

**PLANNING COMMISSION  
MEETING  
AUGUST 23, 2010**

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

**OTHERS PRESENT:** Teri Tubbs, Zoning Official  
Joan LeBeau, Chief Planner  
Dennis Murphy, Growth Management Director  
Mayor Harvey Goldberg

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting - September 27, 2010

**APPROVAL OF MINUTES**

- A. Meeting of July 26, 2010
  - Mr. Zapke MOVED, Mr. Loughman SECONDED approval of the July 26, 2010 minutes.  
MOTION CARRIED UNANIMOUSLY.

**PUBLIC HEARINGS**

- Recording Secretary Smith swore in all participants.
- A. ZA-12-10 - An Ordinance of the City of Punta Gorda, Florida, Repealing Ordinance #1610-09; and amending Chapter 26, Article 11, Sign Standards, Code of Ordinances, City of Punta Gorda, Florida; amending Chapter 26, Article 11, Section 11.3, Permitted Signs, Code of Ordinances, City of Punta Gorda, Florida, adding a new Subsection 11.3(r), relating to portable signs; providing permit requirements for portable signs; providing for portable signs within commercially zoned districts; providing standards for the location, design, use and maintenance of portable signs; providing for the discontinuance and removal of non-conforming portable signs; amending Chapter 26, Article 11, Section 11.4, CC Signage, Subsection 11.4(e)(5), Code of Ordinances, City of Punta Gorda, Florida, deleting references to portable signs, deleting the sunset provision and allowing the installation of a wall mounted menu sign; providing for conflict and severability; and providing an effective date.
  - Ms. Teri Tubbs, Zoning Official, announced several deficiencies had been discovered after adoption of Ordinance #1610-09, noting certain clarifications were also found to be necessary. She outlined the proposed amendments as follows: (1) provision moved to Section 11.3, Permitted Signs, as same was originally inserted under City Center (CC) signage but was applicable to all commercial zoning districts; (2) requirement for

a “no charge” permit to be used for tracking purposes as opposed to imposing additional permitting costs on businesses; (3) permitted location of portable signs clarified to help ensure public safety and to prevent same from being used as off-premise signage; (4) maximum dimensions to include sign frames, wheels and/or handles; (5) removed limitation of only “A” frame signs as several other designs were already in use which met the intent of City Code but prohibited any signs which spun, twirled or rotated as well as temporary corrugated plastic board signs with wire posts; (6) businesses currently using such signage to come into compliance within 90 days of adoption of ordinance; (7) sunset provision removed. She clarified the proposed amendments were intended to clarify areas and to allow certain signs which were currently in use to continue to be used as same met the regulation’s intent. She continued any permitting costs associated with such signage were removed, as these amendments were intended to assist businesses by allowing an additional, promotional tool. She concluded the Urban Design Division recommended approval of ZA-12-10.

- Ms. Matthews inquired if it was standard procedure to require \$300,000 in liability insurance, as stated in Section 26-11.3(r)(3)(a).
- Ms. Tubbs replied affirmatively, explaining same represented a rider placed on a business’s general liability policy.
- Ms. Matthews inquired if existing sign owners were already paying same.
- Ms. Tubbs replied some may not be aware of same; thus, it would be necessary to advise them of the requirement.
- Mr. Thomas commented such riders were often costly, acknowledging the requirement applied only to items placed in the right-of-way (ROW), such as was often seen downtown.
- Ms. Matthews asked if the existing signs at Cubby’s Homemade Ice Cream required this insurance.
- Ms. Tubbs replied she believed only one was in the ROW.
- Ms. Matthews opined it would be cost prohibitive for many small businesses.
- Mr. Schindler countered most businesses would already have this insurance.
- Ms. Matthews disagreed, pointing out this was additional.
- Mr. Schindler maintained he felt the cost would not be significant.
- Ms. Matthews responded she was aware from personal experience that adding such a rider was expensive.
- Mr. Thomas asked if the City’s Risk Management Division was recommending this requirement.

