

**PLANNING COMMISSION  
MEETING  
NOVEMBER 23, 2009**

**MEMBERS PRESENT:** Lynne Matthews, Chairman  
John Burrage, Larry Hofmeister, Heinz Schmidt,  
Jim Stevens, Edward Viola, Edward Zapke

**MEMBERS ABSENT:** Charles Zajicek

**OTHERS PRESENT:** Teri Tubbs, Zoning Official  
Dennis Murphy, Growth Management Director  
Joan LeBeau, Chief Planner  
David Hilston, Urban Design Manager  
Patti Allen, Nancy Prafke, John Swinn,  
Gopi Naik, Mike Wilson, Bill Schindler

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting - Tuesday, December 15, 2009
  - Ms. Matthews reminded members their next meeting had been rescheduled to the third Tuesday of the month due to the upcoming holidays.
- C. Last Scheduled Meeting - October 26, 2009

**APPROVAL OF MINUTES**

- A. Meeting of October 26, 2009
  - Mr. Burrage MOVED, Mr. Viola SECONDED approval of the October 26, 2009 minutes.  
MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS**

- A. Presentation from the Punta Gorda Chamber of Commerce regarding a New Logo
  - Ms. Patti Allen, Fishermen's Village (FV) General Manager, stated Enterprise Punta Gorda (EPG) had dissolved approximately 18 months earlier, after which the Punta Gorda Chamber of Commerce (PGCC) had been tasked by the City to identify a brand for Punta Gorda.

**Note: Mr. Hofmeister arrived at the meeting at 2:02 p.m.**

- Ms. Allen continued, stating after Hurricane Charley in August 2004, there had been a tremendous amount of development. She explained the PGCC was seeking the Commission's approval of the proposed logo, "Punta Gorda - It's Happening on the Harbor," displaying an overhead depicting same. She mentioned the logo was currently in the process of being trademarked to the PGCC for both State-wide and national protections as well as to ensure adherence to strict guidelines for its use.

- Ms. Nancy Prafke, Team Punta Gorda (TPG) Chief Executive Officer (CEO), reported several City advisory boards/committees had approved the proposed logo, noting it was being presented at the request of the City Manager. She explained this was the result of a grass roots effort to avoid a cost prohibitive expenditure on an outside consultant.
  - Ms. Allen mentioned the Downtown Merchant's Association (DMA) had also approved same.
  - Mr. Zapke thanked the group for their work, expressing his wholehearted support.
  - Ms. Matthews stated the logo appeared out of focus when reduced; however, she approved of the concept.
  - Ms. Prafke responded it was necessary to reduce the size, adding it was available in a smaller size for use in emails.
  - Ms. Allen explained the logo being displayed was a sample, adding if approved, those issues would be resolved.
  - Mr. Burrage MOVED, Mr. Viola SECONDED approval of the logo design as submitted.
  - Mr. Schmidt inquired how the logo would be used.
  - Ms. Prafke replied it would be used on hats, shirts, letterhead, advertising and possibly on the City's website; however, the latter would be up to the City Manager and City Council.
  - Mr. Schmidt inquired if the logo would replace the City Seal.
  - Ms. Prafke replied in the negative, explaining it was a visibility tool. She stated some City Councilmembers were using it in their electronic mail.
  - Mr. Hofmeister clarified the Commission was being asked to make a recommendation only.
  - MOTION CARRIED UNANIMOUSLY.
- B. OE-01-09 - Peace River Baptist Church Occupation of Easement
- Ms. Teri Tubbs, Zoning Official, displayed an aerial view of the subject location, as delineated in the agenda material, stating this request was based on the applicant's need for additional parking. She noted the site plan indicated an eight foot wide sidewalk leading from the parking area to the Linear Park, which provided a public benefit. She explained the applicant would be granted use of the City's easement, if approved, until such time the City may need same, adding all improvements must be removed, if necessary, at the applicant's expense. She recommended approval of OE-01-09, offering to answer any questions.
  - Mr. Burrage asked if any conflict with underground utilities existed.
  - Ms. Tubbs replied no concerns were expressed by the Utilities Department.

