

**PLANNING COMMISSION
MEETING
MAY 24, 2021**

MEMBERS PRESENT: Donna Peterman, Acting Chair
Joseph Comeaux, Bradford Gamblin,
Susan Hill, Paul Sacilotto, Edward Weiner

MEMBERS ABSENT: Harvey Goldberg, Roger Peterson

OTHERS PRESENT: Lisa Hannon, Zoning Official
Mitchell Austin, Principal Planner
Jay Moretti, Gary Bain, Jose Suriol,
Kevin Keeley, Harry Straight, Michael Kovach,
Patricia Niles, Nicki Van, Marilyn Kovach,
David (last name inaudible), Glenn Force,
Robert Reynolds, Lynn Fernholz

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting
- 1. June 28, 2021

CITIZENS COMMENTS ON AGENDA ITEMS ONLY

- None.

APPROVAL OF MINUTES

- A. April 26, 2021
- Mr. Weiner MOVED, Ms. Hill SECONDED approval of the April 26, 2021, minutes. MOTION CARRIED UNANIMOUSLY.

QUASI- JUDICIAL PUBLIC HEARING

- Recording Secretary Pues swore in all participants.
- A. PD-01-2021 - An Ordinance of the City of Punta Gorda, Florida, amending Ordinance No. 1409-05, as amended by Ordinance No. 1457-06, relating to the rezoning of the properties at 33 and 55 Tamiami Trail and being further bounded and described in Exhibit "A" attached hereto, from City Center District (CCD) to Planned Unit Development/City Center (PUD/CC); to establish the interim uses of a bar, restaurant, event venue, parking, and temporary storage use on the undeveloped portions of the property with conditions, until the construction of the proposed multi-family residential building; providing for conflict and severability; and providing an effective date.
- Ms. Lisa Hannon, Zoning Official, provided a detailed review of the amendment request, as delineated in the agenda material, noting same was to allow Harbor Resort & Yacht Club, LLC to continue interim use of the Tiki Bar along with its associated structures and amenities. She explained the Tiki Bar had been permitted under a set of Temporary Use

(TU) permits since 2011, summarizing the timeline of the amendment and extension requests for same. She indicated the Tiki Bar housed numerous public, private and fundraising events which benefitted the community, adding this request allowed continued use of the site and streamlined the process so that the applicant no longer needed to return for a TU permit. She stated conditions of approval were as follows: existing landscaping shall remain and be maintained for the duration of the interim use; new structures authorized as interim use must have required permits and maintain waterside setbacks of twenty five feet prior to construction; future expansions of restrooms, restaurant and/or entertainment venues required a letter from the Utilities Department regarding the availability of capacity; storage capacity for solid waste must be adequate with a sufficient collection schedule; temporary structures must be removed upon order of the Building Official during inclement weather events such as a hurricane. She concluded staff and the Development Review Committee recommended approval of the amendment request with staff's conditions.

- Mr. Weiner expressed concern regarding the lack of site plans in the application.
- Ms. Hannon indicated the site would remain the same, reiterating this request was to eliminate the need for TU permits until the applicant decide to move forward with the approved multifamily development from 2005/2006.
- Mr. Sacilotto verified there would be no time limit on the interim use if approved.
- Mr. Jay Moretti, McCrory Law Firm, reiterated the purpose of the request was to remove the need to frequently file for a TU permit.
- Mr. Weiner recalled a proposal to extend the Tiki Bar over the water.
- Mr. Moretti noted there had been discussions relating to same; however, that proposal was not part of this request.
- Mr. Gary Bain, Southwest Engineering & Design, displayed an overhead view of the existing conditions of the site, clarifying the original approved plan was not changing.
- Mr. Weiner inquired as to the developer's intentions.
- Mr. Jose Suriol, applicant, summarized the history of development at the business location, noting the 2008 recession caused a halt in development plans for the condominiums. He expressed uncertainty as to when development would continue due to uncertainties in the market, explaining the intent was to develop the condominium units while continuing to invest and improve the location.
- Mr. Mitchel Austin, Principal Planner, explained the procedures for planned developments (PDs), noting the purpose of this amendment was to account for the existing interim use of the Tiki Bar and simplify the process for the property owner and staff.

- Ms. Peterman questioned whether the property owner would be required to return to the City for approval once the condominium project was ready to continue.
- Mr. Austin replied in the negative, noting the proposed development must be consistent with the site plan and conditions in the approved PD.
- Mr. Sacilotto noted his concern was with the temporary facilities, such as the restrooms and kitchen, being in place for an unknown period of time, suggesting there be a plan for permanent facilities and limiting the interim use to no more than ten years.
- Mr. Kevin Keeley stated he was a resident of the condominiums near the subject property, expressing frustration with the lack of signage directing patrons to the Tiki Bar. He indicated residents of the condominium had funded expenses associated with installing and maintaining the fence surrounding the condominium, suggesting signage be provided to assist pedestrians going to the Tiki Bar.
- Ms. Donna Robinson questioned whether the Harborwalk would continue to be accessible after the proposed development. She then suggested the proposal to extend the Tiki Bar over the water be explored again.
- Mr. Harry Straight opined the PD approved fifteen years previously would not align with the current times due to the growth in population and changes in traffic, opining development on the small portion of property would not be ideal and would entail a large amount of parking.
- Mr. Michael Kovach expressed safety concerns with the inebriated patrons of the Tiki Bar, requesting some type of relief.
- Ms. Patricia Niles voiced concern regarding the maximum building height for development at the location.
- Ms. Nicki Van inquired what recreational activities and amenities the City would provide if the volleyball courts were no longer available.
- Ms. Marilyn Kovach reiterated the safety concerns as a resident of the nearby condominiums, reviewing some of the problematic occurrences, such as theft, urination and defecation. She requested the Sheraton more clearly indicate the area patrons should use.
- Mr. David (inaudible) commented the request appeared to be an open-ended fix to an administrative issue. He suggested commercial use of the property might better align with the City's current goals, noting the City would need to buy back the existing approvals to pursue such a change.
- Mr. Glenn Force spoke in favor of the contributions the Tiki Bar and recreational area provided to the City, agreeing a time limit for the interim use should be established.
- Ms. Peterman called three times for public comment.

