

**PLANNING COMMISSION
MEETING
JULY 26, 2010**

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

MEMBERS ABSENT: Charles Zajicek

OTHERS PRESENT: Teri Tubbs, Zoning Official
David Hilston, Urban Design Manager
Dennis Murphy, Growth Management Director
Lisa Hannon, Zoning Coordinator
Mayor Harvey Goldberg
Councilmember Elect Rachel Keesling
John Chalifoux

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
 - Ms. Matthews welcomed Mayor Harvey Goldberg.
 - Mayor Goldberg introduced Councilmember Elect Rachel Keesling.
- B. Next Scheduled Meeting - August 23, 2010

APPROVAL OF MINUTES

- A. Meeting of June 28, 2010
 - Mr. Burrage MOVED, Mr. Loughman SECONDED approval of the June 28, 2010 minutes.
MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS

- Recording Secretary Kelly swore in all participants.
- A. ZA-11-10 - An Ordinance of the City of Punta Gorda, Florida, Amending Chapter 26 of the City of Punta Gorda, Florida Code of Ordinances known as the Land Development Regulations, Article 16, Application review and approval requirements, amending Section 16.3, Application for Certificate of Appropriateness; amending Subsection 16.3(e), Decisions on Certificate of Appropriateness applications providing for decision-making by the Zoning Official in the event the Historic Preservation Advisory Board fails to hold a required meeting; providing for conflict and severability; and providing an effective date.
 - Ms. Teri Tubbs, Zoning Official, stated properties located within the National Historic Register District (NHRD) and those listed on the Florida Master Site File (FMSF) were required to obtain a Certificate of Appropriateness for certain exterior changes or renovations. She continued the moving or demolition of any structure or portion

thereof, any application for new signage, variances requests and special exception applications were also required to be reviewed by the Historic Preservation Advisory Board (HPAB). She explained when an item was scheduled to be reviewed at an HPAB meeting, which was subsequently cancelled due to lack of a quorum of members, such application currently would need to be continued to the HPAB's next meeting, thus placing an unwarranted burden on the applicant to wait an additional 30 days. She mentioned there had been just five such occurrences from 2005 to the present. She clarified the proposed amendment, as delineated in the agenda material, would allow the Zoning Official to review and determine compliance with design guidelines, thus allowing projects to continue through the approval process while promoting new development and renovations without undue delay. She concluded with a recommendation for approval of ZA-11-10.

- Ms. Matthews asked if absences had been an ongoing problem.
- Ms. Tubbs replied it had happened often enough to warrant this proposal.
- Mr. Zapke confirmed HPAB was subject to the same absence policy as other advisory boards and committees.
- Mr. Burrage asked if HPAB had alternate members.
- Ms. Tubbs replied they did not.
- Mr. Burrage opined same would solve the problem.
- Mr. Thomas commented the ordinance referenced the Historic District Design Guidelines, June 2003 and the requirement for Certificates of Appropriateness to meet the requirements of same, suggesting such applications simply be approved directly by the Zoning Official.
- Ms. Tubbs responded the HPAB was set up to have the ability to review and provide citizen input.
- Mr. David Hilston, Urban Design Manager, interjected alternate members were still subject to absences, adding the proposed amendment was simply a fail/safe procedure. He asserted lengthening the approval process reflected negatively on the City.
- Mr. Burrage countered that concern could apply to all boards and committees, asking if same would be asked to cede their control.
- Mr. Hilston replied absolutely not, stating this was an isolated situation. He noted staff performed the actual technical review to ensure City Code requirements were met. He explained HPAB members had a great deal of institutional knowledge; however, staff wished to be as business friendly as possible and not hold any one up.

