

**PLANNING COMMISSION  
MEETING  
JANUARY 24, 2011**

**MEMBERS PRESENT:** Lynne Matthews, Chairman  
John Burrage, Massey Loughman, Bill Schindler,  
Charles Thomas, Charles Zajicek, Edward Zapke

**OTHERS PRESENT:** Teri Tubbs, Zoning Official  
Dennis Murphy, Growth Management  
Joan LeBeau, Chief Planner  
Brian Granneman

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting
  - 1. February 28, 2011

**APPROVAL OF MINUTES**

- A. December 21, 2010 Meeting
  - Mr. Burrage MOVED, Mr. Loughman SECONDED approval of the December 21, 2010 minutes. MOTION CARRIED UNANIMOUSLY.

**PUBLIC HEARINGS**

- Recording Secretary Stewart swore in all participants.
- A. SE-01-11 - A Special Exception request by William Stark, Agent for Home Depot, U.S.A., Inc., pursuant to Chapter 26, Section 16.8, Punta Gorda Code, to allow sales and display in other than a completely enclosed building in the Highway Commercial (HC) Zoning District pursuant to Chapter 26, Section 3.10(f)(5), Punta Gorda Code.
  - Ms. Teri Tubbs, Zoning Official, displayed an aerial view of the subject location, as delineated in the agenda material, stating Home Depot (HD) held outdoor sales and displayed merchandise as part of their normal, day-to-day operations; however, City Code did not allow same in the Highway Commercial (HC) zoning district without a Special Exception. She described some of the types of merchandise and items intended as mulch and other vegetation, carts, propane tanks, sheds, tool rental and other seasonal items. She noted an area of the parking lot had been marked for use as a seasonal display area for the garden center; however, she expressed certain reservations of staff regarding allowing this area to be used on an ongoing basis due to minimum parking requirements. She confirmed the Development Review Committee (DRC) recommended approval of SE-01-11 contingent upon clear and unobstructed

access for emergency vehicles. She stated if the request was granted and parking became problematic, approval would be rescinded.

- Mr. Burrage questioned if the parking lot was used solely by Home Depot.
  - Ms. Tubbs replied affirmatively.
  - Ms. Matthews inquired if the Publix store in the adjacent shopping center had received a Special Exception for their displayed goods.
  - Ms. Tubbs responded staff was currently working with all locations to notify them of the requirement.
  - Mr. Zapke contended outside sales displays were commonplace at all Home Depot stores.
  - Ms. Matthews supported Home Depot's request in an effort to help prevent the store from closing as a result of lack of business.
  - Mr. Burrage questioned why the process had taken so long as the store had been open for some time.
  - Ms. Tubbs explained the process had taken some time subsequent to recognizing the issue, writing the Ordinance and communicating with Home Depot's corporate office in Atlanta, Georgia.
  - Mr. Thomas noted approval would be rescinded in the event parking became a problem, questioning how any issues would be determined.
  - Ms. Tubbs advised the Store Manager would discontinue same in the event customers had no place to park.
  - Mr. Brian Granneman, Home Depot Store Manager, confirmed same, adding the parking lot was used on a limited basis for plants and garden displays.
  - Mr. Dennis Murphy, Growth Management, maintained parking had never become a problem at this location.
  - Ms. Matthews called three times for anyone else to speak on SE-01-11.
  - Mr. Zapke MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
  - Mr. Burrage MOVED, Mr. Zajicek SECONDED to recommend approval of SE-01-11 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
- B. ZA-02-11 - An Ordinance of the City of Punta Gorda, Florida, Amending Chapter 26, Punta Gorda Code, known as the Land Development Regulations, Article 3, "Regulating Districts," amending Section 3.13, "SRO, Special Residential Overlay District," Subsection (t), "Walkways in Rear Yards", removing provisions to increase walkway width by Special Exception; amending Chapter 26, Article 16, Section 16.10, Punta Gorda Code, "Variances," Subsection (d), "Public Hearing Notice," adding provisions for

requests for variances for structures within 6 feet of a seawall to be heard by the appropriate Canal Advisory Committee and providing additional criteria for such structures; providing for conflict and severability; and providing an effective date.