- Mr. Comeaux MOVED, Mr. Sacilotto SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Moretti explained the approved PD allowed the construction of the condominiums at the developer's choice and carried with the land in perpetuity. He confirmed the Harborwalk would remain accessible as maintaining same at a certain width was a condition of the PD. He then indicated the restaurant would be moved to the northwest corner, explaining dependent on permitting, seating over the water might be constructed.
- Mr. Bain verified the maximum building height was fifty feet.
- Mr. Suriol apologized for the concerns caused by patrons of his businesses, noting a meeting with the City Manager was scheduled to discuss directional signage for the property. He indicated the businesses would continue to work with neighbors to ensure the area remained safe, adding proper compensation would be provided for damage caused by his patrons.
- Mr. Weiner spoke against continuing the interim uses for another 10 years without any type of development.
- Ms. Peterman verified the Commission was not authorized to require the property owner to build. She acknowledged the concerns regarding the temporary use being utilized for an indefinite period of time, clarifying members only decision for this request was whether to streamline the permitting process for the applicant.
- Discussion ensued regarding clarification of the request as well as the outcomes for same if approved, with Mr. Austin confirming the interim use would be vested.
- Mr. Comeaux MOVED, Ms. Hill SECONDED to find PD-01-2021 was consistent with the Comprehensive Plan and to recommend approval with staff's conditions based on the evidence and testimony presented this date.
- VOTING AYE: Comeaux, Gamblin, Hill, Peterman.
- VOTING NAY: Sacilotto, Weiner.
- MOTION CARRIED.

NEW BUSINESS

- A. 2701 Deborah Drive – Driveway Relocation
 - Ms. Hannon drew attention to the driveway relocation request denoted in the agenda material, noting the property owner was proposing the construction of an additional garage which required the removal and relocation of the existing nonconforming third driveway. She explained the Legal Department had determined the request could be considered by Council following the Commission's recommendation for same, noting the request was to relocate the driveway and not to increase it. She stated staff

recommended approval of the request with conditions that a right-of-way permit for the line and grade be obtained as well as requiring the request to be reviewed by the Building and Zoning Divisions. She indicated this was not a public hearing; however, neighboring property owners were notified of the request by mail.

- Mr. Sacilotto questioned the difference between this request and a variance request which was reviewed by the Board of Zoning Appeals.
- Ms. Hannon responded the Legal Department verified same was not needed since the proposed driveway did not have any additions and did not deviate in size.
- Mr. Robert Reynolds, applicant, explained he desired to construct a garage next to the home, noting the relocated driveway would not affect street access. He verified neighboring property owners had no issues with the request, concluding the garage would store a recreational vehicle.
- Mr. Sacilotto MOVED, Ms. Hill SECONDED to forward the request to City Council with the Commission's approval. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

- No items.

STAFF COMMENTS

- None.

COMMITTEE/BOARD COMMENTS

- Mr. Weiner recalled a comment by City Attorney David Levin at the May 19, 2021, City Council meeting regarding the American flag, expressing frustration with the Supreme Court decision not to differentiate treatment of the American flag. He requested staff relate his concerns to City Attorney Levin prior to the second reading of the sign ordinance.
- Ms. Hannon confirmed she would communicate his concerns.
- Ms. Peterman suggested he email Councilmembers as well.

CITIZENS' COMMENTS

- Ms. Lynn Fernholz questioned whether property owners were grandfathered under the regulations in place at the time they purchased a property and whether they were subject to any of the discussions under the Master Plan.
- Ms. Hannon responded property owners were bound by the requirements in an approved PD ordinance, explaining any deviations from same required an ordinance amendment.
- Ms. Fernholz inquired if the Master Plan applied only to future sales of properties.
- Mr. Austin replied the Master Plan was a vision document while the Comprehensive Plan was used for planning and the Land Development Regulations governed the specifics of development. He stated a PD was a special type of zoning with a specific site plan,

explaining the property owner was required to adhere to the approved PD ordinance regardless of any changes to the underlying zoning. He noted if a property owner desired, they could revert to the underlying zoning or amend the PD ordinance.

ADJOURNMENT

- Meeting Adjourned: 3:19 p.m.

Donna Peterman, Acting Chair

Leah Pues, Recording Secretary