

**PLANNING COMMISSION
MEETING
DECEMBER 21, 2010**

MEMBERS PRESENT: Lynne Matthews, Chairman
Donna Aveck, John Burrage, Thomas Feneran,
Massey Loughman, Bill Schindler, Charles Zajicek

MEMBERS ABSENT: Charles Thomas, Edward Zapke

OTHERS PRESENT: Teri Tubbs, Zoning Official
Joan LeBeau, Chief Planner
David Hilston, Urban Design Manager

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting
 - 1. January 24, 2011
 - 2. 2011 Meeting Dates
 - Ms. Matthews drew members' attention to the list of 2011 Commission meeting dates, as delineated in the agenda material, noting the December 2011 meeting would be held on Tuesday, December 20, 2011, as opposed to December 19, 2011.

APPROVAL OF MINUTES

- A. October 25, 2010 Meeting
 - Mr. Burrage MOVED, Mr. Loughman SECONDED approval of the October 25, 2010 minutes. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS

- Recording Secretary Kelly swore in all participants.
- A. ZA-19-10 - An Ordinance of the City of Punta Gorda, Florida, Amending Chapter 26, Punta Gorda Code, known as the Land Development Regulations, Article 11, Sign Standards, readopting Subsection 11.11, Creative Signs, which was inadvertently repealed with the adoption of Ordinance #1657-10; providing for creative sign review; providing for applicability; providing for application requirements; providing for design criteria; providing for conflict and severability; and providing an effective date.
 - Ms. Teri Tubbs, Zoning Official, announced Ordinance #1610-09, adopted by City Council on August 5, 2009, permitted the approval and use of creative signs as a tool for local businesses. She stated Ordinance #1610-09 also allowed portable signs for all businesses but was repealed recently to amend the latter provisions; however, the provision for creative signs was inadvertently removed as well. She clarified the provisions of the creative sign ordinance had proven helpful to local businesses, thus

the basis for re-adopting same through ZA-19-10. She recommended approval of the proposed ordinance, offering to answer any questions or address any concerns.

- Ms. Matthews requested an example of a creative sign.
 - Ms. Tubbs replied one was proposed for the rear of Sea Grape Gallery, explaining same was actually a beautiful mural. She noted another business had tentative plans to utilize a creative sign in the form of a sculpture. She pointed out a mural on the side of Tapas One, a Marion Avenue restaurant, was considered a creative sign.
 - Ms. Matthews called three times for anyone to speak on ZA-19-10.
 - Mr. Burrage MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Burrage MOVED, Mr. Feneran SECONDED to find ZA-19-10 consistent with the City's Comprehensive Plan and to recommend approval of same based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
- B. ZA-20-10 – An Ordinance of the City of Punta Gorda, Florida, Amending Chapter 26, Punta Gorda Code, known as the Land Development Regulations, Article 1, Landscaping Standards, amending Subsection 12.4, Types of Landscaping, amending Subsection 12.4(k), and adding (l), providing for soil stabilization in instances where demolition of a structure has occurred; amending Subsection 16.5, Application for Demolition Permit, removing exemption for demolition permit for swimming pools and adding (e), providing for soil stabilization method requirements for properties where demolition of a single family residence has occurred; adding (f), providing for soil stabilization for multi-family and commercial properties; providing for conflict and severability; and providing an effective date.
- Ms. Tubbs stated the Land Development Regulations (LDRs) required complete ground cover to ensure maintenance of proper soil stabilization to comply with the City's National Pollution Discharge Elimination System (NPDES) permit; however, the combined use of strip-sodding and seeding was sufficient in instances where demolition of single family residences had occurred, provided all drainage areas were fully sodded. She continued the use of a hydro-seed application in lieu of sod may be effective and appropriate for larger tracts, stating same was compliant with NPDES regulations. She noted for demolition of a multi-family or commercial structure, all vacant land areas must be sodded, adding demolition of a swimming pool would require a demolition permit to ensure proper methods were used and the soil stabilized. She concluded with a recommendation for approval, offering to answer any questions or address any concerns.

