

**PLANNING COMMISSION
MEETING
FEBRUARY 23, 2009**

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

MEMBERS ABSENT: Larry Hofmeister

OTHERS PRESENT: Teri Tubbs, Zoning Official
Dennis Murphy, Growth Management Director
Kathryn Petty, Darrell Swanfeld, Bob Filkins,
Charles Kessler, Harry Agabedis

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - March 23, 2009
- C. Last Scheduled Meeting - January 26, 2009
- D. Election of Officers
 - Ms. Teri Tubbs, Zoning Official, opened the floor for nominations for Chairman.
 - Mr. Burrage NOMINATED Ms. Matthews for Chairman.
 - As there were no other nominations, Ms. Matthews was appointed Chairman by acclamation.
 - Ms. Matthews then opened the floor for nominations for Vice Chairman.
 - Mr. Zajicek NOMINATED Mr. Viola for Vice Chairman.
 - As there were no other nominations, Mr. Viola was appointed Vice Chairman by acclamation.

APPROVAL OF MINUTES

- A. Meeting of January 26, 2009
 - Mr. Burrage MOVED, Mr. Viola SECONDED approval of the January 26, 2009 minutes.
MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- Recording Secretary Smith swore in all participants.
- A. Public Hearings
 - 1. SE-02-09 - A Special Exception request by Kathryn E. Petty, Agent for Semlak, LLC, owner, per Section 26-16.8 of the City Code of Ordinances, to allow an indoor amusement facility with video amusement games to be located at Seminole Lakes Shopping Plaza, 10175 Tamiami Trail, Unit 1133, in a Highway Commercial (HC) zoning district.

- Ms. Tubbs displayed an overhead of the site location and attested to staff's findings of fact, as delineated in the agenda material. She confirmed there was more than sufficient parking for the facility. She stated the proposed use would be entirely indoors, would not create excessive traffic and would be compatible with the neighborhood and existing businesses. She advised no alcoholic beverages or loud music was associated with this use. She noted any changes to the nature of indoor amusement to a different type of facility would not be permitted without a new Special Exception. She concluded with a recommendation for approval from the Urban Design Division and the Development Review Committee (DRC).
- Ms. Matthews inquired as to the subject business' current location.
- Ms. Kathryn Petty, applicant, replied the business was located next to the Ice House Pub, adding parking in that location was not adequate for this type of business.
- Mr. Zajicek confirmed the old location would be closed if the business was permitted at the new location.
- Ms. Matthews inquired whether there had been any negative issues associated with the facility.
- Ms. Tubbs replied there had been no police reports or incidents of which she was aware.
- Mr. Viola inquired whether notice to surrounding residents was required.
- Ms. Tubbs replied affirmatively, stating proper notice was confirmed.
- Mr. Darrell Swanfeld opined parking availability was poor at the current location, expressing support of the new location.
- Mr. Bob Filkins spoke in support of the request, asserting the existing parking situation was even worse during season.
- Mr. Charles Kessler agreed parking was an issue, opining the new location was more favorable.
- Mr. Viola confirmed patrons had no objection to traveling to the new location.
- Ms. Matthews called three times for anyone to speak on SE-02-09.
- Mr. Zajicek MOVED, Mr. Viola SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Ms. Matthews spoke in support of the proposed location.
- Mr. Burrage MOVED, Mr. Zajicek SECONDED to recommend approval of SE-02-09 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.

2. SE-03-09 - A Special Exception request by Mike Onushco, per Section 26-16.8 of the City Code of Ordinances, to allow artificial turf to be installed in the right-of-way (ROW), as permitted by Special Exception approval per City Code Section 26-12.3(n), at 1220 Via Tripoli, in a General Single Family (GS) zoning district.

Legal Description: Block 82, Lot 16, PGI Section 7

- Ms. Tubbs entered her staff report, as delineated in the agenda material, into the record and provided a PowerPoint presentation related to the request, announcing this was the first Special Exception request to allow artificial turf in the ROW. She displayed several photographs of the residence, explaining the requirement for a new signed/sealed survey had been waived as this was a request to install artificial turf in the ROW only. She stated a single row of pavers placed at appropriate drainage grade was proposed to create a “break” between the turf and neighboring sod. She confirmed no rubber or synthetic infill materials would be used with the installation per City ordinance, the proposed material had the required eight year warranty, it exceeded the minimum fifty-six ounces per foot, and installation would be in accordance with the manufacturer’s requirements to allow appropriate drainage. She reviewed conditions and safeguards as spelled out in the Commission’s agenda packets. She advised a separate ROW permit would be required if the Special Exception was approved. She reviewed the requirements of Ordinance #1579-09, concluding neither the Urban Design Division nor DRC had any objections to the request.
- Mr. Burrage confirmed staff had received no objections to this request.
- Ms. Matthews stated the survey provided did not indicate a circular driveway.
- Ms. Tubbs advised the survey was from 2004, explaining the circular driveway was installed in 2005 with the proper permits.
- Ms. Matthews questioned whether a more recent survey should be used.
- Ms. Tubbs replied proper field measurements were taken by the installer.
- Ms. Matthews then commented she understood the ordinance required the entire yard to be replaced to provide for consistency in color and appearance.
- Ms. Tubbs responded there was very little sod in this particular yard but rather extensive xeriscaping; thus, the artificial turf would not abut any sod.
- Mr. Zajicek disclosed he had visited the site, opining the artificial turf would improve the property’s appearance.
- Mr. Viola concurred.
- Ms. Matthews called three times for anyone to speak on SE-03-09.