- Mr. John Chalifoux, HPAB Acting Chairman, stated the HPAB failed to meet only once since he had been appointed. He announced the HPAB voted unanimously against ZA-11-10, opining same gave the Zoning Official too broad of powers in making decisions without allowing for public input. He explained the HPAB provided that input to maintain the fabric and character of the historic district. He advised the HPAB had made significant strides in filling all vacancies and did not envision any future problem related to ensuring a quorum. He expressed the HPAB's commitment to being business and citizen friendly and had no desire to delay any permit; thus, the HPAB Chairman would be responsible to call a special meeting if necessary to hear and vote upon a Certificate of Appropriateness. He requested the Commission recommend denial of ZA-11-10. He mentioned an instance where the Board recommended two types of signage for a new business; however, since that time, three types of signage had been approved by staff.
- Ms. Matthews called three times for anyone to speak on ZA-11-10.
- Mr. Burrage MOVED, Mr. Zapke SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Burrage MOVED, Mr. Loughman SECONDED to find ZA-11-10 consistent with the City's Comprehensive Plan and to recommend denial of same based upon the evidence and testimony presented.
- Mr. Schindler pointed out any decision made by staff would be governed by existing rules and regulations; thus, he did not believe staff would ever make the "wrong" decision.
- Ms. Matthews noted she had experienced instances where the agenda material did not cover everything, adding staff's recommendations were based per the letter of the law.
- Mr. Burrage agreed, stating there should be as many "checks and balances" as possible.
- Ms. Matthews suggested consideration be given to appointing alternate members.
- Mr. Zapke cited an example where the Commission did not have a quorum, stating any items which had been scheduled to be discussed would still proceed through the application process on to City Council.
- Ms. Tubbs replied ordinances of general nature would be continued and brought back before the Commission; however, applications such as special exceptions would be brought to Council. She explained State Statute required review by the Planning Commission of any ordinances which would amend the Land Development Regulations (LDRs).

- Mr. Zapke asked if the HPAB was a decision making body. He further questioned whether City Council could overrule their decisions.
 - Ms. Tubbs replied City staff had the ability to overrule, stating the HPAB was a recommending board.
 - Mr. Thomas commented an applicant deserved a decision within a certain timeframe. He pointed out ZA-11-10 would never be invoked as long as the HPAB met as scheduled.
 - VOTING AYE: Burrage, Loughman, Matthews.
 - VOTING NAY: Schindler, Thomas, Zapke.
 - MOTION FAILED.
 - Mr. Zapke MOVED, Mr. Thomas SECONDED to find ZA-11-10 consistent with the City's Comprehensive Plan and to recommend approval of same based upon the evidence and testimony presented and to recommend appointment of Alternates to the HPAB.
 - Mr. Loughman clarified HPAB's existing bylaws did not provide for Alternates.
 - VOTING AYE: Loughman, Schindler, Thomas, Zapke, Matthews.
 - VOTING NAY: Burrage.
 - MOTION CARRIED.
- B. ZA-13-10 - An Ordinance of the City of Punta Gorda, Florida, Amending Chapter 26, Code of Ordinances, City of Punta Gorda, Florida, known as the Land Development Regulations, amending Chapter 26, Article 8, Section 8.10, Relating to the parking of trucks, trailers and travel trailers, correcting an outdated reference and scrivener's error therein; clarifying prohibitions against the parking of certain vehicles on the right-of-way within residentially zoned property; clarifying prohibitions against overnight parking in non-residential zoning districts; providing exemptions from the parking prohibitions; allowing for the issuance of a temporary use permit to authorize parking otherwise prohibited; providing for conflict and severability; and providing an effective date.
- Ms. Tubbs announced City Council initiated this proposed zoning amendment to address a conflict in City Code. She explained ZA-13-10 clarified that residents living in the Neighborhood Residential (NR) zoning district were permitted to park or store their personal recreational vehicle or watercraft and trailer on their properties even if same had tandem axles. She mentioned there had been no complaints regarding dual axle/wheel recreational vehicles in the NR zoning district. She advised the Urban Design Division recommended approval of ZA-13-10.
 - Ms. Matthews called three times for anyone to speak on ZA-13-10.

