

**PLANNING COMMISSION  
MEETING  
MAY 21, 2019**

**MEMBERS PRESENT:** Harvey Goldberg, Chairman  
Joseph Comeaux, Bradford Gamblin, Donna Peterman,  
Roger Peterson, Charles Thomas, Edward Weiner

**OTHERS PRESENT:** Lisa Hannon, Zoning Official  
Jason Green, Kim Devine, Larry Jaeger, Greg Ivey,  
Lou Brancaccio, John Chalifoux, Karen Starr-Brady,  
Nancy Houck, Dawn MacGibbon, Sheila Jaeger,  
Jennifer Howes, Marilyn Mizell, Patti Allen

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting
- 1. June 24, 2019

**CITIZENS COMMENTS ON AGENDA ITEMS ONLY**

- There were none.

**APPROVAL OF MINUTES**

- A. March 25, 2019
- Mr. Weiner MOVED, Ms. Peterman SECONDED approval of the March 25, 2019 minutes.  
MOTION CARRIED UNANIMOUSLY.

**QUASI-JUDICIAL PUBLIC HEARINGS**

- Mr. Goldberg reviewed the procedures for quasi-judicial public hearings and the approval criteria for special exceptions.
- Recording Secretary Welch swore in all participants.
- A. SE-01-19 – A Special Exception request by Kim Devine, Authorized Agent for 751 West Retta Esplanade FL, LLC, property owner, pursuant to Chapter 26, Section 16.8, Punta Gorda Code, to allow a Bed and Breakfast Inn, which is not located within the historic district or listed as a contributing structure, and will not be owner-occupied as required by Chapter 26, Section 4.8, Punta Gorda Code, to be located in a Neighborhood Residential 10 Units Per Acre (NR-10) zoning district as permitted by Special Exception pursuant to Chapter 26, Article 3, Section 3.7(f)(9), Punta Gorda Code; for the property addressed as 751 West Retta Esplanade, Punta Gorda, Florida.
- Ms. Lisa Hannon, Zoning Official, entered the staff report denoted in the agenda material into the record by reference. She reviewed the four criteria which must be met in order for a special exception to be approved, as well as staff's findings and

conclusions, advising staff recommended approval of SE-01-19 contingent upon conditions related to licensure, food service and signage.

- Mr. Weiner inquired as to available parking on site.
- Ms. Hannon replied the site plan reflected same.
- Mr. Weiner questioned where employees would park.
- Ms. Hannon replied service vehicles could utilize the properties' front driveway which connected Berry Street and West Retta Esplanade.
- Mr. Goldberg noted the engineer's report included in the agenda material indicated there were six parking spaces within the garage, two on-street parking spaces on Dolly Street and two on-street parking spaces on Berry Street.
- Mr. Jason Green, applicant's representative, concurred with the staff report's findings and conclusions, asserting the request met the required approval criteria. He stated sufficient parking existed for guests and workers. He then requested a recommendation of approval.
- Ms. Kim Devine, applicant, stated breakfast and a happy hour would be provided, explaining no events would be held on site. She noted she could operate a vacation rental by right; however, she believed a bed and breakfast inn was more suitable and would allow for greater regulation. She advised security would be available to address any issues at the property.
- Mr. Peterson inquired if the bed and breakfast's manager would stay on site.
- Ms. Devine replied in the negative, explaining Fisherman's Village would provide a manager.
- Ms. Peterman inquired if fewer than ten rooms could be offered.
- Ms. Devine replied ten rooms were not feasible, explaining same had been denoted in the application in order to avoid returning for another public hearing. She stated she did not believe there would be more than eight rooms. She opined guests would explore the area rather than stay confined to the property.
- Mr. Peterson inquired as to room pricing.
- Ms. Devine estimated the rate would be \$400 to \$500 a night.
- Mr. Goldberg disclosed he had engaged in ex parte communications with Mr. Larry Jaeger, submitting a copy of same into the agenda material.
- Mr. Comeaux reported he had engaged in ex parte communication with two neighboring property owners.
- Ms. Peterman stated she engaged in ex parte communication with the applicant and surrounding neighbors.