- Mr. Viola MOVED, Mr. Schmidt SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Zajicek MOVED, Mr. Schmidt SECONDED to recommend approval of SE-03-09 based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
- 3. SRC-01-08 - Preliminary Plat - A request by Monroe J. Haltaman, Jr. and Richard Cernoch, owners, for preliminary plat approval to subdivide a parcel of land containing 117,341 square feet (2.6937 acres) into 8 buildable lots with a minimum lot size of 8,840 square feet to create a subdivision to be called "Punta Gorda Estates" located in Block 113, Punta Gorda, commonly known as 455 West William Street, Punta Gorda, Florida.
- Ms. Tubbs displayed an overhead of the site location, as denoted within the agenda material, stating the subject property was located in the Neighborhood Residential-10 units per acre (NR-10) zoning district. She mentioned no request for rezoning had been submitted and was not planned. She noted all proposed lots had access to platted public streets. She explained development was not planned at this time but rather the request was to subdivide the property to allow construction of single family homes at some point in the future. She stated the plat would provide for necessary drainage and utility easements, adding the subdivision would not create any non-conformities. She advised the subdivision request met the criteria set out in City Code, stating any issues relating to storm water drainage would be addressed at time of building permit or development plan approval. She confirmed the request was not in conflict with the Comprehensive Plan. She concluded with a recommendation for approval from DRC and the Urban Design Division.
- Mr. Zapke inquired whether all of the lots were accessible by a ROW.
- Ms. Tubbs replied affirmatively.
- Mr. Burrage confirmed staff had received no objections or comments regarding this request from neighboring property owners.
- Mr. Harry Agabedis announced he represented the nearby Peace River Baptist Church, stating their main concern was for the property to be used for residential housing only.
- Ms. Tubbs responded the property was zoned NR-10, adding a church would be allowed as well.
- Mr. Zajicek pointed out the public hearing notice was posted on McKenzie Street as opposed to William Street, requesting clarification of same.
- Ms. Tubbs explained McKenzie Street was the primary ROW in this particular situation, adding City ordinance allowed for posting of a single sign. She confirmed all property owners within 200 feet were legally noticed.

- Ms. Matthews called three times for anyone to speak on SRC-01-08.
- Mr. Viola MOVED, Mr. Schmidt SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Burrage MOVED, Mr. Viola SECONDED to recommend approval of SRC-01-08 (Preliminary Plat) based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
- 4. SRC-01-08 - Final Plat - A request by Monroe J. Haltaman, Jr. and Richard Cernoch, owners, for final plat approval to subdivide a parcel of land containing 117,341 square feet (2.6937 acres) into 8 buildable lots with a minimum lot size of 8,840 square feet to create a subdivision to be called "Punta Gorda Estates" located in Block 113, Punta Gorda, commonly known as 455 West William Street, Punta Gorda, Florida.
- Ms. Tubbs explained it was common for the final plat to be presented in conjunction with the preliminary plat in small scale subdivisions such as the subject location. She referenced the staff report included in the agenda packet, entering same into the record.
- Ms. Matthews inquired why the notice was not placed at the property's address of William Street.
- Ms. Tubbs explained William Street had virtually no traffic in the subject area, adding the property's address of 455 West William Street was that of the original structure. She clarified all future development would be assigned a fronting street address.
- Ms. Matthews confirmed new addresses would be assigned for six of the eight lots. She then called three times for anyone to speak on SRC-01-08.
- Mr. Viola MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Zapke MOVED, Mr. Schmidt SECONDED to recommend approval of SRC-01-08 (Final Plat) based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.

MEMBER COMMENTS

- Mr. Zajicek questioned the status of the entrance sign into Punta Gorda.
- Mr. Dennis Murphy, Growth Management Director, responded staff had proposed one location while City Council had recommended an alternate site on the Event Center property, specifically the site of the old museum. He advised he was in the process of obtaining a survey, adding he would request an easement from Charlotte County.
- Ms. Matthews requested members be provided with a rendering of the sign's design. She then asked if updates were available for the Aqui Esta project.
- Ms. Tubbs replied in the negative.

ADJOURNMENT

- Meeting Adjourned: 2:36 p.m.

Lynne Matthews, Chairman

Karen Smith, Recording Secretary