- Ms. Tubbs replied it was standard for anything located in the City ROW, advising this provision was included in the original ordinance and was simply carried forward into the proposed ordinance.
  - Mr. Thomas pointed out Section 26-11.4(e)(5)(c) required the City to be named as an additional insured but had not specified an amount.
  - Mr. Schindler inquired if the City would be liable if a business owner did not have that type of insurance.
  - Ms. Tubbs replied such a rider would provide an extra layer of protection for the City, acknowledging any incident would likely cause suit to be filed against all parties, including the City.
  - Ms. Matthews called three times for anyone to speak on ZA-12-10.
  - Mr. Schindler MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
  - Mr. Zajicek asked if business owners had reviewed the proposed ordinance.
  - Ms. Tubbs replied she had not held a meeting specific to ZA-12-10; however, plans were in place to meet with the Punta Gorda Chamber of Commerce (PGCC) to review any upcoming changes to the sign code, including ZA-12-10.
  - Mr. Zapke inquired if the PGCC received copies of the Commission's agenda material.
  - Ms. Tubbs replied affirmatively, adding the entire agenda packet was also available on line.
  - Mr. Burrage MOVED, Mr. Zapke SECONDED to find ZA-12-10 consistent with the Comprehensive Plan and to recommend approval of same based upon the evidence and testimony presented.
  - Mr. Zajicek suggested the matter be tabled until after review by the PGCC.
  - Mr. Zapke countered the PGCC had already been provided with copies of the ordinance via the Commission's agenda packet.
  - Ms. Matthews added she was aware certain members of the PGCC were not in total agreement.
  - VOTING AYE: Burrage, Zapke, Thomas.
  - VOTING NAY: Loughman, Schindler, Zajicek, Matthews.
  - MOTION FAILED.
  - Mr. Zajicek MOVED, Mr. Loughman SECONDED to continue ZA-12-10 to September 27, 2010. MOTION CARRIED UNANIMOUSLY.
- B. ZA-15-10 - 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 3, Regulating Districts, amending Subsection 3.13, SRO, Special Residential Overlay

District, amending Subsection 3.13(p), Temporary Buildings and Above Ground Swimming Pools, adding a definition for “kiddie pools”; providing for conflict and severability; and providing an effective date.

- Ms. Tubbs announced with use of the recently adopted ordinance regulating above ground pools, staff discovered there was no clear definition of kiddie pools as referenced within that ordinance; thus, ZA-15-10 was proposed to define kiddie pool as any pool which was capable of holding a maximum depth of 24 inches of water or less. She noted this clarification was consistent with the Florida Swimming Pool Code as to depth. She concluded with staff’s recommendation for approval.
- Mr. Zapke opined the term kiddie pool was not specific, opining such types of pools could be quite large.
- Ms. Tubbs pointed out it was required to be located on the lanai and within the setbacks.
- Ms. Zapke stated he would like to see a requirement for the walls to be inflatable and specific diameter restrictions.
- Ms. Matthews pointed out many kiddie pools were constructed of pre-molded plastic.
- Mr. Burrage commented his neighbor had a kiddie pool which encompassed the entire lanai.
- Ms. Matthews confirmed the proposed ordinance addressed only the definition of kiddie pools. She then called three times for anyone to speak on ZA-15-10.
- Mr. Burrage MOVED, Mr. Loughman SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Burrage MOVED, Mr. Zajicek SECONDED to find ZA-15-10 consistent with the 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 23, Traffic, Code of Ordinances, City of Punta Gorda, Florida, 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. Tubbs drew members’ attention to the proposed ordinance, as delineated in the agenda material, stating same was drafted by the City Attorney for the Commission’s information and comments. She mentioned the review process did not include a

formal public hearing before the Commission as the proposal was for an amendment to Chapter 23, Traffic, of the City Code. She explained the intent was to address traffic safety hazards presented by signage in or on vehicles as well as the aesthetic blight and visual clutter created by such signs. She clarified the ordinance would limit the location of any vehicle or trailer if same had any sign, graphics or printing larger than three square feet in area per side, unless parked temporarily; however, the ordinance did not apply to vehicles and trailers parked in the rear of any building, within an enclosure, garage or carport which was walled on at least three sides or within any approved loading or delivery areas. She pointed out the ordinance allowed the temporary parking of such vehicles in the public right-of-way (ROW) as necessary to conduct business and contained a provision which permitted temporary parking of such vehicles associated with any approved special event. She stated the ordinance provided for a civil penalty as follows: first offense, written warning; second offense, \$100; third offense, \$250; any subsequent offense, \$500. She concluded the ordinance was scheduled to be heard at the September 15, 2010 City Council meeting.

