

**PLANNING COMMISSION  
MEETING  
SEPTEMBER 26, 2011**

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

**OTHERS PRESENT:** David Hilston, Urban Design Manager  
Teri Tubbs, Zoning Official  
Lisa Hannon, Zoning Coordinator  
Councilmember Elect Carolyn Freeland

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting
- 1. October 24, 2011

**APPROVAL OF MINUTES**

- A. Meeting of August 22, 2011
  - Mr. Burrage MOVED, Mr. Loughman SECONDED approval of the August 22, 2011 minutes. MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS**

- Recording Secretary Kelly swore in all participants.
- A. Legislative Updates Affecting the City's Comprehensive Plan & Plan Amendment Process
  - Mr. David Hilston, Urban Design Manager, provided a PowerPoint presentation, as delineated in the agenda material, announcing the Evaluation & Appraisal Report found the City's Comprehensive Plan to be sufficient. He then reviewed the EAR's projected timeline, major legislative changes, concurrency, financial feasibility and goals for 2012.
- B. Highway Commercial Permitted Uses Discussion
  - Ms. Teri Tubbs, Zoning Official, stated the existing City Code would allow any commercial use to be located within the Highway Commercial (HC) zoning district. She explained in order to preserve the intent of the HC district, an amendment was necessary; thus, staff proposed specifying which uses would be permitted. She noted the proposed amendment would also add uses which may be permitted by special exception, thereby allowing additional review as necessary. She stated City Council had directed staff to move forward with this proposal, requesting a discussion and perhaps recommendation from the Commission prior to drafting an ordinance.

- Mr. Zapke commented Section 3.10, as delineated in the agenda material, was very specific, expressing concern something may have been forgotten. He asked if uses permitted only by special exception would involve additional cost for the applicant as well as an increased delay.
- Ms. Tubbs replied an individual had approached the City with a request to operate a music studio in the Special Purpose (SP) zoning district; however, verbiage in that section of City Code did not allow same to fit within any listed categories. She explained the applicant was offered a Temporary Conditional Use (TCU) permit, which entailed a \$250 application fee but allowed the business to open quickly. She continued business owners could also opt to undergo the special exception process, acknowledging same required a \$750 application fee.
- Mr. Zapke confirmed staff had worked diligently on the specific permitted uses detailed in Section 3.10.
- Ms. Matthews suggested including language which stated “any other business which could be determined to be allowable by special exception.”
- Ms. Tubbs responded Section 3.10(f)(6), Special Exceptions, stated “and any such other uses as deemed appropriate in the district by the Zoning Official.”
- Ms. Matthews then questioned the logic behind separating restaurants from drive-through restaurants.
- Ms. Tubbs replied drive-through lanes required additional review such as loading, aesthetic appearance, etc.
- Mr. Thomas asked if a specific circumstance had triggered the amendment.
- Ms. Tubbs replied affirmatively, specifically internet cafés/gaming rooms. She mentioned the City’s insurance carrier had advised other municipalities had experienced problems with such uses; however, she acknowledged there had been no problems with such businesses operating in the City.
- Mr. Thomas noted both Sections 3.10(a)(1)a and 3.10(a)(1)e, Permitted Principal Uses and Structures, detailed retail outlets, suggesting perhaps they could be combined. He then commented on Section 3.10(c)(2), Uses Permitted with Conditions, noting same excluded tandem or dual wheel vehicles.
- Ms. Tubbs explained prior to the 2005 rewrite of the Land Development Regulations (LDRs), automotive sales and service specifically did not allow heavy equipment such as dump trucks to be sold along U.S. 41 but rather were limited to more industrial zoning districts.
- Mr. Thomas commented on the irregular boundaries of the HC zoning district, pointing out the existing Cross Trails Shopping Center would appear completely different if

constructed under current regulations and setbacks. He explained structures within the HC district would not appear to fall under the same regulations in the future due to grandfathering, existing non-conformities, etc.

