

**PLANNING COMMISSION  
MEETING  
JULY 27, 2009**

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

**OTHERS PRESENT:** Teri Tubbs, Zoning Official  
Vice Mayor Harvey Goldberg  
David Hilston, Urban Design Manager  
Joan LeBeau, Chief Planner  
Lisa Hannon, Zoning Coordinator  
Randy Dunn, Bob Toth, Wini Schumacher,  
Walt Petersen, Betty Locke, Wendy Dees,  
Herb Hagmann

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting - August 24, 2009
- C. Last Scheduled Meeting - June 22, 2009

**APPROVAL OF MINUTES**

- A. Meeting of June 22, 2009
  - Mr. Burrage MOVED, Mr. Viola SECONDED approval of the June 22, 2009 minutes.  
MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS**

- Recording Secretary Kelly swore in all participants.
- A. Public Hearings
  - 1. SRC-01-09 - A request by Richard Cavalieri, as agent for the Punta Gorda Housing Authority (PGHA), for approval of the final plat for Gulf Breeze Apartments.  
SHORT LEGAL: 06 41 23 P-1 - That part of the SE ¼ of the SE ¼ lying south of ACL RR right-of-way west of Cooper Street less four, one-acre tracts fronting on Rail Road on Cooper Street side (containing 12.13 acres, more or less).
  - Ms. Teri Tubbs, Zoning Official, displayed an overhead of the site location, as delineated in the agenda material, stating this was the final step necessary for the completion of records for this project. She noted the development had been completed and was providing housing for low- and moderate-income families. She explained the Public Works Department was requiring all internal streets to remain private and to be conveyed to the PGHA and Gulf Breeze Apartments Partners, adding

same must not become the responsibility of the City or the general public. She concluded the Urban Design Division recommended approval of the request.

- Ms. Matthews called three times for any one to speak on SRC-01-09.
  - Mr. Burrage MOVED, Mr. Viola SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
  - Mr. Zajicek MOVED, Mr. Hofmeister SECONDED to recommend approval of SRC-01-09 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
2. SE-10-09 - A Special Exception request by Randy Dunn, Agent for the Charlotte County Family YMCA, pursuant to Section 26-3.10(f)(6) of the City Code of Ordinances, to allow a child care facility to operate at a new YMCA Fitness and Community Center to be located at 10169 Tamiami Trail, Punta Gorda, Florida, in a Highway Commercial (HC) zoning district.
- Ms. Tubbs announced the public hearing before City Council would be held on August 19, 2009, as opposed to August 5, 2009, due to an error on the sign posted at the subject property. She then displayed an overhead of the site plan, stating this was a request to operate a day care facility in the existing building at 10169 Tamiami Trail, currently known as Seminole Lakes Plaza. She advised the YMCA had leased the entire building and would also house an indoor fitness facility, the latter being a permitted use in the HC district and thus not part of this request. She explained the proposed use of a day care facility was a reasonable and customary accessory use to a YMCA, would address an identified need of reliable and affordable child care facilities within the City and would be conveniently located near family oriented neighborhoods. She pointed out the location of the proposed outdoor activity area behind the building on the displayed overhead, adding proposed equipment included a swing set and toys suited for preschool age children. She then displayed an overhead depicting the proposed interior lay-out as well as a proposed fence, the outdoor activity area and the existing greenspace at the rear of the building. She mentioned the outdoor activity area hours would be limited to 10:00 a.m. to 4:00 p.m. She confirmed approval of this special exception would not hinder or discourage development or use of adjacent or nearby properties, adding the site had sufficient parking. She concluded the Urban Design Division recommended approval of SE-10-09.
  - Mr. Zapke disclosed he had received correspondence from Mr. Bob Toth, Seminole Lakes Property Owners Association (POA) President, indicating that Board had no opposition to the proposal. He then read the correspondence into the record, noting some residents had expressed concerns relative to the request, adding Mr. Toth had recommended they attend the public hearings.

