

**CITY OF PUNTA GORDA, FLORIDA
SPECIAL CITY COUNCIL MEETING MINUTES
NOVEMBER 19, 2021, 10:00 A.M.**

COUNCILMEMBERS PRESENT: Carey, Cummings, Kuharski, Lockhart, Matthews

CITY EMPLOYEES PRESENT: Kristin Simeone, Finance; Rick Keeney, Public Works; Charles Pavlos, Utilities; Jeff Payne, Human Resources; Joan LeBeau, Urban Design; Pamela Davis, Police; Ray Briggs, Fire; City Attorney Levin; City Manager Murray; Deputy City Clerk Welch

CALL TO ORDER

Mayor Matthews called the meeting to order at 9:00 a.m., followed by the Pledge of Allegiance.

1) **REGULAR AGENDA**

1.a Chapter 26 - Land Development Regulation Update - Form Based Codes - Greater Downtown Area

Exhibits:

Cover Page

Notice of Public Hearing

09-08-2021 Minutes City Council

Planning Commission 10-25-2021 Excerpt

Land Development Regulations – Form-based Codes Discussion Excerpts

Mayor Matthews noted Council would not be taking any action this date; rather, the meeting was to clarify questions about the form-based code (FBC).

Part 1 - Introduction

Exhibit:

Introduction Public Workshop - Form-based Code

Ms. Joan LeBeau, Urban Design Director, drew Councilmembers' attention to the updates to the Land Development Regulations (LDRs), denoted in the agenda material, reviewing the three-phase project which started with the Citywide Master Plan and was followed by the process to update the Comprehensive Plan and the LDRs to adopt a FBC (slides 3-7). She stated the meeting would address four major community concerns (slide 8): building height; Community Benefits Program (CBP); architecture; implementation of the project.

Part 2 - Building Heights

Exhibit:

Building Heights Presentation

Mr. Mitchell Austin, Principal Planner, drew Councilmembers' attention to the building heights presentation, reviewing how buildings were measured and the current and proposed maximum building heights, including the maximum allowed under the CBP. He then reviewed the two tallest buildings in the City, the Charlotte County Justice Center and the Palacio del Sol, as well as a history of

building heights in the City, examining the Hotel Punta Gorda/Hotel Charlotte Harbor in particular (slides 2-9). He pointed out the proposed maximum building heights in the CBP aligned with historic and current building heights in the City.

Mayor Matthews expressed concern regarding consideration of prior construction as setting a precedent for building heights, inquiring if Council could choose not to approve the CBP.

Mr. Austin replied the CBP was optional and was intended to provide development which benefitted the community, noting the parameters of the building heights in the program could be reduced.

Councilmember Cummings spoke in favor of the FBC as a tool to promote the City's desired aesthetic, noting same was based on best practices.

Councilmember Carey expressed concern regarding the CBP.

Mr. Austin indicated the CBP would be reviewed in another presentation.

Councilmember Kuharski commented positively on the CBP's structure, noting its transparency would allow developers to understand what was needed for additional height.

[Part 3 - Community Benefits Program](#)

Exhibit:

[Community Benefits Program Presentation](#)

Ms. LeBeau drew Councilmembers' attention to the CBP presentation, noting the intent was to ensure predictable outcomes and to encourage private development which would enhance the public realm. She provided an overview of the documents on which the CBP was based (slide 3), then reviewing current provisions of planned developments, developer agreements and the Medical Overlay which allowed for additional building height (slides 4-6).

Mayor Matthews inquired as to the height of the hospital, condominiums and office buildings in the Medical Overlay.

Ms. LeBeau expressed uncertainty regarding same.

Councilmember Cummings spoke in favor of leaving the medical overlay as it was to allow the hospital to continue to grow.

Ms. LeBeau stated staff would provide the hospital's height. She then noted the CBP would be a third tier which would allow greater residential density/building height than what was granted by right when pre-defined criteria were met (slide 7). She explained the CBP was limited to four key areas and lots which were 20,000 square feet at a minimum (slide 8). She then reviewed the proposed density and building height maximums as well as examples of benefit categories (slides 9-10), reiterating what was proposed was not final and would be discussed further.

Councilmember Carey inquired if affordable housing had been considered in exchange for increased density.