- Ms. Tubbs advised the intent was to allow a mixed use, less of automotive and more pedestrian friendly businesses.
- Mr. Hilston commented Mr. Thomas was speaking more toward architectural requirements as opposed to uses found in an HC district.
- Mr. Thomas countered Section 3.10(e)(2) prohibited parking in excess by 25% of the minimum parking requirements.
- Ms. Tubbs responded a provision existed which allowed a special parking application, citing Item F as an example of same.
- Mr. Thomas clarified the City was attempting to eliminate a “sea of parking.” He then requested clarification of Section 3.10(f)(7), Special Exceptions, for any retail outlet or service establishment operating between 11:00 p.m. and 7:00 a.m.
- Ms. Tubbs explained a special exception was required in such instances only because of the hours of operation.
- Mr. Thomas clarified only “retail outlet or service establishment” fell under that restriction.
- Ms. Tubbs asked if the Commission wished to recommend the hours of operation restriction apply to any use.
- Mr. Zajicek asked if the existing Walgreens Pharmacy on the corner of U.S. 41 and Monaco Drive would require a Special Exception if they wished to operate on a 24 hour basis.
- Mr. Thomas commented on Section 3.10(a)(1)m, Animal hospitals with boarding of animals in completely enclosed buildings, as compared to Section 3.10(f)(13), Kennels, Indoor/Outdoor, noting the former was permitted while the latter required a special exception. He asked how the regulations would be applied if a veterinary hospital also provided boarding services.
- Ms. Tubbs suggested same should be more clearly defined.
- Mr. Zapke noted this was a discussion only item, questioning the next step.
- Ms. Tubbs replied she would present the Commission’s comments and concerns to City Council and then move forward on drafting an ordinance.
- Mr. Zajicek commented on Section 4.14(a), expressing surprise major service and repair of motor vehicles was not permitted under same.
- Ms. Tubbs explained there was a difference between major and minor, confirming same was defined within City Code.

- C. Discussion regarding Screening of Mechanical Equipment for most Properties Located Outside of the Special Residential Overlay (SRO) District
- Ms. Tubbs stated Section 26-7 of the City Code required screening of roof top and ground mounted equipment such as mechanical, generators, etc., in the Neighborhood Residential (NR), City Center (CC), Neighborhood Center (NC), HC, Public (P) and SP zoning districts; however, any new equipment must be located above Base Flood Elevation (BFE). She explained some contractors felt since the above mentioned equipment was elevated above the ground, it did not require screening; however, the intent of Section 26-7 was for such equipment to be screened from the street in residential zoning districts and from the street and adjacent properties in commercial zoning districts. She announced City Council had recommended additional specifications such as materials to be used for screening and location from which to screen as well. She concluded staff recommended amending City Code for clarification purposes, requesting any recommendations from the Commission prior to drafting an ordinance amendment.
  - Mr. Zajicek asked if “mechanical equipment” included propane tanks.
  - Ms. Tubbs replied “mechanical equipment” was defined as a structure’s air conditioning equipment; however, Section 7.4(f)(7)a identified “all other equipment, including but not limited to mechanical, generators, etc.”
  - Mr. Zapke pointed out “ground level or mounted equipment” was mentioned on page 30 of the agenda material under Sections 7.4(b)(10) and 7.4(d)(8); however, he understood no such equipment was permitted at ground level.
  - Ms. Tubbs explained page 30 referenced the existing City Code while the previous pages depicted the proposed changes.
  - Mr. Thomas asked if an air compressor, for example, at a car dealership would be required to be screened.
  - Ms. Tubbs replied same was typically located within a large site, stating there was less concern with regard to an off-site view at such locations.
- D. Provisions – Article 7 – Provisions Specific to Accessory Sheds
- Ms. Tubbs announced current architectural regulations for structures outside of the SRO district stated “adjacent buildings shall be architecturally compatible through the following: (a) similar silhouettes; (b) spacing between facades; (c) setbacks; (d) proportions and treatments; (e) exterior materials; (f) scale and massing; (g) new buildings exceeding the scale and volume of adjacent buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume.” She continued Chapter 553 of the State Building Construction Standards

allowed architectural and aesthetic requirements for sheds to be established by local authorities provided they were reasonably and uniformly applied and enforced without any distinction as to whether a building was a conventionally constructed or manufactured building. She noted residential principles, as outlined in Section 26-7.4(b) of the City Code, also depicted in the agenda material, did not clearly include any specific provision as to accessory buildings such as but not limited to sheds. She stated staff recommended an amendment to include architectural provisions for sheds which would require any new shed to be architecturally compatible with the main structure through the use of like materials with a minimum roof pitch of 3:12 or 4:12. She continued staff also recommended sheds be Department of Community Affairs (DCA) approved to meet minimum wind loading for storms. She requested recommendations from the Commission after a discussion of same.