- Ms. Tubbs stated City Code allowed a five foot wide walkway to be constructed running from the rear of a structure to the seawall, adding wider sidewalks were allowed by Special Exception; however, the criteria for same did not address any issues which may be related to seawall integrity. She pointed out City Code currently had no provision to require such variance requests to be heard by any of the Canal Advisory Committees (CACs). She explained the proposed amendment removed the allowance for wider sidewalks by Special Exception, while adding a requirement for review by the applicable CAC for other structures. She recommended approval of ZA-02-11, offering to address any concerns of the Committee. She added the Ordinance had been presented to both CACs with both recommending approval.
  - Mr. Zapke noted nothing in the agenda material indicated approval by the CACs.
  - Ms. Tubbs explained both meetings had occurred in the recent past, subsequent to preparation of the Commission's agenda.
  - Mr. Zajicek questioned the ability to enforce the Ordinance as areas affected were on private property.
  - Ms. Tubbs confirmed zoning regulations were applicable to those uses and structures.
  - Ms. Matthews called three times for anyone to speak on ZA-02-11.
  - Mr. Burrage MOVED, Mr. Zapke SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
  - Mr. Zapke MOVED, Mr. Burrage SECONDED to recommend approval of ZA-02-11 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
- C. GA-01-11 - An Ordinance of the City of Punta Gorda, Florida, Amending Chapter 6, Punta Gorda Code, known as "Boats, Docks and Waterways"; Article II, "Punta Gorda Isles Canal Maintenance Assessment District," Subsection 6-28, "Same - Governing Body; Advisory Committee"; amending Subsection (b), adding a provision to require review for variance requests that are located within six (6) feet of the seawall on the property abutting the seawall; amending Article III, "Burnt Store Isles Canal Maintenance Assessment District," Subsection 6-35, "Same - Governing Body; Advisory Committee," amending Subsection (b), adding a provision to require review for variance requests that are located within six (6) feet of the seawall on the property abutting the seawall; providing for conflict and severability; and providing an effective date.

- Ms. Tubbs stated City Code allowed a five foot wide walkway to be built from the rear of a structure to the seawall. She noted requests to increase the sidewalk width currently required a Special Exception; however, the latter's criteria did not address issues which may be related to seawall integrity. She referenced the amendment to the Land Development Regulations (LDRs), as explained in the preceding agenda item, ZA-02-11, which required such requests to be approved through the variance application process. She reiterated the additional requirement for review by the applicable canal advisory committee was proposed, recommending approval of GA-01-11.
- Ms. Matthews called three times for anyone to speak on GA-01-11.
- Mr. Zapke MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Zajicek MOVED, Mr. Zapke SECONDED to recommend approval of GA-01-11 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.

#### **UNFINISHED BUSINESS**

- A. Evaluation and Appraisal Report (EAR) Update
  - Ms. Joan LeBeau, Chief Planner, announced staff had hoped to have the document available to members; however, the Department of Community Affairs (DCA) had updated the requirement guidelines in December, 2010, whereby staff was reviewing same for final revision. She stated the final report would be available by mid-February, 2011.
  - Mr. Burrage inquired if the report would be given to members once available as opposed to being a part of the next agenda packet.
  - Ms. Lebeau replied it would be available immediately upon completion, under separate cover.

#### **STAFF COMMENTS**

- A. Community Redevelopment Agency (CRA) Progress Status Report

#### **MEMBERS COMMENTS**

- Mr. Schindler expressed concern for a home under construction on Padre Island Drive, opining it was an eyesore for the neighborhood.
- Ms. Tubbs responded the home had a sewer inspection in December 2010 and appeared to be progressing slowly, adding inspections were a requirement every six months with final completion within two years. She advised a Code Officer would revisit the property to address any further issues.
- Mr. Zajicek questioned where 2010 census data was available for review.
- Ms. LeBeau advised it was located on the website [www.census.gov](http://www.census.gov); however, the information had yet to be completed.

ADJOURNMENT

- Meeting Adjourned: 2:23 p.m.

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Lynne Matthews, Chairman

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Sheri Stewart, Recording Secretary