- Mr. Burrage disclosed he had also received correspondence from Mr. Toth and had visited the site, stating this seemed to be a fairly favorable site for the proposed use.
- Mr. Viola questioned the type of fence being proposed for the outdoor activity area.
- Ms. Tubbs replied the fence would be in compliance with City Code.
- Ms. Matthews asked what measures would be taken to ensure the safety of attending children.
- Ms. Tubbs replied same was up to the YMCA, suggesting the applicant address that concern.
- Mr. Zajicek commented he saw no problems with regard to this request.
- Mr. Randy Dunn, applicant and YMCA Board Chairman, noted the building had been empty for quite some time and had been leased by the Charlotte Regional Medical Center (CRMC). He explained a partnership was developed between the YMCA and CRMC approximately six months earlier, stating same was not unusual across the country. He advised one goal of the partnership was to arrange child care for employees of CRMC, adding there would be one out of a total of three classrooms of children in the outside activity area at any one time. He mentioned the outdoor area would be used for short periods of time due to the area's extreme heat and inclement weather, totaling roughly three hours per day; thus, he did not believe noise would be significant. He then commented on ingress/egress, stating there would be one entrance in and one exit out of the facility with the exception of emergency access requirements.
- Mr. Burrage asked if use of the facility would be restricted to CRMC employees.
- Mr. Dunn replied it would not but rather would be open to the public.
- Mr. Burrage commented it seemed this would be a benefit to the community.
- Ms. Matthews asked if adult patronage would be membership based.
- Mr. Dunn replied CRMC's existing Wellness Center would be combined with the YMCA's.
- Mr. Toth questioned the anticipated noise level relative to the outside activity center and the operational hours of the fitness center. He mentioned the exterior lights in the rear of the building had been a problem in the past. He pointed out the shrubs at the rear of the property continued to grow, urging the applicant to leave same in place as they may act as a sound barrier.
- Mr. Dunn responded no vegetation was planned to be removed, suggesting perhaps the exterior, security lights could be tilted down or shielded from the top.
- Mr. Viola questioned the hours proposed for the fitness facility.

- Ms. Wini Schumacher, YMCA, replied 5:30 a.m. to 9:00 p.m., Monday through Friday, 8:00 a.m. to 5:00 p.m., Saturday, and 12:00 p.m. to 5:00 p.m. Sunday. She then commented on the child care portion of the facility, advising children were typically outside for 15 to 20 minutes, adding noise level was not very high. She provided a brief outline of the YMCA's goals and objectives, stating specific wellness programs were planned for children.
- Ms. Matthews opined this would be a wonderful addition to the neighborhood.
- Mr. Dunn mentioned the YMCA was moving from the Edison College site to the subject location to make room for the new collegiate high school.
- Vice Mayor Harvey Goldberg announced he was on the CRMC Board of Directors, stating this partnership was established specifically to enhance the health and wellness of the community. He encouraged the Commission's support of this request, pointing out the southern portion of Charlotte County was somewhat neglected.
- Ms. Matthews questioned the anticipated opening date.
- Vice Mayor Goldberg replied the Edison College site must be vacated by December 2009.
- Mr. Dunn added the goal was for services to be available mid- to late-November 2009.
- Mr. Viola commented the existing Wellness Center became quite crowded at times.
- Vice Mayor Goldberg concurred, stating the new facility would ease some of that pressure.
- Mr. Viola questioned the impact of traffic on the proposed site.
- Ms. Tubbs replied the site was designed as a commercial shopping center and would thus adequately handle same.
- Ms. Matthews commented automobile traffic was much more preferable to delivery truck traffic.
- Mr. Walt Petersen read a statement of objection into the record on behalf of the property owners on the basis the proposed use violated the use restriction associated with the deed.
- In response, Ms. Tubbs displayed the verbiage of Section 26.6.6, Deed Restrictions, stating staff could not consider such restrictive covenants in any instance.
- Ms. Betty Locke stated she resided directly behind the subject building, expressing concern with regard to noise and traffic. She asserted Punta Gorda was basically a retirement community as opposed to one with children, questioning whether this use would affect her property values.
- Mr. Dunn confirmed Ms. Locke's property was adjacent to the rear of the building, stating the only entrance would be in front.

- Mr. Toth asked if the contractor would agree to shield the lights.
  - Ms. Matthews replied she was sure same could be addressed.
  - Ms. Wendy Dees commented parking spaces existed in the rear of the building near adjacent homes, asking if same would be utilized.
  - Mr. Dunn replied employees may utilize that area; however, he did not anticipate clients of the YMCA would elect to park in the rear as they would then be required to walk completely around the building. He then confirmed he would address the rear lighting with the contractor.
  - Mr. Viola questioned the distance between the rear parking spaces and the residential properties under discussion.
  - Ms. Matthews estimated same at 90 to 100 feet. She then called three times for any one to speak on SE-10-09.
  - Mr. Zapke MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
  - Mr. Burrage MOVED, Mr. Hofmeister SECONDED to recommend approval of SE-10-09 based upon the evidence and testimony presented contingent upon shielding of the exterior lights. MOTION CARRIED UNANIMOUSLY.
3. ZA-11-09 - 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 3, providing for development plan approval for all development and uses, except single family and two family uses, providing for conflict and severability, and providing an effective date.
- Ms. Tubbs announced staff had initiated this zoning amendment as it had been discovered the requirement for development plan approval for all uses other than single family and two family houses was not clearly stated in the Land Development Regulations (LDRs). She clarified this was a house-keeping amendment, recommending approval of ZA-11-09.
  - Ms. Matthews called three times for any one to speak on ZA-11-09.
  - Mr. Hofmeister MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
  - Mr. Zapke MOVED, Mr. Hofmeister SECONDED to recommend approval of ZA-11-09 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
4. ZA-13-09 - 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 3, Regulating Districts, amending Subsection 3.13, SRO, Special Residential Overlay District, amending Subsection 3.13(h), Front Yard Parking, to prohibit parking in side

and rear yards, amending Subsection 3.13(i), Clarifying Parking on Vacant Land or Right-of-way, providing for conflict and severability, and providing an effective date.