- Mr. Zapke MOVED, Mr. Loughman SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Burrage MOVED, Mr. Zapke SECONDED to find ZA-13-10 consistent with the City's Comprehensive Plan and to recommend approval of same based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- A. An Ordinance of the City of Punta Gorda, Florida, Amending Chapter 24, Code of Ordinances, City of Punta Gorda, Florida, titled "Trailers and Trailer Parks", correcting the reference to Chapter 518, Florida Statutes; amending Chapter 24, Article I, Section 24-1, Code of Ordinances, City of Punta Gorda, Florida, to provide a new definition for the term trailers; amending Chapter 24, Article I, Section 24-2, Code of Ordinances, City of Punta Gorda, Florida, relating to time and use restrictions for parking trailers on public streets; amending Chapter 24, Article I, Section 24-3, Code of Ordinances, City of Punta Gorda, Florida, relating to parking of detachable trailers on public streets; amending Chapter 24, Article I, Section 24-4, Code of Ordinances, City of Punta Gorda, Florida, relating to interference with traffic; amending Chapter 24, Article I, Section 24-6, Code of Ordinances, City of Punta Gorda, Florida, relating to use of trailers for office or business purposes; amending Chapter 24, Article I, Section 24-7, Code of Ordinances, City of Punta Gorda, Florida, relating to application of provisions to trailers within the Special Residential Overlay District and on commercially zoned property; providing for conflict and severability; and providing an effective date.
- Ms. Tubbs drew members' attention to the proposed ordinance, as delineated in the agenda material, stating this was being presented for informational purposes. She explained Section 24 of the City Code was not a part of the LDRs; however, staff wished to keep the Commission up to speed. She noted this section of City Code had not been updated since 1949, adding the proposed amendment would reflect more current terminology and issues. She mentioned this ordinance coincided with ZA-13-10 as to parking of recreational vehicles and trailers.
- Consensus of the Commission was no objection to the ordinance.
- Mr. Thomas commented he understood commercial zoning would allow for trailer parking; however, Section 24-7 referenced Special Purpose (SP) zoning.
- Ms. Tubbs explained SP zoning allowed for outdoor storage by right, adding any other commercial zoning district did not. She mentioned the Highway Commercial (HC) zoning district allowed for boat and/or recreational vehicle sales lots.
- B. An Ordinance of the City of Punta Gorda, Florida, Amending Chapter 23, Traffic, City Code of Ordinances, adding a new Section 23-21, prohibiting the parking of vehicles

and trailers with signs, graphics or printing in certain areas of non-residential zoned properties; amending Section 23-14(a), relating to penalties; amending Section 23-14(c), relating to citation contests; amending Section 23-19, holding registered owners responsible for violations; providing for conflict and severability; and providing an effective date.

- Ms. Matthews announced this item had been withdrawn.

C. 2011 Strategic Plan

- Ms. Tubbs announced the City had initiated development of its Fiscal Year (FY) 2011 Strategic Plan and was seeking input from community stakeholders on development of a potential list of strategic objectives for the upcoming fiscal year. She noted Strategic Plan objectives must be beyond daily operational objectives and be reflective of longer term goals which contributed to realization of the City's collective vision. She clarified objectives were generally broad in scope. She concluded input was being sought within 30 to 45 days from July 13, 2010.

STAFF COMMENTS

A. Community Redevelopment Agency (CRA) Project Status Report

- Ms. Matthews expressed appreciation to staff for the report's format.
- Mr. Zapke asked if there was any progress relative to the City Marketplace property.
- Mr. Dennis Murphy, Growth Management Director, announced some clean-up of the site had been done during construction on the Retta Esplanade extension.

MEMBER COMMENTS

- Mr. Schindler asked if the Commission would review the ordinance which had been withdrawn in the future.
- Ms. Tubbs replied affirmatively, stating a consensus would be sought from the Commission.
- Mr. Burrage thanked staff for the recent workshop on the Comprehensive Plan.

ADJOURNMENT

- Meeting Adjourned: 2:33 p.m.

Lynne Matthews, Chairman

Mary Kelly, Recording Secretary