

**PLANNING COMMISSION
MEETING
JANUARY 26, 2009**

MEMBERS PRESENT: Lynne Matthews, Chairman
John Burrage, Larry Hofmeister, Heinz Schmidt,
Edward Viola, Charles Zajicek, Edward Zapke

OTHERS PRESENT: Joan LeBeau, Chief Planner
Teri Tubbs, Zoning Official
Dennis Murphy, Growth Management Director
David Hilston, Urban Design Manager
Lisa Hannon, Zoning Coordinator
Stan Kubik, Rob Berntsson

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - February 23, 2009
- C. Last Scheduled Meeting - December 16, 2008

APPROVAL OF MINUTES

- A. Meeting of December 16, 2008
 - Mr. Viola MOVED, Mr. Hofmeister SECONDED approval of the December 16, 2008 minutes. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- Ms. Matthews welcomed Mr. Kubik, newly appointed Alternate Commission member.
- Recording Secretary Kelly swore in all participants.
- A. Public Hearings
 - 1. CP-09-08 - School Board Property - A Resolution of the City of Punta Gorda, Florida, Authorizing transmittal to the Florida Department of Community Affairs for review of the proposed amendment to the City of Punta Gorda Comprehensive Plan Future Land Use Map changing the current designation from High Density Residential/County to Public/Semi Public/City on property known as 1100 and 1500 Carmalita Street, as more particularly described on Exhibit "A" attached to this resolution; and property known as 1200 Cooper Street, and property known as 607, 611, 705 and 737 Carmalita Street, and parcel property known as 600, 612, and 608 Allen Street, as more particularly described on Exhibit "B" attached to this resolution; and property known as 1420, 1404 and 1416 Henry Street, and property known as 1450 Education Avenue, as more particularly described on Exhibit "C" attached to this resolution, providing for conflict and severability; and providing an effective date.

- Ms. Joan LeBeau, Chief Planner, displayed an overhead of the site location, as delineated in the agenda material, stating the subject property contained approximately 29.77 acres of platted property surrounding Charlotte County High School (CCHS). She reviewed surrounding Future Land Use Map (FLUM) designations, noting the applicant's annexation request had precipitated the need for this action. She mentioned the applicant was also requesting a rezoning of the property; however, the applicant would be governed by the County's Land Development Regulations (LDRs) until the Department of Community Affairs (DCA) issued its Notice of Intent pursuant to State Statute. She announced the requested FLUM classification was not inconsistent with surrounding classifications. She advised trip generation could be accommodated by existing transportation facilities, adequate water and sewer capacity was available, storm water requirements had been met and impact on solid waste pick-up and disposal would not degrade current levels of service. She concluded approval of the proposed resolution would allow transmittal to DCA as required by State Statute, recommending approval of CP-09-08.
 - Mr. Burrage confirmed this was part of the overall Comprehensive Plan.
 - Mr. Robert Berntsson, applicant's attorney, stated this project continued to move through the system, albeit slowly, offering to answer any questions.
 - Ms. Matthews called three times for anyone to speak on CP-09-08.
 - Mr. Zapke MOVED, Mr. Viola SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Viola MOVED, Mr. Schmidt SECONDED to recommend approval of the transmittal of CP-09-08 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
2. CP-09-08 - School Board Property - An Ordinance of the City of Punta Gorda, Florida, Amending the City of Punta Gorda Comprehensive Plan Future Land Use Map changing the current designation from High Density Residential/County to Public/Semi Public/City on property known as 1100 and 1500 Carmalita Street, as more particularly described on Exhibit "A" attached to this ordinance; and property known as 1200 Cooper Street, and property known as 607, 611, 705 and 737 Carmalita Street, and parcel property known as 600, 612 and 608 Allen Street, as more particularly described on Exhibit "B" attached to this ordinance; and property known as 1420, 1404 and 1416 Henry Street, and property known as 1450 Education Avenue, as more particularly described on Exhibit "C" attached to this ordinance, providing for conflict and severability; and providing an effective date.