Mr. Austin replied same was addressed within Tier 2, which concerned missing middle housing. He then provided a detailed explanation of the program's proposed point-based system, with points awarded according to specific criteria related to areas such as public open space and local business support. He indicated 1 point could be converted to 1 additional dwelling unit per acre or 2 additional feet in building height.

Mayor Matthews questioned who would conduct the staff level review.

Mr. Austin replied Zoning Division and Urban Design Division staff.

Mayor Matthews opined City Council should conduct the review.

Councilmember Cummings disagreed, noting staff had planning education and professional expertise.

Mayor Matthews stated Council could receive staff's recommendations.

Mr. Austin then provided an example of potential scenarios for development of a property.

Councilmember Carey inquired as to the likelihood of development to the lot line.

Mr. Austin responded the sidewalk depicted in the example development (slide 17) was greater than the existing sidewalk. He concluded staff required direction from Council on maximum density and building heights in order to establish a program which would be attractive to developers.

Councilmember Kuharski confirmed developers could contribute to public facilities beyond the property being developed. He commented Council might need to be involved in different levels of the review process.

Councilmember Lockhart spoke in favor of the maintenance and operations plan, inquiring as to the City's recourse if a developer did not maintain a facility as required.

Mr. Austin replied same could be pursued through code enforcement action.

Part 4 - Architecture

Exhibit:

Architecture Presentation

Mr. Austin reviewed current architectural expectations and regulations (slides 2-3). He cited two buildings which met the City's current requirements, noting only one met the community's vision. He indicated challenges of the current code included lack of definition of architectural styles, reliance on text descriptions without visual guidance, and redundant references to site design (slides 4-5), explaining the proposed regulations included clear illustrations and text, focused solely on architecture, provided standards less open to interpretation and incorporated definitions of architectural styles (slides 6-8). He then provided an example of development of a property according to the proposed architectural regulations (9-11). He next reviewed requirements for building types and form, reviewing medium footprint mixed use building requirements (lot requirements, description, parking and access, building composition, frontage types) as an example (slides 12-20). He concluded the presentation by confirming there were no questions.

NOTE: A short break was called at 11:25 a.m.

Part 5 - Implementation

Exhibit:

Implementation Presentation

Ms. Lisa Hannon, Zoning Official, briefly reviewed the current and proposed regulating districts (slide 3), noting only one regulating district (Neighborhood Transition) was being added. She reiterated the proposed regulations would include text, tables and graphics to clearly define the intent of each zoning district (slide 4). She indicated there would be changes throughout the Code, noting parking requirements and landscaping standards were limited to minor

administrative revisions at this time (slide 5). She reiterated the architectural standards would be clarified and styles defined within the code (slide 6), which would assist staff in reviewing proposed developments. She presented examples of the current and proposed sample text for general building principles (slide 7). She then provided an example of the simplified architectural review process (slides 9-10).

Councilmember Carey questioned how the architectural requirements would impact builders, particularly if any requirements were prohibitively expensive.

Mr. Austin replied costs would be impacted by any changes to the LDRs. He noted currently the greatest costs were for parking and stormwater management, opining the costs related to the proposed changes would not be exorbitant.

Ms. Hannon added the current code included these architectural provisions but they were more open to interpretation. She then stated the CBP would be a streamlined process compared to the current planned development and development agreement processes, reiterating the program would be limited to a key area, clarify requirements and provide certainty for property owners, staff and Council.

Mayor Matthews inquired as to residential parking in the downtown, noting same was not currently required and was causing issues.

Mr. Austin provided an overview of the City's codes related to development of residential properties and parking, opining requiring suburban levels of parking for residential properties in the historic downtown area would have negative unintentional consequences; however, requiring some on-site parking for single-family and two-family residences was appropriate.

Part 6 - Next Steps

Exhibit:

Next Steps Presentation

Ms. Julie Ryan, Senior Project Manager, summarized the LDRs update process (slide 2), which included public hearings; however, those would not be held until staff was confident only minor changes were needed. She noted major revisions were made to Article 3, Regulating Districts, and Article 7, Architectural Provisions, (slide 3) and minor changes were made to other articles (slide 4). She reviewed the project timeline (slide 5), noting the next step was for the Planning Commission to discuss the first draft of Article 3 of the LDRs in December 2021 and for City Council to discuss same in January 2022. She noted Article 3 would be reviewed prior to Article 7, noting the amended LDRs could not be adopted prior to adoption of the amended Comprehensive Plan.

