

**PLANNING COMMISSION
MEETING
JUNE 27, 2011**

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

MEMBERS ABSENT: Massey Loughman

OTHERS PRESENT: Teri Tubbs, Zoning Official
Lisa Hannon, Zoning Coordinator

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
 - Mr. Zapke requested Alternate Members be listed in the minutes if they were in attendance.
- B. Next Scheduled Meeting
 - 1. July 25, 2011

APPROVAL OF MINUTES

- A. Meeting of May 23, 2011
 - Mr. Burrage MOVED, Mr. Zajicek SECONDED approval of the May 23, 2011 minutes. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS

- Recording Secretary Stewart swore in all participants.
- A. SV-01-11 - A Resolution of the City Council of the City of Punta Gorda, Florida vacating that undeveloped right-of-way being a portion of Block 109, running east to west and lying between Lots 1 through 9 and Lots 10 through 18, Town of Punta Gorda, being an unimproved 41 foot wide street according to the plat thereof as recorded in Plat Book 1, Page 14 of the Public Records of Charlotte County, Florida containing 17,858 square feet; and providing an effective date.
- Ms. Teri Tubbs, Zoning Official, displayed an aerial view of the subject location, as delineated in the agenda material, stating the property owner of 1202 Tamiami Trail had initiated this request to vacate an undeveloped City right-of-way (ROW) in order to accommodate a potential purchase of the property. She explained the additional area was necessary for future redevelopment of the property. She noted four adjacent property owners had joined in this request, adding the applicant was willing to pay the costs for relocation of the Florida Power & Light (FPL) electrical lines located within the ROW. She announced the Development Review Committee (DRC) recommended

approval of the request contingent upon resolution of certain issues raised by the Public Works Department. She drew members' attention to an excerpt of the May 27, 2011 DRC Minutes, as delineated in the agenda material, pointing out those issues were detailed within same.

- Ms. Matthews inquired if the Pierce building would be torn down and rebuilt if the request should be approved.
- Ms. Tubbs responded affirmatively.
- Ms. Matthews confirmed the new structure would be constructed on lots 5-9.
- Mr. Zajicek noted he did not see a posting on the property, asking if it had been advertised.
- Ms. Tubbs responded posting was not required; however, legal advertisements were done.
- Mr. Schindler confirmed adjacent property owners would split the property in the event of a vacation. He cited lots 1-3 on Williams Street, commenting changing their property description would be up to owner to contact property appraiser office to effect the change.
- Mr. Burrage mentioned the applicant incurred all legal costs.
- Mr. Thomas disclosed he represented a property owner and would abstain from voting.
- Mr. Zapke noted the agenda material indicated one property owner was Mr. George Werner, who had not been contacted, asking if he had since been contacted to determine if he had any objections to the request.
- Ms. Tubbs responded she had not received an objection from Mr. Werner, adding she had spoken to him on another matter wherein this request was mentioned briefly with no objection or approval being raised.
- Mr. Zapke then confirmed the Public Works concerns regarding drainage would be addressed and would not affect the vacation of the property.
- Ms. Tubbs responded in the negative as development was not proposed at this time, adding should development occur, those issues would be addressed by the DRC. She suggested any approval be conditioned that conditions be addressed at the time of development.
- Mr. Schindler clarified approval would not generate any change in the property until that condition was met, voicing concern with approving upon a promise without the receiver making any commitment.
- Mr. Thomas pointed out the property owner's tax bill would increase as the property goes on tax roll. He added the City was not using the alley.
- Ms. Matthews added the property value would increase.