- Mr. Schindler opined this was a compromise to what had been proposed in the past and represented the best way to satisfy business owners and citizens.
- Mr. Burrage concurred.
- Mr. Zapke asked if Code Compliance Officers and the Police Department would be responsible for enforcement.
- Ms. Tubbs replied affirmatively, confirming same would be done on both a complaint and sight basis.
- Ms. Matthews inquired what would happen to the trolleys parked at Gregg's Automotive.
- Ms. Tubbs replied they would have to be moved to the rear of the property.
- Mr. Zajicek commented on Section 23-21, questioning the meaning of "certain areas."
- Ms. Tubbs replied the ordinance described that term, confirming the language had been drafted by the City Attorney.
- Mr. Thomas commented the City should first research what had been done in other communities.
- Ms. Tubbs responded a significant amount of research had been done relative to other municipalities, many of which included such restrictions in their sign codes and had been legally challenged. She stated the proposed amendment had been written in a manner so as to avoid same.

- Ms. Matthews confirmed this would not apply to government vehicles, questioning why it was legal for the Police Department to park a vehicle on a vacant lot as was the case on Ryan Boulevard.
- Ms. Tubbs responded she would speak with the Police Chief regarding same.
- Mr. Zajicek inquired about the commercial vehicles parked behind the Century Link building.
- Ms. Tubbs replied vehicles were allowed to be parked behind the building, further noting by doing so they were meeting the intent of the Code.
- Ms. Matthews confirmed staff needed nothing further from the Commission.
- Mr. Schindler inquired if this had been reviewed by any other committee.
- Ms. Tubbs replied staff and the City Attorney met with the PGCC and local businesses to obtain input in an effort to make it as useable as possible.
- Mr. Burrage recalled an earlier version had been discussed at the LDR Review Committee meeting, opining this version was a result of that Committee's discussion.

#### **UNFINISHED BUSINESS**

- A. Evaluation & Appraisal Report (EAR) Update
  - Ms. Joan LeBeau, Chief Planner, drew members' attention to the EAR update, as delineated in the agenda material, noting same was a result of input received at the July 15, 2010 public workshop.
  - Mr. Zapke interjected there were a number of typographical and spelling errors.
  - Ms. LeBeau stated staff would correct those errors. She outlined the EAR process, major issues and citizen/staff input, as delineated in the agenda material, providing a PowerPoint presentation to review same. She continued City Council would be provided with a letter at their September 1, 2010 meeting, stating same would represent the City's letter of understanding to the Department of Community Affairs (DCA), contingent upon Council's approval. She stated DCA would then either approve the EAR or request further changes. She noted the draft EAR would be presented to the Commission in either December 2010 or January 2011, concluding progress would be delineated on the City's web site.
  - Mr. Burrage commented it was interesting there had been no public input on schools or intergovernmental coordination items.
  - Ms. Matthews asked if the City was considering purchase of the City Marketplace property.
  - Ms. LeBeau explained several suggestions regarding same were made at the public workshop.
  - Ms. Matthews expressed opposition to the City doing so.

- Mr. Thomas opined the property was cheaper now than six years earlier.
- Ms. Matthews disagreed, opining the owner had made more money than he paid for the property by selling small parcels.
- Mr. Zajicek then observed nothing relative to water quality.
- Ms. LeBeau responded water quality was addressed during development of the Comprehensive Plan itself, adding policies were already in place.

#### **STAFF COMMENTS**

- A. Community Redevelopment Agency (CRA) Project Status Report
- Mr. Zapke expressed confusion as to the Department of Environmental Protection's (DEP's) concerns relative to the east mooring field.
  - Mr. Dennis Murphy, Growth Management Director, explained DEP's concerns stemmed from objects which were placed in the water which could potentially move. He announced virtually all permits were in hand.

#### **MEMBER COMMENTS**

- Mr. Schindler spoke in opposition to the possibility of the City's purchase of the City Marketplace property.

#### **CITIZEN COMMENTS**

- Mayor Harvey Goldberg pointed out the suggestion to purchase the City Marketplace property had been made by the public rather than by City Council or the CRA, advising the property may be foreclosed on in the near future. He stated there had been some interest in the property, adding the last offer had been \$4.9 million.
- Ms. Matthews asked if ownership of the parcel slated for the Hilton Hotel had transferred.
- Mayor Goldberg expressed uncertainty regarding same.

#### **ADJOURNMENT**

- Meeting Adjourned: 2:46 p.m.

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Lynne Matthews, Chairman

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Karen Smith, Recording Secretary