- Ms. LeBeau explained the previous agenda item was the resolution authorizing transmittal to DCA, stating Item 2 was for approval of the proposed ordinance to amend the FLUM. She attested to her findings and conclusions, as delineated in the agenda material, recommending approval of this action.
 - Mr. Berntsson incorporated his comments made under Item 1.
 - Ms. Matthews called three times for anyone to speak on CP-09-08.
 - Mr. Burrage MOVED, Mr. Viola SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Burrage MOVED, Mr. Hofmeister SECONDED to recommend approval of CP-09-08, the ordinance, based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
3. Z-08-08 - School Board Property - An Ordinance of the City of Punta Gorda, Florida, Rezoning property described on Exhibit "A", commonly known as 1100 and 1500 Carmalita Street, from Residential Multi Family-10 Units per Acre/County to Public/City; and rezoning property described on Exhibit "B", commonly known as 1200 Cooper Street, and 607, 611, 705 and 737 Carmalita Street, and 600, 612 and 608 Allen Street, from Residential Multi Family-12 Units per Acre/County to Public/City; and rezoning property described on Exhibit "C", commonly known as 1420, 1404 and 1416 Henry Street, and 450 Education Avenue, from Residential Multi Family-10 Units per Acre/County to Public/City; providing for conflict and severability; and providing an effective date
- Ms. LeBeau explained Z-08-08 was the final step in the process for the property discussed under the previous 2 agenda items. She attested to her findings and conclusions, as delineated in the agenda material, recommending approval of this action.
 - Mr. Berntsson reiterated his comments as stated under Item 1 and relative to Item 2.
 - Mr. Zajicek asked if surrounding property owners had been notified.
 - Ms. LeBeau replied affirmatively.
 - Mr. Berntsson added those four properties were now owed by the Charlotte County School Board (CCSB).
 - Ms. Matthews called three times for anyone to speak on Z-08-08.
 - Mr. Zajicek MOVED, Mr. Viola SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Zajicek MOVED, Mr. Mr. Zapke SECONDED to recommend approval of Z-08-08 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.

4. AX-01-09 - Green Space - An Ordinance of the City of Punta Gorda, Florida, Annexing within the corporate area of the City of Punta Gorda, property consisting of Parcel Nos. 412222400001, 412223300001, 412226200001, 412224353001, 41222342009 and 412225251001, as more particularly described in attached Exhibit "A"; and property consisting of Parcel No. 412330100001 and 412330100002, as more particularly described in attached Exhibit "B"; and property consisting of Parcel No. 412330400001, as more particularly described in attached Exhibit "C"; and property commonly known as 11081 Burnt Store Road, as more particularly described in attached Exhibit "D"; and property commonly known as 12301 and 12401 Burnt Store Road, as more particularly described in attached Exhibit "E"; in accordance with the voluntary annexation provisions of Section 171.044 Florida Statutes; redefining the boundary lines of said City in conformance therewith; amending the official boundary map of the City of Punta Gorda, Florida; providing for conflict and severability; and providing an effective date.
 - Ms. LeBeau displayed an overhead of the subject property, as delineated in the agenda material, stating this was an application of the City and State. She announced the property was contiguous to current City boundaries and would thus not create an enclave, adding a large scale land use amendment would be required. She mentioned there was no construction proposed at this time; however, the types of facilities which would be considered for future development were consistent with typical state park amenities such as camping areas, boater access and fishing facilities, for example. She concluded with a recommendation for approval of AX-01-09.
 - Ms. Matthews confirmed the subject property was currently completely vacant green space.
 - Mr. Hofmeister clarified this was currently State owned, environmentally sensitive land.
 - Ms. LeBeau added it would continue to be maintained by the State.
 - Ms. Matthews called three times for anyone to speak on AX-01-09.
 - Mr. Burrage MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Burrage MOVED, Mr. Viola SECONDED to recommend approval of AX-01-09 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
5. CP-01-09 - Green Space - A Resolution of the City of Punta Gorda, Florida, Authorizing transmittal to the Florida Department of Community Affairs for review the proposed amendment to the City of Punta Gorda Comprehensive Plan Future Land Use Map changing the current designation from Preservation/County to Preservation/City on property consisting of Parcel Nos. 412222400001, 412223300001, 412226200001, 412224353001, 41222342009 and 412225251001, as more particularly described in