- Mr. Thomas inquired if the City's position had changed in that they preferred to lease property rather than vacate.
- Ms. Tubbs explained that had been based upon National Pollution Discharge Elimination System (NPDES) requirements related to stormwater retention; however, staff had begun to consider requests so long as sufficient stormwater could be accommodated.
- Mr. Randy Fassett, applicant's agent, stated Family Dollar Stores had done site planning, which required they get half of the alley for travel, maneuvering trucks, and parking. He confirmed a representative had visited the City's design studio, where they had considered ideas and were willing to accommodate design requirements for streetscaping. He advised the potential buyers preferred parking in front of the building, but had configured the parking behind same. He advised each developer or property owner would be responsible for designing appropriate stormwater aspects at the time of development. He noted plans were conceptual at this point, explaining the next step was very expensive. He stated at this time, the request was only for vacation of the undeveloped alley which only went to the railroad track, thus adding the property to tax rolls. He explained if Family Dollar Stores decided against the property, same would be more desirable for the next owner if the vacation was approved. He noted sufficient land would be preserved for stormwater retention. He concluded the request was positive as Family Dollar Stores would add to the tax base, generate sales tax of \$84,000 per year, while eliminating an old building, enhancing streetscaping and employment in the community.
- Ms. Matthews inquired if Mr. Fassett was representing Mr. Pierce.
- Mr. Fassett responded he represented three owners, Mr. Timothy Pierce, owner of lot 4 to Tamiami Trail and lots 5-9, Mr. Kenneth Roche, owner of lots 14 - 15 and Mr. Joseph Hadju, owner of lots 16 - 18.
- Ms. Tubbs clarified Mr. Werner owned lots 1-3 and 10 - 13.
- Mr. Burrage inquired if staff had received any objections.
- Ms. Tubbs responded in the negative.
- Mr. Fassett asked to reserve further comment after the public hearing was closed should any questions arise.
- Mr. Zapke called three times for anyone to speak on SV-01-11.
- Ms. Matthews MOVED, Mr. Burrage SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Ms. Matthews MOVED, Mr. Burrage SECONDED to find SV-01-11 consistent with the City's Comprehensive Plan and to recommend approval of same based upon the

evidence and testimony presented, subject to stormwater concerns being addressed prior to development.

- Mr. Fassett inquired if the contingency was placed on the vacation itself.
 - Ms. Matthews explained concerns raised at DRC would have to be resolved prior to development of the property.
 - Mr. Zapke advised the vacation would be approved; however, it was done with the understanding further development must be approved by the appropriate City committees.
 - Discussion ensued with regard to the proposed motion.
 - Ms. Matthews WITHDREW the MOTION.
 - Mr. Burrage WITHDREW the SECOND.
 - Ms. Matthews MOVED, Mr. Burrage SECONDED to find SV-01011 consistent with the City's Comprehensive Plan and to recommend approval of same based upon the evidence and testimony presented.
 - Mr. Schindler expressed concern with the other property owners gaining additional property without their input or requesting same, adding their taxes would increase.
 - Mr. Fassett reported the owner in question had been notified and asked by others to participate, adding he had been contacted by telephone and was aware of the request.
- Voting Aye: Burrage, Matthews, Zapke, Schindler, Zajicek.
Abstained: Thomas
- MOTION CARRIED.

NOTE: Form 8B, Conflict of Interest, is attached hereto.

- B. ZA-08-11 – 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, amending Section 11.3, Permitted Signs, Subsection 11.3(c), Changeable Copy Signs, removing provision regulating content and renumbering accordingly; providing for conflict and severability; and providing an effective date.
- Ms. Tubbs announced City Council had recently directed staff to amend certain regulations relative to changeable copy signs by removing the provision related to sign content as follows: “(5) All forms of changeable copy signs shall be located on the property that is the premises, property or site of the use identified or advertised on the sign.” She explained removal of this provision would eliminate the violation of First Amendment rights of the United States (U.S.) Constitution allowing free speech. She concluded the Urban Design Division recommended approval of ZA-08-11, offering to answer any questions.

- Mr. Zajicek recalled he had proposed no changeable copy signs for banks many years ago.
- Mr. Zapke called three times for anyone to speak on ZA-08-11.
- Mr. Zajicek MOVED, Matthews SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Burrage MOVED, Matthews SECONDED to find ZA-08-11 consistent with the City's 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
 - Ms. Tubbs drew members' attention to the CRA's updated project status report, as delineated in the agenda material, offering to answer any questions regarding same.

COMMITTEE/BOARD COMMENTS

- Ms. Matthews mentioned City Council's discussion regarding the proposal for an eagle cam, adding she watched one located in Decorah, Iowa every day. She opined the City should not enter into same one a public sector, as it was a full time job which should be managed by the private sector. She provided the website address, noting there were thousands of videos. She reiterated same must be privately funded, adding the person who managed the cameras had a degree in animal husbandry.
- Mr. Schindler mentioned the comments this date wherein the proposed construction would be required to front the streetscape with parking in back, inquiring if same was a mistake in highway commercial zoning as it would cause difficulties should the street be widened.
- Mr. Thomas commented older structures would not be located on the street frontage, thus it would look like a checkerboard. He suggested same should be reviewed by the Land Development Review (LDR) Committee.
- Ms. Tubbs responded she was compiling a list of discussion topics for their next meeting.

ADJOURNMENT

- Meeting Adjourned: 2:41

Edward Zapke, Chairman

Sheri Stewart, Recording Secretary