Councilmember Lockhart confirmed development would adhere to the current LDRs until the revised LDRs were adopted and development in-progress at the time of adoption would be grandfathered.

PUBLIC COMMENT

After the presentation and Council discussion, members of the public will have an opportunity to address the Council and present relevant information on the topic(s) being discussed at the Workshop. Public comments are limited to three (3) minutes each and anyone wishing to address the Council must state their name for the record.

Mr. T.J. Thornberry expressed concern the FBC would reduce creativity in custom homes, adding there would be cost implications based on architectural styles. He then voiced concern parking or storage under elevated homes would be prohibited.

Mr. Jim Sanders, AR Homes SandStar, noted an investor interested in developing workforce housing was uncertain as to whether to begin a lengthy process under the current code or to wait for the simplified process under the proposed FBC, opining there were many similar situations. He requested Council move the LDRs forward.

Mr. Bob Sifrit noted parking issues had been exacerbated by development of "shotgun" homes, questioning who would determine if on-street parking was available and the criteria to be used.

Mr. Austin replied the historic parking permit program was intended to alleviate some of the issues, adding residential parking requirements could be modified and parking could be restricted if Council desired.

Councilmember Cummings noted a residential parking permit program could be explored.

Ms. Laurie Lainhart expressed desire for a presentation on the proposed architectural styles, then voicing concern high rises would be built in the City.

Mr. Juergen Siewer stated he was generally in favor of the CBP, voicing concern regarding the potential for development of 80-foot commercial buildings beside residences in the program area. He suggested implementation of a transition between commercial development and residential areas.

Ms. Carlene Zeches expressed concern regarding potential exacerbation of flooding in District 1, questioning if grading requirements should be changed and if amendments should be made to encourage development implementing flood mitigation measures.

Mr. Bob Fritz expressed concern the Flex Commercial zoning designation allowed for completely residential development, which reduced available commercial property. He opined developers would seek to build to the maximum height and density they could secure, adding two parking spaces should be required per residential unit.

Ms. Sheri Lenora opined the CBP was nebulous and citizens needed to be included in the program's process. She expressed concern the proposed FBC could allow a 96-foot building downtown, voicing preference for firm, lower maximum heights to be established.

Ms. Pat Niles inquired as to the origin of the 100-foot building height maximum for the Medical Overlay, expressing concern regarding the ability of fire apparatus to respond to taller buildings. She then questioned how medical helicopters would fit in with a taller hospital.

Mayor Matthews stated she had confirmed the City's fire apparatus could service taller buildings and the hospital had a helipad.

Mr. Gary Skillicorn stated the City was not obligated to provide maximum benefits to developers, opining building heights were residents' main concern. He expressed concern the CBP would lead to further difficulties.

Mr. Pete DeBree questioned if a traffic study had been done for the four areas of the CBP.

Ms. Wendy Mueller questioned if any existing buildings were at or above base flood level to allow residents to understand the impact of the FBC on building height.

Mr. Austin replied there was a wide array of buildings at base flood elevation with overall heights between 60 feet and 116 feet tall, pointing out the Justice Center's tower was 116 feet tall and the court house wing was 76 feet in overall height. He indicated the Springhill Suites and the Wyvern Hotel were between 53 feet and 58 feet in overall height; however, the experience of

those buildings was different due to the way each interfaced with the street. He confirmed staff recommended a hard cap for building heights within the CBP, adding there was no cap for planned developments as the existing code was written.

Ms. Annmarie Bolduc noted increased building heights would have an impact on water and wastewater infrastructure.

Mr. Harvey Goldberg commented positively on the progress made with the FBC, opining the CBP could complement the FBC well if managed appropriately. He noted few lots would be eligible, anticipating high-rises would not be constructed.

Mr. Tom Cavanaugh expressed support for the FBC, stating approval of same would expedite development in the City.

ADJOURNMENT

The meeting adjourned at 12:38 p.m.

Mayor

Deputy Clerk