attached Exhibit "A"; and from Agriculture/County to Preservation/City on property consisting of Parcel Nos. 412330100001 and 412330100002, as more particularly described in attached Exhibit "B"; and from Resource Conservation/County to Preservation/City on property consisting of Parcel No. 412330400001, as more particularly described in attached Exhibit "C"; and from Agriculture/County to Recreation-Public/City on property commonly known as 11081 Burnt Store Road, as more particularly described in attached Exhibit "D"; and from Preservation/County to Recreation-Public/City on property commonly known as 12301 and 12401 Burnt Store Road, as more particularly described in attached Exhibit "E", to the ordinance, providing for conflict and severability; and providing an effective date.

- Ms. LeBeau announced this was the second step in the process initiated under Item 5, adding approval would authorize transmittal to DCA. She attested to staff's findings and conclusions, as delineated in the agenda material, recommending approval of CP-01-09.
 - Mr. Zapke commented on the proposal to create a cut-through from Punta Gorda Isles (PGI) into Alligator Creek, asking if that land would be impacted at all by this action.
 - Ms. LeBeau replied it would not.
 - Ms. Matthews called three times for anyone to speak on CP-01-09.
 - Mr. Burrage MOVED, Mr. Viola SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Zapke MOVED, Mr. Schmidt SECONDED to recommend approval of the transmittal of CP-01-09 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
6. CP-01-09 - Green Space - An Ordinance of the City of Punta Gorda, Florida, Amending the City of Punta Gorda Comprehensive Plan Future Land Use Map changing the current designation from Preservation/County to Preservation/City on property consisting of Parcel Nos. 412222400001, 412223300001, 412226200001, 412224353001, 41222342009 and 412225251001, as more particularly described in attached Exhibit "A"; and from Agriculture/County to Preservation/City on property consisting of Parcel Nos. 412330100001 and 412330100002, as more particularly described in attached Exhibit "B"; and from Resource Conservation/County to Preservation/City on property consisting of Parcel No. 412330400001, as more particularly described in attached Exhibit "C"; and from Agriculture/County to Recreation-Public/City on property commonly known as 11081 Burnt Store Road, as more particularly described in attached Exhibit "D"; and from Preservation/County to Recreation-Public/City on property commonly known as 12301 and 12401 Burnt Store Road, as more particularly

described in attached Exhibit "E", to the ordinance, providing for conflict and severability; and providing an effective date.

- Ms. LeBeau explained the previous agenda item was the resolution authorizing transmittal to DCA, adding this action was for approval of the ordinance to amend the FLUM. She attested to staff's findings and conclusions, as delineated in the agenda material, recommending approval of CP-01-09.
 - Ms. Matthews called three times for anyone to speak on CP-01-09.
 - Mr. Zajicek MOVED, Mr. Viola SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Burrage MOVED, Mr. Zapke SECONDED to recommend approval of CP-01-09, the ordinance, based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
7. Z-01-09 - Green Space - An Ordinance of the City of Punta Gorda, Florida, Rezoning property described on Exhibit "A", consisting of Parcel Nos. 412222400001, 412223300001, 412226200001, 412224353001, 41222342009 and 412225251001, from Environmentally Sensitive-1 Unit per 10 Acres/County to Environmental Preserve/City and rezoning property described on Exhibit "B", consisting of Parcel Nos. 412330100001 and 412330100002, from Agriculture-1 Unit per Acre/County to Environmental Preserve/City; and rezoning property described on Exhibit "C", consisting of Parcel No. 412330400001 from Agriculture-1 Unit per Acre/County to Environmental Preserve/City; and rezoning property described on Exhibit "D", commonly known as 11081 Burnt Store Road from Agriculture-1 Unit per Acre/County to Environmental Preserve/City; and rezoning property described on Exhibit "E", commonly known as 12301 and 12401 Burnt Store Road from Agriculture-1 Unit per Acre/County to Environmental Preserve/City; providing for conflict and severability; and providing an effective date.
- Ms. LeBeau explained Z-01-09 was the final step in the process for the property discussed under the previous 2 agenda items. She attested to staff's findings and conclusions, as delineated in the agenda material, recommending approval of this action.
 - Ms. Matthews called three times for anyone to speak on Z-01-09.
 - Mr. Viola MOVED, Mr. Hofmeister SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Viola MOVED, Mr. Schmidt SECONDED to recommend approval of Z-01-09 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.

