(c)(2)b. on 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. on page 26-187. **LEGAL:** Block 4, Lots 7, 8 and 9, City of Punta Gorda, together with ½ of vacated alley adjacent to lots 7, 8 and 9 said block 4, less and except that part of the vacated alley described in O.R. Box 1497, Page 455 through 458, Public Records of Charlotte County, Florida. **A/K/A** 123 E. Retta Esplanade, Punta Gorda Florida **APPROVED WITH CONDITIONS**

2. **Z-07-08** - An Ordinance of the City of Punta Gorda, Florida rezoning property commonly known as 502 King Street, Punta Gorda, Florida, from Special Purpose (SP) to City Center (CC), said property located at the corner of King Street and East Charlotte Avenue and is identified as Parcel ID 412306458001, more particularly described on Exhibit “A”; providing for conflict and severability; and providing an effective date. **FIRST READING APPROVED**

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

1. **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 Street 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. **SECOND READING**
CONTINUED TO SEPTEMBER 17, 2008

2. **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 TO SEPTEMBER 17, 2008

3. An Ordinance of the City Of Punta Gorda, Florida, amending Chapter 17 "Public Utilities" of the City Code of Ordinances, Article I "General Provisions: Water Rates", amending Section 17-7 (a), (b) and (c) by increasing Water System Charges; amending Section 17-8 (c) and (d) Waiver of Penalty; amending Section 17-18 (a) and (b) by increasing Wastewater System Charges; providing for conflict and severability and providing an effective date.

SECOND READING
APPROVED

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 August 6, 2008 **APPROVED**

B. GROWTH MANAGEMENT

1. **DRC-13-08** – Request for waiver of DRC review fee for Dean’s South of the Border Parking Lot. **APPROVED**
2. A Resolution of the City Council of the City of Punta Gorda, Florida, supporting additional funding for the 2007 Urban and Community Forestry Grant administered by the State of Florida, Department of Agriculture and Consumer Services, Division of Forestry and authorizing execution of the memorandum of agreement by the City Manager and providing an effective date. **APPROVED**

REGULAR AGENDA

IV. UNFINISHED BUSINESS

- A. U.S. 17 Corridor Ownership Options **CONSENSUS: ALL OPTIONS COST PROHIBITIVE**
- B. Street Sign Inventory **DIRECTION PROVIDED TO STAFF**

V. NEW BUSINESS

- A. Transfer of Adult Open Heart Surgery Program from Charlotte Regional Medical Center to Peace River Regional Medical Center
**RESOLUTION IN OPPOSITION
APPROVED**
- B. **SP-01-08** – Request for Special Parking Approval to allow the number of permitted parking spaces exceed the number of parking spaces permitted by Code for a medical office to be constructed on property located in the Neighborhood Center (NC) zoning district. **APPROVED**
- C. Revision to Impact Fee Ordinance related to Commercial Projects - Discussion
DELAYED TO NEXT MEETING

D. I-75 Freeway Management System (FMS) in Charlotte County – Presentation

E. Water Treatment Plant Offline Reservoir Rezoning Application

**REZONING APPLICATION TO BE ADDED
TO JOINT CITY/COUNTY AGENDA**

VI. RECOMMENDATIONS FROM CITY OFFICERS

A. City Manager

B. City Attorney

C. City Clerk

VII. BOARDS AND COMMITTEES

A. Announcement of Vacancies

1. Board of Zoning Appeals - Alternate

2. Building Board – Alternate

3. Board of Zoning Appeals

4. Revitalization Committee **ALL VACANCIES ANNOUNCED**

B. Nominations

1. Board of Zoning Appeals **H. BAUMAN NOMINATED, REAPPT.**

2. Punta Gorda Housing Authority **NOMINATIONS MADE**

C. Appointments

VIII. POLICY AND LEGISLATION

A. Mayor

B. Councilmember Comments

IX. 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.

X. 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.

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