- Mr. John Swinn, applicant's representative, explained the Peace River Baptist Church was experiencing a problem with sufficient parking, noting some had to park in the street, which was not safe. He noted the Church had agreed to maintain the new parking facility, which would be landscaped appropriately.
  - Ms. Tubbs confirmed there had been no negative comments received from the public.
  - Mr. Zapke MOVED, Mr. Viola SECONDED to recommend approval of OE-01-09 to City Council. MOTION CARRIED UNANIMOUSLY.
- C. Public Hearings
- Recording Secretary Smith swore in all participants.
1. SE-11-09 - A Special Exception request by Gopi Naik, as required per Chapter 26-3.10(f)(2) of the City Code of Ordinances, to allow a package store to be located at 615 Cross Street, Unit 1103, in the Highway Commercial (HC) zoning district.
- Ms. Tubbs displayed an overhead of the subject location, as denoted within the agenda material, stating a special exception was required to allow the sale of alcoholic beverages for off-premise consumption in the HC zoning district. She advised the proposed hours of operation would be from 9:00 a.m. to 10:00 p.m., Monday through Saturday, and 12:00 p.m. to 8:00 p.m., Sunday. She pointed out the subject area was an existing shopping center, adding the proposed use would not adversely affect neighboring businesses or properties, and there was ample parking available. She stated the application was consistent with retail sales of food and related products throughout the HC zoning district, concluding with a recommendation for approval of SE-11-09.
  - Mr. Burrage stated he hoped there would be no large sign.
  - Mr. Zapke confirmed the subject location was adjacent to Elena's Restaurant.
  - Ms. Tubbs mentioned no negative comments had been received from the public.
  - Mr. Gopi Naik, applicant, requested the Commission's approval, explaining he hoped to relocate his existing Port Charlotte store.
  - Ms. Matthews called three times for anyone to speak on SE-11-09.
  - Mr. Zapke MOVED, Mr. Hofmeister SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
  - Mr. Stevens inquired if current zoning disallowed a liquor store.
  - Ms. Tubbs replied a special exception was required.
  - Mr. Viola inquired as to signage.
  - Ms. Tubbs replied any signage close to the highway would need to be on the existing, free standing sign, stating a wall sign on the business itself would be allowed as well.

- Mr. Hofmeister MOVED, Mr. Schmidt SECONDED to recommend approval of SE-11-09 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
- 2. ZA-18-09 - 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 11, Sign Standards, amending Subsection 11.3, Permitted Signs; amending Subsection 11.3(h) Incidental Signs, to allow certain incidental signs which are regulated by Florida Statutes to comply with minimum Statutory requirements; adding Subsection 11.3(h)(6) Exempting permit requirements for incidental signs in residentially zoned districts; providing for conflicts and severability; and providing an effective date.
- Ms. Tubbs announced staff had initiated this proposed zoning amendment in order to address City regulations which were inconsistent with Florida Statutes (F.S.). She stated certain incidental signs were customary within residential districts, citing such examples as “No Trespassing” or “Beware of Dog,” all of which were not commercial in nature. She noted the amendment also removed the requirement for a sign permit in such cases; however, size and number of same would be limited. She concluded the proposed amendments would allow incidental signs to be placed in a size and manner which would meet State Statute in both commercial and residential districts, recommending approval of ZA-18-09.
- Ms. Matthews commented she saw nothing which specified size of incidental signs in residential districts.
- Ms. Tubbs responded Section 26-11.3(h)(3) stated signs could not exceed 2 square feet in area and 3 feet in height.
- Ms. Matthews asked if same referred to signs used by realtors.
- Ms. Tubbs replied two square feet was actually much larger than same, noting she had received more than one request of this type. She cited an example of a resident who had recoated their driveway and wished to warn visitors, delivery persons, etc., of the hazardous nature of same. She expressed staff’s understanding of size concerns in the Special Residential Overlay (SRO) District; however, the same size restrictions existed in the Neighborhood Residential (NR) district. She stated perhaps the Commission wished to recommend additional restrictions.
- Ms. Matthews confirmed it would still allow contractors to place large signs when working on a residential home.
- Ms. Tubbs advised same fell under a different category, specifically Construction Signs.
- Mr. Zapke clarified a residential sign permit was provided after payment of a fee, confirming the proposed amendment would eliminate same. He expressed concern with regard to a possible proliferation of signs on a resident’s property.