8. ZA-01-09 - Historic Overlay District - 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 16, Application Review and Approval Requirements, amending Subsection 16.3, Application for Certificate of Appropriateness, clarifying requirements for Certificate of Appropriateness; amending Subsections 16.3(a), (b), (c), (e) and (f), clarifying the application, review, approval and appeal process; providing for conflict and severability; and providing an effective date.
 - Ms. Teri Tubbs, Zoning Official, explained this proposed amendment would first clarify the fact that Article 16.3 regulations were applicable to the National Register Historic Overlay (HO) District and National Register Landmarks as well as property individually listed on the National Register or property listed on the Florida Master Site File; however, it did not include the Downtown Historic Overlay District and the Trabue Woods Historic Overlay District. She pointed out the requirement for review of special exceptions had been added in order to correct a conflict with Article 3.14. She noted the requirement for an advertised public hearing had been removed in an effort to expedite requests for Certificates of Appropriateness. She stated the appeal process had also been streamlined by allowing scheduling of written appeals to be heard at the next regularly scheduled City Council meeting. She expressed staff's recommendation for approval of ZA-01-09, adding the Historic Preservation Advisory Board (HPAB) also recommended approval.
 - Mr. Hofmeister asked if different portions of the HO district had different regulations.
 - In response, Ms. Tubbs displayed an overhead depicting the various districts and landmarks.
 - Ms. Matthews called three times for anyone to speak on ZA-01-09.
 - Mr. Hofmeister MOVED, Mr. Zapke SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Zapke MOVED, Mr. Schmidt SECONDED to recommend approval of ZA-01-09 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
9. ZA-02-09 - School Concurrency - 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 16, Application Review and Approval Requirements, Subsection 16.4, Application for Concurrency by amending Sections 16.4(a); 16.4(b)(1)-(6); 16.4(c)(2)(3); 16.4(d) and adding new subparagraph 16.4(c)(7) to comply with the provisions of Florida State Statutes for school concurrency requirements and to comply with the level of service updates of the City of Punta Gorda Comprehensive Plan 2025

adopted in November 2008; providing for conflict and severability; and providing an effective date.

- Ms. LeBeau announced this zoning amendment was initiated to implement school concurrency provisions for the review of plats, site plans and functional equivalents as required under the interlocal agreement between the City, County and School Board. She clarified the proposed amendments defined public school concurrency and provided the process for this level of service. She recommended approval of ZA-02-09, offering to answer any questions regarding same.
 - Mr. Viola asked if zoning maps were updated as these types of changes were implemented to allow for immediate reference in the future.
 - Ms. LeBeau replied affirmatively.
 - Mr. Hofmeister asked if residential applications were currently being processed for concurrency.
 - Ms. LeBeau replied they were reviewed under a different process, specifically the original interlocal agreement, as the process under discussion this date had not yet been formally adopted by City Council. She clarified the City ensured communication with Charlotte County and the School Board.
 - Mr. Hofmeister asked if the County must respond within a specific timeframe.
 - Ms. LeBeau replied affirmatively.
 - Mr. Hofmeister asked if this action would affect all residential properties.
 - Ms. LeBeau replied it would not affect single family homes.
 - Ms. Matthews called three times for anyone to speak on ZA-02-09.
 - Mr. Burrage MOVED, Mr. Hofmeister SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Viola MOVED, Mr. Zajicek SECONDED to recommend approval of ZA-02-09 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
10. SV-03-08 - A Resolution of the City Council of the City of Punta Gorda, Florida, approving the change of name of that portion of the street known as West Marion Avenue from the Point of Beginning (POB) North Marion Court through Ponce De Leon Park to the waters' edge of Charlotte Harbor in the City of Punta Gorda, to Ponce De Leon Parkway in the City of Punta Gorda; as depicted in exhibit "A"; providing an effective date.
- Ms. Tubbs announced the Royal Order of Juan Ponce de Leon Conquistadors, applicant, had requested this street re-naming, adding staff had no objections and recommended approval of SV-03-08. She displayed an overhead of the site location, stating no objections to the request had been submitted.

