

**PLANNING COMMISSION
MEETING
FEBRUARY 28, 2011**

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

OTHERS PRESENT: Teri Tubbs, Zoning Official
Joan LeBeau, Chief Planner
Tom Feneran

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
1. Election of Officers
- Recording Secretary Smith opened the floor for nominations for Chairman, noting Ms. Matthews had served the maximum allowed number of consecutive terms as stated in the Commission's bylaws.
 - Ms. Matthews countered she had filled the unexpired term of Mr. Ed Viola.
 - Ms. Smith confirmed this was the end of the first year of that term, advising if that was the case, Ms. Matthews was eligible to serve an additional three years.
 - Mr. Burrage nominated Mr. Zapke for Chairman.
 - Mr. Loughman nominated Ms. Matthews for Chairman.
 - Messrs. Zapke, Burrage, Schindler and Thomas voted for Zapke.
 - Messrs. Zajicek and Loughman and Ms. Matthews voted for Matthews.
 - Mr. Zapke was appointed Chairman by majority vote. He then opened the floor for nominations for Vice Chairman.
 - Mr. Schindler NOMINATED Ms. Matthews for Vice Chairman.
 - As there were no other nominations, Ms. Matthews was appointed Vice Chairman by acclamation.
- B. Next Scheduled Meeting
1. March 28, 2011

APPROVAL OF MINUTES

- A. January 24, 2011 Meeting
- Mr. Burrage MOVED, Ms. Matthews SECONDED approval of the January 24, 2011 minutes. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS

- Recording Secretary Smith swore in all participants.
- A. ZA-01-11 – An Ordinance of the City of Punta Gorda, Florida, Amending Chapter 26, Punta Gorda Code, known as the Land Development Regulations, amending Article 3, Section 3.13(m), Punta Gorda Code, relating to permitted hedge height and permitted fence material in the Special Residential Overlay District; amending Article 8, Section 8.5, Punta Gorda Code, relating to the permitted hedge height and permitted fence materials in single family residential zoning districts throughout the City; providing for definitions; providing for hedge maintenance; providing for conflict and severability; and providing an effective date.
- Ms. Teri Tubbs, Zoning Official, announced the proposed ordinance, as delineated in the agenda material, was the result of numerous meetings with citizens, the Commission and City Council. She then provided a detailed review of proposals for specific, permitted fence types, prohibited fence types, installation methods and definitions of hedges, all of which were depicted in the staff report provided in each agenda packet. She advised the restrictions would be applicable only to single family or duplex residences as multi-family and non-residential developments were subject to an approved landscape plan as part of the required Development Review Committee (DRC) process. She mentioned clarification had been added regarding fence materials located on properties outside of the Special Residential Overlay (SRO) zoning district. She offered to answer any questions or address any concerns.
- Ms. Matthews questioned item 10 of the proposals which required hedges and landscaping to be maintained free from pests and vermin, etc., opining it would be almost impossible to police same and suggesting that clause be removed.
- Ms. Tubbs responded that language could be removed as there was a provision in Chapter 10 of the City Code addressing excessive overgrowth which attracted rodents.
- Ms. Matthews then referred to page 22 of 36 of the agenda packet, pointing out Ms. Tubbs was quoted as saying the Commission recommended “Option 1, as delineated in the agenda material”; however, the Commission had actually recommended Option 2.
- Ms. Tubbs explained she had been quoted correctly but had changed the reference numbers, acknowledging same had confused everyone. She confirmed she had clarified the Commission’s recommendation for City Council.
- Mr. Burrage commented on item 5 of the proposals which required Areca Palms in side yards to be maintained in a manner which prevented the fronds from overhanging any property line, asking how it would be possible to impose same when vegetation was eight feet in height.

- Ms. Tubbs stated such a violation would be complaint driven.
- Mr. Zajicek noted item 5 addressed only side yards, asking how problems in the rear yard would be handled, particularly on corner lots.
- Ms. Tubbs responded the rule specified side yard, regardless of the location.
- Ms. Matthews inquired how citizens would be made aware of the new rules.
- Mr. Thomas noted all ordinance changes were enacted through the public hearing process.
- Mr. Schindler commented this issue had been debated for more than one year, stating he believed enforcement would be complaint oriented. He asserted it was impossible to eliminate all potential problems.
- Ms. Tubbs stated a Code Compliance Officer would be unable to determine whether a hedge was overhanging a property line simply by driving past other than in instances where vegetation was out of control, adding Code Compliance Officers would proceed proactively in such circumstances. She explained the proposed language was loosened tremendously to allow for existing conditions, which she understood to be the community's desire.
- Mr. Loughman opined the proposed language was necessary as Code Compliance Officers needed as much help as possible.
- Mr. Zapke opined the provision had been fine tuned as best as possible.
- Ms. Tubbs acknowledged residents would need to be educated.
- Ms. Matthews stated she believed it would be difficult to educate part time residents.
- Ms. Tubbs mentioned Ms. Beth Magnin, Punta Gorda Isles Civic Association (PGICA), was developing a brochure for citizens, residents, renters, etc., adding this provision would be included.
- Mr. Zajicek suggested the amended ordinance be provided to real estate agents.
- Mr. Thomas asserted this ordinance was impossible to enforce.
- Mr. Zapke maintained it provided a basis for filing a complaint against your neighbor. He then called three times for anyone to speak on ZA-01-11.
- Ms. Matthews MOVED, Mr. Loughman SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Burrage MOVED, Mr. Schindler SECONDED to find ZA-01-11 consistent with the City's Comprehensive Plan and to recommend approval of same based upon the evidence and testimony presented, contingent upon elimination of the following language in item 10: "and free of debris, weeds, insects, rodents, snakes or other types of pests and vermin."