- Mr. Larry Jaeger opined the application was incomplete, questioning the effect of a commercial enterprise on neighboring properties.
- Mr. Greg Ivey reiterated the application was inaccurate and incomplete, expressing concern proper procedure was not being observed.
- Messrs. Lou Brancaccio and John Chalifoux and Meses. Karen Starr-Brady and Nancy Houck spoke against the request, stating residents were negatively impacted by commercial development in the area.
- Ms. Dawn MacGibbon voiced opposition to the request, stating same did not meet the requirements for a bed and breakfast inn in a residential district. She asserted approval would adversely impact the surrounding neighborhood.
- Ms. Sheila Jaeger opined the request did not meet the parking requirements denoted in Chapter 26, Section 4.8, Punta Gorda Code. She commented offering six rooms was more sensible than offering ten rooms.
- Ms. Jennifer Howes stated parking was already inadequate on Berry.
- Ms. Marilyn Mizell expressed concern this request would negatively impact traffic and safety near Gilchrist Park.
- Ms. Patti Allen asserted Fisherman's Village was a good neighbor to surrounding property owners, opining all parties could come to a resolution.
- Mr. Goldberg called three times for anyone else to speak on SE-01-19.
- Ms. Peterman MOVED, Mr. Comeaux SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Peterson noted many citizens were concerned about the proposed number of guest rooms.
- Ms. Devine replied she would limit the number of guest rooms to a maximum of eight.
- Ms. Peterman expressed opposition to use of the property as a vacation rental, speaking in favor of limiting guest rooms to six and parking spaces to six.
- Mr. Weiner commented the proposed room rental rate would prevent undesirable guests from renting a room.
- Mr. Goldberg noted the room rate was unrelated to the criteria for approval.
- Mr. Thomas inquired if the property owner could build a new structure with up to ten units if the request were approved.
- Ms. Hannon replied special exceptions allowed a specific use and were not tied to the structure; however, a condition of approval related to the existing structure could be included with a recommendation of approval.
- Mr. Green pointed out bed and breakfast inns were permitted within residential districts, adding the neighborhood's residential character would be maintained. He

requested a recommendation of approval.

- Ms. Devine concluded she would establish policies to ensure guests did not negatively impact the community.
- Mr. Goldberg confirmed members could recommend additional conditions of approval.
- Mr. Gamblin noted maintaining good relationships with surrounding neighbors was in the interest of the property owner, questioning if the City could prevent the property from being used as a vacation rental.
- Ms. Hannon replied the City could not do so.
- Mr. Weiner expressed concern a unique condition related to noise would be imposed upon this property.
- Mr. Thomas MOVED, Mr. Peterson SECONDED to find SE-01-19 consistent with the Comprehensive Plan and to recommend approval of this request with staff's conditions, as well as conditions to limit the property to eight guest units, to maintain the existing structures, to prohibit events and to limit the pool's hours of operation, based on the evidence and testimony presented.
- Ms. Devine stated the property could not accommodate events; however, guests who held events elsewhere could be accommodated.
- Mr. Gamblin expressed reluctance to restrict the property too heavily.
- MOTION CARRIED UNANIMOUSLY.

#### **STAFF COMMENTS**

A. CRA Status Report Update – May

- Mr. Goldberg confirmed there were no questions on the Community Redevelopment Agency Project Status Report Update for May 2019, as delineated in the agenda material.

#### **CITIZEN'S COMMENTS**

- Ms. MacGibbon asserted municipalities had the authority to regulate vacation rentals in residential areas, stating she would provide documentation of same to members, staff and City Council.

#### **ADJOURNMENT**

- Meeting Adjourned: 3:29 p.m.

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Harvey Goldberg, Chairman

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Sara Welch, Recording Secretary