- Ms. Tubbs responded the ordinance limited signage to three per property.
- Mr. Viola inquired if applications specified where such signs would be located.
- Ms. Tubbs replied only commercial signs required such specifics.
- Mr. Hofmeister opined residential signage should adhere to the same size restrictions as “For Sale” signs. He asked if State Statute required sign height to be a minimum of three feet.
- Ms. Tubbs replied that requirement was applicable to parking or tow away signs.
- Mr. Hofmeister asked if it applied to residential districts also.
- Ms. Tubbs replied “No Trespassing” signs must be a specific height and/or had spacing requirements as did tow away signage.
- Mr. Hofmeister expressed concern with regard to negating the need for a permit. He clarified existing restrictions on “No Trespassing” signs prohibited enforcement of same per State Statute. He urged public education to ensure residents were aware of these requirements. He asked if “commercial message,” as depicted in Section 26-11.3(h)(2), was defined in the City Code.
- Ms. Tubbs expressed uncertainty as to how well same was defined; however, an informational sign was not considered commercial.
- Mr. Hofmeister stated he did not feel signs should be allowed in the right-of-way (ROW), adding temporary signs were not addressed.
- Ms. Tubbs responded all signs were required to be placed on private property, albeit with certain exemptions. She agreed temporary signage in residential districts was not addressed.
- Mr. Hofmeister asked if garage sale signs were considered commercial.
- Ms. Tubbs replied they were governed by different limitations, providing a brief description of same.
- Mr. Zapke objected to homeowners being able to put up frivolous signs, questioning if ZA-18-09 had been presented to the various homeowner associations.
- Ms. Tubbs replied it had not.
- Mr. Zapke opined the associations should have the opportunity to provide input.
- Ms. Tubbs explained the City Attorney had advised staff to move forward with the proposed amendment as staff was encountering situations where commercial locations needed signs such as “No Parking” and the City’s regulations did not comply with Statutory requirements.
- Mr. Zapke clarified he was not as concerned with commercial signage, urging staff to present the amendments to the homeowners’ associations.
- Ms. Matthews opined three signs was excessive.