- Mr. Zapke asked who would determine whether a shed was aesthetically acceptable.
- Ms. Tubbs replied the Urban Design Planner, Mr. Mitchell Austin, typically did so, noting Mr. Austin was an architect.

**Note: Mr. Zapke left the meeting at 2:49 p.m.**

- Ms. Matthews asked why sheds were not permitted in the SRO zoning district, pointing out many residents were doing their own yard work and had insufficient space to store such equipment.
- Ms. Tubbs offered to ask City Council if they wished to consider same.

**Note: Mr. Zapke returned to the meeting at 2:52 p.m.**

- Ms. Matthews clarified allowing such structures would require very strict guidelines.
- Mr. Zapke expressed concern with regard to the ability of such structures to withstand storm winds.
- Ms. Matthews countered the City would ensure the structures were properly wind loaded.
- Mr. Burrage opined such a proposal would not be approved.
- Mr. Thomas interjected Item D addressed the requirements for accessory structures outside of the SRO district only, specifically to ensure adherence with architectural provisions, compatibility and wind loading requirements.

E. Chapter 26, Section 8.10 – Watercraft and Recreational Vehicle Storage on Residential Properties Outside of the SRO District – Versus Chapter 24 Regulations

- Ms. Tubbs stated Ordinance #1649-10 amended Chapter 24, Trailers and Trailer Park, which clarified storage of trailers on private property. She continued Ordinance #1651-10 amended Section 26-8.10, Parking of Trucks, Trailers and Recreational Vehicles (RVs), clarifying permitted parking of such vehicles; however, Section 26-8.10

specified one watercraft and one RV may be parked. She explained staff had discovered several instances where a property owner owned two boats but had no RVs on their property, adding this would be permitted under Chapter 24 but not under Section 26-8.10. She recommended amending Section 26-8.10 to be consistent with Chapter 24 regulations, requesting the Commission's comments on same.

- Mr. Thomas noted "tandem axles" were mentioned on page 49 of 61, suggesting amending same to read "multiple axles."
  - Consensus of the Commission was agreement with staff's recommendation, including the suggested change.
- F. SP-01-11 - Request by Dr. Rivera for an Off-site Parking Area
- Ms. Tubbs announced due to the success of the newer, two-story office building constructed at 315 East Olympia Avenue, additional parking was needed. She explained the applicant, Dr. Rivera, had proposed creation of an off-site parking area on three vacant lots located behind the buildings on Hargreaves Street. She noted the lots primary use would be for employees, thus creating additional parking for customers and patients. She confirmed staff had reviewed the plan and had no concerns with the proposal. She stated approximately 30 parking spaces would be added which would be denoted by wheel stops to increase the efficiency of the location, recommending approval of the request. She explained there were several other grass parking areas in the City, stating same helped to free up on-street parking.
  - Mr. Zapke called three times for anyone to speak on SP-01-11.
  - Mr. Burrage MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
  - Ms. Matthews MOVED, Mr. Burrage SECONDED to find SP-01-11 consistent with the Comprehensive Plan and to recommend approval of same based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.

#### **STAFF COMMENTS**

- A. Community Redevelopment Agency (CRA) Project Status Report
- Mr. Loughman questioned the status of the issue of temporary small boat storage by the Charlotte Harbor Community Sailing Center (CHCSC) during construction.
  - Ms. Tubbs replied the boats were being stored on a vacant lot across the street from Gilchrist Park owned by the Weilers.
  - Mr. Schindler commented on the proposal to construct a pool on the Laisley Park Marina property, asking if same fell under the CRA's jurisdiction.
  - Mr. Dennis Murphy, Growth Management Director, replied the proposal would be revisited by the CRA at their October 5, 2011 meeting.

- Mr. Schindler stated most people seemed to be opposed to the idea.
- Mr. Zajicek asked if there were any plans to widen Shreve Street.
- Mr. Murphy replied in the negative.

**ADJOURNMENT**

- Meeting Adjourned: 3:06 p.m.

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Edward Zapke, Chairman

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Mary Kelly, Recording Secretary