- Ms. Matthews recalled the significant discussion surrounding the naming of the stage in Laisley Park, asking if City Council would approve this request.
 - Ms. Tubbs replied City Council would consider the intent to change the street name on February 4, 2009; thus, she believed any concerns would be raised at that time.
 - Mr. Zapke commented he believed this represented a completely different set of circumstances.
 - Ms. Matthews clarified she did not personally object to the request.
 - Ms. Tubbs mentioned City Council had agreed to reduce the fee for this application due to the large number of mailings.
 - Mr. Hofmeister pointed out the POB on the overhead, stating a condominium development and perhaps even a boat ramp/storage area had been proposed at one time. He opined this street renaming would change the entire description and all addressing for the subject parcel.
 - Ms. Tubbs responded same would depend upon the Fire Department as well as the orientation of any structure.
 - Mr. Hofmeister asked how the emergency 911 system was updated when a street name was changed.
 - Mr. Dennis Murphy, Growth Management Director, replied a standard procedure was followed by the Fire Department.
 - Ms. Matthews called three times for anyone to speak on SV-03-09.
 - Mr. Zapke MOVED, Mr. Hofmeister SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Schmidt MOVED, Mr. Zajicek SECONDED to recommend approval of SV-03-09 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
- B. City of Punta Gorda Parks & Recreation Master Plan
- Ms. LeBeau stated the City was required to complete the subject plan as part of its Comprehensive Plan, adding staff would utilize the City's advisory boards and Team Punta Gorda (TPG) in its development. She explained the Master Plan would provide long term goals and objectives directed towards coordination of public and private recreation resources, provide policies to implement those goals and objectives, assure public parks were appropriately located, coordinate City facilities with those of other governments, acquire important open space systems to protect property from storm surge events and/or preserve important habitats and assist the City in providing logical, manageable development over a specific time period. She announced a series of public workshops were scheduled for February 24-26, 2009, in the Laisley Park

Community Room. She expressed hope at least one member of the Commission would participate; however, all members were, of course, invited to attend.

- Mr. Viola asked if staff anticipated specific, instructional requests on construction of the dog park.
- Ms. LeBeau replied staff hoped to receive specific instruction on the type of parks desired by City residents and how they should be designed. She clarified this was a perfect example of what staff wished to learn at the public workshops.
- Mr. Viola noted the existing dog park was segregated into separate areas, i.e., small, medium and large dogs, adding there were numerous restrictions in place as evidenced by signage along the area walkways. He clarified his hope was the City's dog park would be clearly laid out to be satisfactory to dog lovers.
- Ms. LeBeau reiterated staff would consider many aspects such as signage, types of parks, facilities, walking trails and parking.
- Mr. Hofmeister stated other cities placed different types of dog parks in various parts of town, ultimately utilizing less property which was typically easier to obtain. He opined this would provide small dog owners some peace of mind with regard to a possible threat from large dogs.
- Ms. Matthews disagreed, stating she owned two different sized dogs as did many other dog owners.

UNFINISHED BUSINESS

- Mr. Burrage questioned the status of the "Welcome to Punta Gorda" sign on U.S. 41 when entering the City from Port Charlotte.
- Ms. LeBeau replied staff continued to work toward its placement.
- Ms. Matthews commented on the electronic Event & Conference Center sign, asking if same would be dimmed when nothing was being advertised as had been promised by Charlotte County.
- Mr. David Hilston, Urban Design Manager, replied the City and County had held discussions on this issue, concluding staff would follow up.

OTHER BUSINESS

- A. Community Redevelopment Agency (CRA) Status Report
 - Ms. Matthews noted the CRA Project Status Report was provided in the Commission's agenda material for members' information.

MEMBER COMMENTS

- Mr. Hofmeister stated a document referencing CP-10-07 was included in the Commission's agenda material, requesting clarification of same.

- Ms. Tubbs explained applications were submitted in late 2007; however, because of the size of the property and preparation necessary for actions taken this date, applications were not processed at that time.

ADJOURNMENT

- Meeting Adjourned: 3:04 p.m.

Lynne Matthews, Chairman

Mary Kelly, Recording Secretary