- Ms. Tubbs stated the Commission may wish to consider recommending a no-charge permit to allow for a review process.
- Mr. Viola commented control was quite loose.
- Mr. Schmidt questioned if staff felt this was a problem currently.
- Ms. Tubbs replied she had seen signs on some residences, adding some did not seem to be objectionable provided they were small and tastefully done.
- Mr. Mike Wilson stated his house was raised high off the street and had a circular concrete driveway, adding he had slipped on the driveway and broken his arm. He stated he spoke with staff as well as Mayor Harvey Goldberg and been allowed to put up some small signs by the driveway, adding he had the driveway resurfaced with anti-slip material; however, that did not guarantee there would be no further accidents. He voiced concern regarding liability, opining his signs were a public safety issue.
- Mr. Viola requested clarification of the sign's verbiage.
- Mr. Wilson replied "Driveway Slippery When Wet," adding the City Attorney had permitted the signs for two weeks in order to test the new surface; however, it was impossible to test all situations. He encouraged members to drive by his residence to view the signs, which he believed were very tasteful.
- Mr. Zapke inquired if Mr. Wilson would be willing to obtain a no-charge permit if required.
- Mr. Wilson replied absolutely, pointing out it was necessary for a safety related sign to be large enough to be visible.
- Mr. Zapke recommended implementation of a no-charge permitting process for residential signs.
- Mr. Bill Schindler, Punta Gorda Isles (PGI) Civic Association, opined the issue should be continued until residents of the SROs had a chance to review the language. He explained the impact may be different within the SROs than in other areas.
- Mr. Viola added sign language should be reviewed as well.
- Ms. Matthews inquired how to proceed.
- Ms. Tubbs replied the Commission could recommend a continuance and direct staff to obtain input prior to presentation to City Council or make recommendations regarding what size and number was considered reasonable.
- Ms. Matthews agreed homeowners' associations should be polled. She clarified issues related to safety were separate from any type of commercial message.
- Ms. Tubbs confirmed the next meeting of the PGI Civic Association's Board of Directors meeting was scheduled for December 9, 2009.
- Discussion ensued with regard to the timing of a continuance.

- Mr. Wilson interjected his driveway was permitted, opining the City had some liability in this situation. He stressed it was a safety issue; thus, he did not wish to remove the signs.
  - Ms. Matthews concurred.
  - Mr. Dennis Murphy, Growth Management Director, countered the City had no liability on private property built according to Building Code.
  - Ms. Matthews called three times for anyone to speak on ZA-18-09.
  - Mr. Burrage MOVED, Mr. Zapke SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
  - Mr. Zapke asked staff to develop some type of language addressing members' concerns and provide same prior to the Commission's next meeting.
  - Ms. Matthews further requested sign samples or addresses where such signs existed.
  - Mr. Hofmeister requested the recommended language include the following: no-charge permits for residential property after staff approval; non-commercial in nature; maximum of three; maximum size of 48 square inches or 6"x8" or less.
  - Mr. Zapke MOVED, Mr. Burrage SECONDED to continue ZA-18-09 to January 25, 2010 and to recommend all existing signs approved on a contingency basis be allowed to continue until a final decision was made. MOTION CARRIED UNANIMOUSLY.
3. Parks & Recreation Master Plan - Resolution of the City of Punta Gorda, Florida, adopting the City of Punta Gorda Parks & Recreation Master Plan and incorporating the City of Punta Gorda Parks & Recreation Master Plan into the City of Punta Gorda Comprehensive Plan 2025.
- Ms. Joan LeBeau, Chief Planner, stated as of November 6, 2009, the public input period had closed, at which time staff began compilation of the draft Master Plan as provided in the Commission's agenda material. She announced staff developed the Master Plan with the assistance of the City's advisory boards/committees, TPG, residents and other stakeholders. She explained the Master Plan would result in the following: logical, manageable development of the City's park system over a specific time period; short-, mid- and long-term goals and objectives to achieve coordination of public and private recreation resources to meet demand; implementation strategies to achieve its goals and objectives; identification of level of service issues for park types and maintenance; recommendations for several short term, immediate products.

**Note: Mr. Viola left the meeting at 3:02 p.m.**

- Ms. LeBeau noted the latter was outlined in the Commission's agenda material, providing a brief review of same. She pointed out based on public input, there was room for improvement to level of service.

