

**PLANNING COMMISSION
MEETING
JANUARY 25, 2010**

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

OTHERS PRESENT: Teri Tubbs, Zoning Official

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - February 22, 2010
- C. 2010 Meeting Dates
 - Ms. Matthews confirmed members had received a list of 2010 meeting dates, asking if the December 27, 2010 meeting would need to be rescheduled due to the holidays.
 - Consensus was to change the date to December 21, 2009,

APPROVAL OF MINUTES

- A. Meeting of November 23, 2009
 - Ms. Matthews noted corrections on pages 6 and 7.
 - Mr. Burrage MOVED, Mr. Viola SECONDED approval of the November 23, 2009 minutes as amended. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS

- Recording Secretary Kelly swore in all participants.
- A. 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. Matthews announced ZA-18-09 had been continued from November 23, 2009.
 - Ms. Teri Tubbs, Zoning Official, reported the following recommendations received from citizens: limit sign size in residential areas to no more than 144 square inches or 1 square foot; limit number of signs permitted to no more than 3 per property; do not require any permit for residential, incidental signs.
 - Mr. Zapke expressed concern with regard to the potential for a proliferation of signs.

- Mr. Burrage stated perhaps “No Soliciting” signs could be excluded as they were typically placed near the door bell and may not be noticeable.
- Ms. Tubbs responded same could be excluded and specified within those dimensions and located next to the main entryway.
- Mr. Viola questioned the size of the proposed “No Soliciting” signs.
- Ms. Tubbs replied she believed no larger than 3”x5”.
- Mr. Zajicek interjected he understood “No Soliciting” signs would be on the front door.
- Ms. Matthews agreed, pointing out the difficulty of affixing a sign to stucco.
- Ms. Tubbs stated she believed the language referred to the area near the main entrance.
- Mr. Burrage recommended excluding “No Soliciting” signage from this particular ordinance.
- Ms. Matthews agreed.
- Mr. Zajicek then commented on Section 26-11.3(h)(4), asking if requiring permits for incidental signs was desired as it did not seem business friendly.
- Mr. Viola countered eliminating the requirement for a permit could result in numerous signs.
- Ms. Tubbs responded other signs fell under “Incidental Signs,” such as “Entrance”, “Loading Zone” or various directional signs. She cited as an example a bank which would have multiple, small, incidental signs, adding within same were generalized design guidelines. She explained a large number of oversized incidental signs on commercial property was not desired. She noted all of the incidental signs on a commercial property could fall under the realm of a single permit.
- Mr. Zajicek reiterated his opposition to requiring a permit for signs such as “No Parking.”
- Mr. Burrage pointed out requiring a permit would keep the City informed as to what signs were being erected; however, he questioned how to identify simple signage such as that described by Mr. Zajicek.
- Ms. Matthews asked if a handicap parking space sign would require a permit.
- Ms. Tubbs replied she did not believe so.
- Ms. Matthews asserted other signage should then also not require permitting.
- Ms. Tubbs asked members to consider banks with entrance signs and drive through directional signage, for example, stating there were existing sites with multiple, incidental signs, some of which were subject to review as to design.
- Mr. Viola expressed concern with losing all control over signage.