- Ms. Tubbs announced this zoning amendment clarified the intent of prohibiting indiscriminate parking in side and rear yards of developed property zoned for residential purposes in other than approved parking strips and drives. She mentioned some vague and unnecessary language relative to parking on vacant lots had been removed, recommending approval of ZA-13-09.
- Ms. Matthews asked if parking was allowed to abut the street in locations where no sidewalks existed.
- Ms. Tubbs replied affirmatively.
- Mr. Hofmeister questioned the reason behind the 1:00 a.m. to 5:00 a.m. restriction.
- Vice Mayor Goldberg replied same was derived from the deed restrictions which were subsequently codified into City Code.
- Mr. Hofmeister then questioned the definition of a “parking strip.”
- Ms. Tubbs replied some properties in the older sections had parking strips constructed in side yards where sufficient room existed to allow same in harmony with all setback requirements.
- Mr. Hofmeister commented he was aware some residents had installed such strips and had been advised by the City no permit was required.
- Ms. Matthews advised staff of a specific location where a parking strip had been constructed, requesting they research whether same was permitted.
- Ms. Tubbs confirmed any parking strip must be permitted.
- Ms. Matthews called three times for any one to speak on ZA-13-09.
- Mr. Zajicek MOVED, Mr. Viola SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Burrage MOVED, Mr. Viola SECONDED to recommend approval of ZA-13-09 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.

#### **OTHER BUSINESS**

- A. City Planned Annexation Properties
  - Mr. David Hilston, Urban Design Manager, displayed a map and list of proposed annexations adjacent to U.S. 41 South from Aqui Esta Drive to Rio Villa Drive, stating discussions were ongoing. He reported all but one property owner, Gene Gorman Auto, had expressed an interest in continuing this process.
  - Ms. Matthews confirmed the process could continue even without that property.
  - Mr. Viola questioned the basis for their opposition.

- Ms. Tubbs replied Charlotte County had allowed that business certain types of advertising devices which may not be allowed by the City.
- B. Community Redevelopment Agency (CRA) Status Report
  - No discussion.
- C. City of Punta Gorda Parks & Recreation Master Plan
  - Ms. Joan LeBeau, Chief Planner, announced much input had been received relative to the Master Plan, stating three sections on the web site had been updated. She advised additional sections and revisions would most likely be available at the Commission's next meeting, urging members' continued input.
  - Mr. Hofmeister asked if the sidewalks being installed along U.S. 41 on the east side south of Monaco Drive were a part of the Master Plan.
  - Ms. LeBeau replied that was part of what was being referred to as "ring around the City."
  - Mr. Hofmeister expressed concern in that there was no exit point for one mile.
  - Ms. LeBeau agreed; however, plans were in place to further it and to connect same across the right-of-way.
  - Mr. Hofmeister asked if kiosks were planned along that stretch of sidewalk.
  - Ms. LeBeau replied staff would look into the possibility of same.
  - Mr. Zajicek asked if any trees were planned.
  - Ms. LeBeau replied some had been approved by the Florida Department of Transportation (FDOT) for that section; however, there were limiting factors such as a lack of irrigation.
  - Mr. Zajicek then asked if shade/tree placement was planned for the interactive fountain area in Laishley Park.
  - Ms. LeBeau replied affirmatively.
  - Mr. Viola expressed pride in Punta Gorda's appearance.
  - Ms. Matthews confirmed the Event Center sign had been repaired, asserting the sign must be dimmed at night in the interest of traffic safety.

**MEMBER COMMENTS**

- Mr. Schmidt commended staff for a job well done.
- Mr. Viola questioned the construction date of the homes adjacent to the property discussed under SE-10-09.
- Ms. Tubbs responded she would research same as well as the distances between the properties.

**CITIZEN COMMENTS**

- Mr. Herb Hagmann advised the homes referenced under Member Comments had been constructed approximately 15 years earlier. He pointed out there had been a great deal of opposition to the Sweetbay site from the Seminole Lakes community relative to parking and exterior lighting.

**ADJOURNMENT**

- Meeting Adjourned: 3:02 p.m.

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Lynne Matthews, Chairman

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Mary Kelly, Recording Secretary