- Mr. Zajicek asked if the prohibition of uncoated chain link excluded galvanized material.
 - Ms. Tubbs replied affirmatively, stating same represented the direction she had received from the community.
 - Ms. Matthews suggested adding language in which violations must be complaint driven.
 - Mr. Schindler responded he did not believe complaints could be legislated.
 - Mr. Zapke opined maintenance of community standards was necessary.
 - VOTING AYE: Burrage, Loughman, Schindler, Zapke.
 - VOTING NAY: Matthews, Thomas, Zajicek.
 - MOTION CARRIED.
- B. ZA-03-11 – An Ordinance of the City of Punta Gorda, Florida, Amending, Chapter 26, Punta Gorda Code, known as the Land Development Regulations, Article 10, "Parking and Loading," Section 10.6, Parking in the City Center (CC) District, relating to parking exemptions for buildings of a certain footprint size for new development, allowing an exemption for required parking to be provided on-site; providing for conflict and severability; and providing an effective date.
- Ms. Tubbs announced City Council had directed staff to move forward with the proposed amendment to City Code in order to further encourage in-fill development on small vacant lots which were located within reasonable walking distance to public parking. She explained the proposed changes would increase the permitted building footprint size from 2,000 to 5,000 square feet for new development but without requiring on-site parking as part of same. She clarified this amendment would affect properties located within the CC parking exemption area. She concluded with staff's recommendation for approval.
 - Mr. Thomas spoke in favor of the proposed amendment.
 - Ms. Matthews asked if any properties would be affected by the proposed increase.
 - Ms. Tubbs replied affirmatively, specifically three, adjacent properties near the former Turtle Club extending out to Taylor Street.
 - Mr. Zajicek suggested an increase to 10,000 square feet.
 - Ms. Tubbs agreed, noting staff had discussed that figure.
 - Mr. Thomas, Ms. Matthews and Mr. Zapke expressed their support as well.
 - Mr. Zapke called three times for anyone to speak on ZA-03-11.
 - Mr. Burrage MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.

- Mr. Zajicek MOVED, Ms. Matthews SECONDED to find ZA-03-11 consistent with the City's Comprehensive Plan and to recommend approval of same, as amended, based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- A. Discussion regarding Overnight Parking in City Parks
- Ms. Tubbs stated there were currently no City Code provisions which prohibited overnight parking in City parks with the exception of Ponce de Leon Park, which was locked at dusk. She announced a complaint was received relative to a resident who routinely parked two vehicles overnight in the Nature Park parking lot. She noted the issue was presented to Councilmembers to determine whether overnight parking should be prohibited in all City parks, adding City Council directed staff to move forward with an amendment to Chapter 23 of the City Code. She pointed out Laishley Park would be exempt from this prohibition due to the Laishley Park Marina and large restaurant located within same.
 - Ms. Matthews asked why the above mentioned resident was parking overnight in the Nature Park.
 - Ms. Tubbs replied the resident owned five cars and could only park three in their driveway due to recent sidewalk construction, adding parking in the yard was prohibited.
 - Ms. Matthews asked if the property included a two-car garage.
 - Ms. Tubbs replied affirmatively, opining it was probably being used for storage.
 - Mr. Burrage requested clarification of the definition of overnight parking, specifically asking if there was a distinction between an unattended, empty vehicle or one in which someone was sleeping.
 - Ms. Tubbs replied same could represent a distinction between the two. She noted a concern was raised with regard to City parks being used for "camping/sleeping" purposes.
 - Mr. Loughman recommended limiting language to automobiles.
 - Mr. Zajicek asked if members felt boat trailers should be allowed.
 - Mr. Loughman replied Laishley Park provided parking specific to same.
 - Mr. Zapke interjected there was currently nothing in City Code prohibiting overnight parking in the Nature Park.
 - Ms. Tubbs responded that was correct.
 - Mr. Thomas asked if staff desired the language to be park specific.
 - Ms. Tubbs replied Council indicated that may be an option.