- Ms. Tubbs agreed the review process would be lost if permitting was not required; however, specific signs could be made exempt from the permitting requirements. She explained certain signs fell under State Statute requirements as to height and design.
 - Mr. Zapke opined signs listed within State Statutes should be exempt from permitting.
 - Consensus of the Commission was approval of same.
 - Mr. Zajicek asked if incidental signs should be defined in Chapter 26.
 - Ms. Tubbs replied she would be making amendments to the definition section; thus, she would include clarification of the definition of “incidental signs.” She confirmed the ordinance would spell out exactly what signs were exempt.
 - Mr. Zajicek then pointed out “Article 1” on page 17 of 30 of the agenda packet should be “Article 11.”
 - Ms. Matthews called three times for anyone to speak on ZA-18-09.
 - Mr. Burrage MOVED, Mr. Viola SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Zapke MOVED, Mr. Viola SECONDED to recommend approval of ZA-18-09 as amended based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
- B. ZA-01-10 - 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, adding a prohibition for above ground swimming pools in the SRO zoning districts; providing a definition for above ground swimming pools; providing for conflict and severability; and providing an effective date.
- Ms. Tubbs reminded members the issue of above ground pools in the SRO district had been discussed by the Commission at a previous meeting. She drew the Commission’s attention to the proposed ordinance, as delineated in the agenda material, reading the recommended changes into the record. She explained the term “above ground pool” would be defined as follows: “... any pool the top of which exceeds twelve (12) inches above the finished grade of the property. Pools constructed within concrete stem walls shall not be considered to be an above ground pool.” She noted spas and/or “kiddie pools” would be allowed only if placed on a lanai or deck located within a screen enclosure and meeting all setback requirements.
 - Mr. Zapke pointed out not all lanais were screened.

- Ms. Tubbs responded the majority of citizens' comments expressed concern about the visibility of "kiddie pools"; thus, restricting same to within a screened enclosure would reduce their visibility.
- Mr. Viola asked if the Punta Gorda Isles Civic Association (PGICA) had reviewed the proposed changes.
- Ms. Tubbs replied affirmatively.
- Mr. Zapke agreed with restricting to the lanai area; however, he did not believe the requirement for a lanai to be screened was raised during the review process.
- Mr. Loughman expressed concern with regard to unscreened pools from a safety standpoint.
- Mr. Zapke responded a fence around the yard met safety requirements.
- Ms. Tubbs announced the Burnt Store Isles (BSI) CA was strongly opposed to above ground pools in the SRO district while the opinions were more diverse regarding spas. She explained the BSI CA further recommended restricting above ground spas to existing lanais and requiring same to be properly screened. She then reported the PGI CA agreed above ground pools should be prohibited, adding above ground spas should be allowed only when placed on an existing concrete slab attached to the home and either covered by a screen or pool cage or enclosed by a fence.
- Mr. Zapke reiterated his concern with regard to prohibiting those with no screen enclosure around their lanai from having a spa. He pointed out some properties were not allowed to construct such an enclosure due to setback requirements.
- Ms. Matthews commented she would not have a problem with allowing above ground spas provided they were located on a lanai and were either screened or fenced.
- Ms. Tubbs asked if the issues raised this date should apply to kiddie pools.
- Ms. Matthews replied definitely. She reminded members of the two young children in Port Charlotte who lost their lives in a pool the week prior.
- Mr. Zapke suggested adding verbiage requiring adherence to all State, Federal and local requirements.
- Ms. Matthews then called three times for anyone to speak on ZA-01-10.
- Mr. Loughman MOVED, Mr. Viola SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Burrage MOVED, Mr. Zajicek SECONDED to recommend approval of ZA-01-10 as amended based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.

STAFF COMMENTS

- A. Community Redevelopment Agency (CRA) Project Status Report
- No discussion.

MEMBER COMMENTS

- Mr. Zapke commented on a boat being stored on Bal Harbor Boulevard, stating he learned permitting was available to store a boat on a piece of property for two to three days. He continued two to four additional permits could be obtained concurrently, thus allowing dry storage for up to eight days. He requested clarification of this issue.
- Ms. Tubbs replied there had been no provision prohibiting issuance of more than one, two-day permit together to allow additional days. She explained four permits per calendar year were allowed. She commented the situation described by Mr. Zapke was probably not contemplated when the ordinance was drafted. She offered to raise the issue at an upcoming citizens' meeting.
- Consensus of the Commission was to re-address this issue.

ADJOURNMENT

- Meeting Adjourned: 2:31 p.m.

Lynne Matthews, Chairman

Mary Kelly, Recording Secretary