- Mr. Zajicek commented on the proposed permit requirement for demolition of sheds and swimming pools.
- Ms. Tubbs responded sheds under 150 square feet would not require a permit.
- Mr. Zajicek mentioned he was unable to locate a definition for a shed anywhere in the City Code.
- Mr. Burrage opined requiring a permit for demolition would ensure ground stabilization and compliance with City Code.
- Mr. Feneran asked how ZA-20-10 would affect smaller pools located within an enclosed lanai.
- Ms. Tubbs replied the applicant would be asked to lay out a demolition plan which depicted how issues such as plumbing, for example, would be addressed.
- Mr. Feneran expressed concern with regard to abandoned projects.
- Ms. Matthews asked if certain properties would be grandfathered, citing a few locations in Punta Gorda Isles (PGI) as examples.
- Ms. Tubbs replied the ordinance would not “pull in” properties nor were ordinances typically retroactive but rather allowed a certain period of time for compliance. She offered to speak with the City Attorney regarding same.
- Ms. Matthews then stated she felt the proposed ordinance was somewhat frivolous in light of the current economy. She pointed out the difficulty with regard to irrigation of some newly sodded properties.
- Ms. Tubbs mentioned strip sodding reduced the requirement somewhat from full sodding.
- Ms. Aveck countered staff’s summary on page 29 of the agenda material indicated all drainage areas must be fully sodded.
- Ms. Tubbs explained drainage areas were specifically defined in City Code as the swale area, three feet on each side as well as six feet against any seawall.
- Mr. Zajicek confirmed the City required permits for the placement and removal of even temporary sheds.
- Ms. Matthews pointed out sheds were prohibited in the Special Residential Overlay (SRO) zoning district. She then called three times for anyone to speak on ZA-20-10.
- Mr. Burrage MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Schindler asked how staff would handle the concerns raised this date.
- Ms. Tubbs replied the majority of comments would be addressed in a separate ordinance.

- Mr. Schindler confirmed staff did not feel any of the issues were sufficiently serious to change what had been presented this date.
- Mr. Burrage MOVED, Mr. Loughman SECONDED to find ZA-20-10 consistent with the Comprehensive Plan and to recommend approval of same based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

- A. Evaluation & Appraisal Report (EAR) – Update
 - Ms. Joan LeBeau, Chief Planner, announced staff would be sending out the draft EAR after the beginning of 2011, thus providing members almost 8 full weeks to review the 120 page document. She mentioned the largest section would be the Transportation Element.
 - Mr. Burrage asked if members would be required to read the entire report or would changes be highlighted.
 - Ms. LeBeau replied the former; however, she offered to do an executive summary. She stated staff hoped to present the report to the Commission in February 2011 and to City Council in March 2011, immediately followed by transmission to the Department of Community Affairs (DCA) and eventual adoption by December 1, 2011.

STAFF COMMENTS

- A. Community Redevelopment Agency (CRA) Project Status Report
 - Ms. Matthews confirmed everyone’s agenda packets included a December 1, 2010 update on various CRA projects.

MEMBER COMMENTS

- Ms. Matthews asked if the City had any control over the contractors currently installing telephone cable in PGI.
- Ms. Tubbs replied contractors were required to pull permits through the Building Division.
- Ms. Matthews asserted her lawn had been destroyed.
- Mr. Zajicek stated he had experienced the same problem; however, he had reported it to the telephone company, and the sod was subsequently replaced.
- Ms. Matthews countered her yard was ruined, adding workers had left litter behind.
- Ms. Tubbs stated she would have a Code Compliance Officer look into the situation.
- Ms. Matthews then commented on the Papillion building on Virginia Avenue, asking if the existing signage was allowed by City Code. She asserted the building’s appearance was terrible.
- Ms. Tubbs explained a number of businesses at that location were new and were thus allowed some leeway with regard to “Grand Opening” signage; however, the time

limitations related to same would soon expire. She stated she believed the majority of banners/signage would be removed by February 1, 2011.

- Mr. Schindler commented on single family homes in the SRO zoning district where construction had been discontinued for some reason, asking if regulations were in place to address same. He pointed out one in particular on Padre Island Drive was quite unsightly.
- Ms. Tubbs replied foreclosed homes would fall within the Distressed Property program.
- Mr. Schindler countered this was not a foreclosure.
- Ms. Tubbs stated she would conduct a site visit and determine what action, if any, could be taken.

ADJOURNMENT

- Meeting Adjourned: 2:24 p.m.

Lynne Matthews, Chairman

Mary Kelly, Recording Secretary