- Mr. Zapke opined it was necessary to exempt Laishley Park due to the boat ramp being accessible 24 hours a day as well as the soon to be established mooring field, adding many people fished all night; however, nobody should be allowed to sleep in a vehicle anywhere in the City.
- Ms. Matthews commented more people would want to park in Gilchrist Park overnight as an area had recently been made more available for dinghies to come ashore. She suggested making the rules park-specific as stated by Mr. Thomas.
- Mr. Thomas confirmed this was not a widespread problem but rather was limited to the situation described earlier.
- Mr. Schindler pointed out if that resident parked only two cars end to end in their driveway, the second vehicle would extend over the sidewalk, adding this was a problem for more than only one resident. He voiced concern with placing such restrictions on residents, opining parking a car at the Nature Park should not be a problem, particularly since the problem arose as a result of the changes on Aqui Esta Drive. He clarified he was opposed to any type of camping or sleeping overnight in City parks.
- Mr. Zajicek inquired if overnight parking was prohibited in other public parking areas.
- Ms. Tubbs replied 24 hour parking was prohibited in the City's parking garage.
- Mr. Zapke asked if campers could be parked in the Nature Park overnight, asserting there should be rules to protect the residents.
- Ms. Tubbs expressed uncertainty, stating she believed the Code was silent with regard to same.
- Mr. Zapke pointed out the changes to Aqui Esta Drive had been planned for a very long time.
- Mr. Zajicek suggested certain areas within a park could be designated for overnight parking for boaters.
- Ms. Matthews opined it seemed consideration was being given to implementation of an ordinance because of one person/situation.
- Discussion ensued with regard to excessive regulations.
- Consensus of the Commission was to recommend taking no action at this time.

UNFINISHED BUSINESS

- A. City of Punta Gorda Comprehensive Plan, Evaluation & Appraisal (EAR) Report – Update
 - Ms. Joan LeBeau, Chief Planner, announced the first draft of the EAR was complete, adding public hearings would be held regarding same on March 28, 2011, before the Commission, and April 20, 2011, and May 4, 2011, before City Council. She urged members to review the EAR, available on the City's web site, and provide any

comments on line prior to March 28, 2011. She noted web site location and contact information were both denoted in the Commission's agenda material. She explained the EAR represented an evaluation of the past seven years as well as implementation of the existing Comprehensive Plan (Plan) which was adopted in 2008. She clarified the EAR provided a summary analysis of the successes and failures of the Plan, identified major issues of concern and singled out proposed changes to amend and update the Plan.

- Mr. Zapke commented the City Marketplace property was mentioned while the former U-Save property was not, questioning the reason for same.
- Ms. LeBeau replied there had been no comments submitted regarding the latter property; however, staff was asked constantly about the former.
- Mr. Thomas asserted the owner had no interest in developing the property.
- Mr. Loughman mentioned the owner made a report to City Council several months ago, indicating the lack of interest was due to the poor economy.
- Mr. Thomas inquired if any public presentations were planned.
- Ms. LeBeau replied off-site meetings had been held previously; however, most were not well attended.
- Mr. Thomas confirmed the Plan was coordinated by Ms. LeBeau and involved other City Departments. He questioned the cost to the City.
- Ms. LeBeau replied costs were being tallied at this time, estimating same at \$25,000 to \$30,000.
- Mr. Thomas asked if the Department of Community Affairs (DCA) provided guidelines for development of the Plan and EAR.
- Ms. LeBeau replied affirmatively.
- Mr. Thomas commended staff on a job well done.

STAFF COMMENTS

- A. Community Redevelopment Agency (CRA) Project Status Report
- No discussion.

CITIZENS COMMENTS

- Mr. Tom Feneran voiced concern regarding overnight parking in the Nature Park, opining this was a safety and security issue for this residential neighborhood. He explained the Nature Park was not lit nor was it patrolled. He mentioned another vehicle had been parked at this location for three weeks, confirming he had contacted the Police Department regarding same.
- Mr. Burrage questioned the Police Department's response.

- Mr. Feneran replied their initial response was to take no action; however, someone was dispatched to the area after calls from several residents were made. He stated complainants were advised there was no ordinance prohibiting overnight parking, adding the vehicle was determined to be privately owned.
- Ms. Matthews inquired if the person was doing anything wrong.
- Mr. Feneran replied with uncertainty, adding anyone could park there for any length of time; however, he noted he had not personally spoken with the owner of the vehicle.
- Mr. Schindler pointed out the issue had been presented to the Commission this date as a discussion item only, adding no action had been taken nor requested.
- Mr. Zapke suggested this may be a matter for the PGICA. He asked if any regulations were in place to prohibit the area from becoming a parking area for recreational vehicles (RVs).
- Ms. Tubbs replied there was nothing in the Code which prohibited overnight parking in City parks.
- Mr. Zapke asserted same must be addressed.
- Ms. Matthews confirmed overnight parking was not allowed in Ponce de Leon Park.
- Ms. Tubbs agreed, stating the gate to same was locked at sunset, and signage was in place. She suggested additional citizen input would be helpful.

ADJOURNMENT

- Meeting Adjourned: 2:59 p.m.

Edward Zapke, Chairman

Karen Smith, Recording Secretary