TO: Members of the Punta Gorda Planning Commission

FROM: Teri Tubbs, Zoning Official/Urban Design Manager

DATE: February 27, 2017

RE: Z-01-17 – 321 West Retta Esplanade

Summary Information

AN ORDINANCE OF THE CITY COUNCIL OF PUNTA GORDA, FLORIDA, REZONING 24,118 SQUARE FEET OF PROPERTY, GENERALLY DESCRIBED AS 321 WEST RETTA ESPLANADE, PUNTA GORDA, CHARLOTTE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO, FROM ITS CURRENT ZONING CLASSIFICATION OF NEIGHBORHOOD RESIDENTIAL (NR-10) TO CITY CENTER (CC); PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A proposed rezoning from Neighborhood Residential (NR) to City Center (CC) has been received, and the following findings can be drawn from the information submitted. The use declared by the applicant for consideration is for a restaurant.

Findings

The following findings can be drawn concerning this request for a rezoning. These findings are based upon the information submitted by the applicant attached herein, and upon the written provisions of the Punta Gorda City Code pertaining to this type of request.

Finding #1: Bruce Laishley, Agent for owners Don Horn and Federico Zuccarelli, has proposed a zoning amendment for 321 W. Retta Esplanade, from Neighborhood Residential (NR-10) to City Center (CC).

Finding #2: Per requirements, the proposed zoning amendment has been noticed in the newspaper 15 days in advance of the public hearing held today.

Finding #3: A notice of public hearing sign was posted on the subject property 15 days prior to this meeting, as required by law.

Finding #4: Property owners within two hundred feet of the property lines have been noticed, as well as notice has been published in a newspaper of general circulation.
Finding #5: When pertaining to the rezoning of land, the recommendations of the Planning Commission to the City Council required by subsection 26-15.5 shall show that the Planning Commission has studied and considered the proposed change in relation to the following, where applicable:

1. Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the comprehensive plan;
   
   This request is consistent with the City's comprehensive plan. No negative effects are anticipated.

2. The existing land use pattern;

   The surrounding Zoning designations are as follows:
   
   North: City Center and Public  
   South: Public and Neighborhood Residential  
   West: Neighborhood Residential  
   East: Public

3. The population density pattern and possible increase of overtaxing of the load on public facilities such as schools and utilities;

   The proposed use is a restaurant, therefore there will be no negative effect on the schools or utilities.

4. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;

   The property is bounded by property zoned City Center to the North, with a hotel and restaurant use, City Hall and other government/office uses to the Northeast and South and by one single-family residence to the South. To extend the City Center zoning across W. Retta Esplanade is a logical rezoning.

5. Whether changed or changing conditions make the passage of the proposed amendment necessary;

   The structure has been vacant since 2004 as the property owners have moved out of the immediate area. The rezoning will provide opportunity for the property to be used in a logical manner.

6. Whether the proposed change will adversely influence living conditions in the neighborhood;

   No adverse conditions are anticipated by the proposed use. There is ample parking with the Public parking lot to the South of the property. The courtyard is walled in and any outdoor activity will be screened from off-site view.

7. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety;

   A traffic study was provided, and due to the location and proximity to the
existing hotel and restaurant, the proposed change will not create an excessive increase in traffic congestion or otherwise affect public safety.

8. **Whether the proposed change will create a drainage problem;**

The proposed change will not create a drainage problem. The proposed additional building for the kitchen will meet all current requirements for stormwater retention.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas;**

The proposed change will not have any effect on light or air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area;**

The proposed change will not adversely affect property values in the adjacent area.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations;**

The proposed change will not be a deterrent to the development or adjacent property.

12. **Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare;**

The proposed change will not grant a special privilege to an individual owner, but will provide the ability to use a property that has been sitting vacant for many years.

13. **Whether there are substantial reasons why the property cannot be used in accord with existing zoning;**

The property could be used as a residential dwelling in the existing zoning; however, there has been no interest by any parties to purchase the property for that use.

14. **Whether the change suggested is out of scale with the needs of the neighborhood or the City;**

The change is not out of scale with the needs of the neighborhood or the City.

15. **Whether it is impossible to find other adequate sites in the City for the proposed use in districts already permitting such use.**

While there are other adequate sites in the City for a restaurant, repurposing a contributing historic structure in the National Register District helps ensure the continued maintenance of the structure.
Conclusions

Based upon the findings presented above, the Punta Gorda Urban Design Division offers the following conclusions leading to its final staff recommendations.

**Conclusion #1**: Based upon the known factors to include use, site planning, and the availability of infrastructure, staff considers this application in order.

**Staff Recommendations**

Based upon the stated conclusions, the Urban Design Division recommends approval of Z-01-17.