**Note: Mr. Viola returned to the meeting at 3:05 p.m.**

- Ms. LeBeau continued with a discussion of implementation strategies, noting staff would evaluate the plan on an annual basis to identify whether parks were being used and whether historic areas were being protected. She briefly discussed the “Ring Around the City” and other park concepts, noting several park projects were scheduled to begin in the near future. She stated the next steps included development of a parks and recreation design standards manual, a parks location and amenities brochure, updates to the Land Development Regulations (LDRs), specifically Section 12, Landscaping Standards, and analysis of park rental fees, parks and grounds maintenance and levels of service.
- Mr. Burrage expressed approval of the plan, asking what would be done about parks in the southern area of the City.
- Mr. Murphy replied staff was researching the possibility of using the former Fire Station 2 for a park or community garden, acknowledging the site was small in size. He pointed out the City had proposed an idea for a Burnt Store Meadows (BSM) park; however, the homeowners’ association expressed a tremendous amount of resistance to establishment of a public park. He asserted residents did not understand the objective was a neighborhood park. He stated the City would consider other opportunities, including purchase of additional land; however, at this time there were no funds available. He concluded staffing and level of service for maintenance would also be an issue as more parks were created.
- Ms. Matthews called three times for anyone to speak on this item.
- Mr. Zapke MOVED, Viola SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Zapke MOVED, Mr. Viola SECONDED to recommend adoption of the Parks & Recreation Master Plan and incorporation of same into the Comprehensive Plan 2025 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
- Ms. LeBeau thanked staff for their hard work on this project.
- 4. Capital Improvement Element - An Ordinance of the City of Punta Gorda, Florida, Adopting an amendment to the City of Punta Gorda Comprehensive Plan 2025 for the purpose of amending the Capital Improvement Element to update and revise text including the Five-year Capital Improvements Program as required annually by State Statute; providing for conflict and severability; and providing an effective date.
- Ms. LeBeau stated all local governments were State mandated to annually review and, as necessary, to update their Comprehensive Plan’s Capital Improvement Element (CIE), including the five year Capital Improvements Program (CIP). She mentioned the State

allowed for only one public hearing as opposed to the standard two hearings, adding City Council would be asked to adopt this ordinance on December 2, 2009.

- Ms. Matthews stated pages 108 and 143 of the package seemed to be redundant, specifically the latter encompassed the former.
- Ms. LeBeau confirmed staff had identified that redundancy and would remove same.
- Ms. Matthews then commented on page 69, Project Description, asking if “Burnt Store Meadows” should read “Burnt Store Isles.”
- Mr. David Hilston, Urban Design Manager, replied affirmatively.
- Ms. Matthews called three times for anyone to speak on this item.
- Mr. Hofmeister MOVED, Mr. Schmidt SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Schmidt commended staff on a job well done.
- Mr. Hilston clarified this ordinance would simply shift the City’s adopted CIP from its financial books into the Comprehensive Plan. He continued City Council had adopted the CIE by virtue of their adoption of the CIP.
- Mr. Burrage MOVED, Mr. Zapke SECONDED to recommend approval of the Capital Improvement Element based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.

#### **OTHER BUSINESS**

##### A. Community Redevelopment Agency (CRA) Status Report

- Ms. Matthews inquired if any tenants had been secured for the parking garage.
- Mr. Murphy replied he was unaware of same, stating Mr. Terry Yonker, leasing agent, would provide an update to City Council on December 2, 2009. He then provided an update on Linear Park 1, stating bids had come in under budget, with the award to be made at the second December 2009 City Council Meeting. He confirmed designs were complete on Linear Parks 2 and 3 and had been submitted to the Florida Department of Transportation (FDOT) to determine their eligibility for Federal funding.
- Ms. Matthews commented the original plans at the Four Points Sheraton Hotel site included a condominium building, asking if same was still planned.
- Mr. Murphy replied affirmatively, stating there had been discussion of establishment of a section of the planned marina. He continued the developer had discussed sharing space for the marina’s upland facilities; however, he expressed uncertainty with regard to moving forward at this time due to the poor economy.
- Mr. Burrage questioned the status of the City Marketplace project.
- Mr. Murphy replied there were no updates available at this time.
- Mr. Burrage wished everyone a Happy Thanksgiving.

ADJOURNMENT

- Meeting Adjourned: 3:43 p.m.

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Lynne Matthews, Chairman

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Karen Smith, Recording Secretary