

**CITY OF PALMETTO  
PLANNING AND ZONING BOARD MEETING  
DECEMBER 17, 2015 – 5:30 P.M.**

Elected Officials Present

Randy Iaboni, Chair  
Larry Denyes  
Eve Joy  
William Price, III

Elected Officials Absent

Jon Moore, Vice Chair

Staff Present

Scott Rudacille, Assistant City Attorney  
Debra Woithe, City Planner  
Kera Hill, Planning Technician  
Chief Tyler, Palmetto Police Department

**PLEASE NOTE: THERE IS NO AUDIO FOR THIS MEETING.**



Chair Iaboni called the meeting to order at 5:30 PM.

All the persons intending to address the Planning and Zoning Board were duly sworn in.

1. PLANNING & ZONING BOARD AGENDA APPROVAL

**Motion:** Mr. Price moved, Mr. Denyes second, and the motion carried 4-0 to approve the December 17, 2015 Agenda.

2. APPROVAL OF MEETING MINUTES

(TAB 1)

**Action Request:** Mr. Price moved, Mr. Denyes seconded, and the motion carried 4-0 to approve the November 3, 2015 Minutes.

3. PUBLIC COMMENT

None

4. CONDITIONAL USE PERMIT CU 2015-02 (D. WOITHE)

(TAB 2)

THIS IS A REQUEST FOR A CONDITIONAL USE PERMIT CU 2015-02 BY HOT SPINS 777, INC. LOCATED AT 1035 HASKO ROAD #102, PALMETTO, FLORIDA. HOT SPINS 777, INC. IS PROPOSING RECREATION AND AMUSEMENT SERVICES.

Presentation by City Planner, Debra Woithe

The business no longer provides internet/sweepstakes café. The business has changed to offer computerized skills games that pay in silver bars. The silver bars are said to be valued at \$25.00 and other businesses buy the silver as well. The previous conditional use permit was for the building that consisted of 870 sq. ft. The business has expanded and is operating in about 2,700 square feet. Along with the square footage increase, the computer stations also increased to about 50, which in return create a concern for a higher demand of parking. There was a recent robbery at the business and other incidents that have happened in the strip mall in recent years.

Discussion ensued regarding safety concerns, such as curtains covering the windows that do not allow you to see into the business. Mr. Denyes stated that is a red flag to him to have curtains on the windows. Mrs. Woithe stated that per City code all sites for recreation and amusement services uses shall front on a principal arterial roadway. The property does not front on a principal arterial roadway, however an adjacent property does (10<sup>th</sup> Street West) and the subject property is approximately 215 feet from 10<sup>th</sup> Street West.

Mrs. Woithe informed the Board that given the safety concerns, this conditional use request appears to be inconsistent with the future land use element of the City of Palmetto's 2030 Comprehensive Plan regarding public health, safety, order and comfort.

It is staff recommendation to deny the Conditional Use, but Mrs. Woithe stated that in the event the Conditional Use was approved; some stipulations for approval are detailed in the staff report.

Phalla stated she is leasing the adjacent unit, previously used as a nail salon. The business wasn't doing well, and her landlord wouldn't allow her to break her lease. Phalla stated the two units were combined together, creating one unit. Hot Spins is now operating in about 2,700 square feet.

Phalla stated that business was closed for eight months and during the renovations is when she was robbed. The business recently reopened. Most customers come by bus, sometimes with four or five people in a car at a time. There are 50 computers at the location and when asked if she could reduce the number of computers, she stated that the software company she uses requires her to have that amount of computers. Previously they paid customers with cash, now they pay in the silver bars.

When asked by the Board why Phalla didn't call the police when the robbery occurred, her response was that she didn't have any phones, internet or cable at that time. Phalla stated that the customers will pay her and she in returns gives them a running credit, which sometimes can take a few hours to use up. She often gives food away to the customers.

Lex's Automotive sometimes gets an overflow of parking during nights and weekends. Mrs. Woithe suggested having a possible agreement with the other business owners to address the overflow of parking.

Chair Iaboni recommended the parking calculations be noted going forward.

Mr. Denyes had some concerns with the adjacent Walmart and that someone could walk in the back of this business. There is decent lighting in the rear of the business but near Walmart the lighting is poor.

Chief stated that leaving the back door open is very concerning.

It was mentioned that the back door was open during the day of the robbery.

Chief stated that these types of businesses are easy targets for robbery. Chief explained that working with the applicant and the recommendations of the Planner could help with the concerns at hand.

Chief mentioned that there is surveillance inside, but not on the outside. It was stated that there is state statute for us not requiring surveillance.

Chair Iaboni inquired if officers could be required on site; Attorney Rudacille stated possibly.

Mr. Price stated that many businesses have been closed down in Manatee County, that were used as gambling franchises. He has concerns that the police department will have to supervise this business, possibly too much. Attorney Rudacille stated that the business will have to follow the state laws. The state and the Chief would inspect to insure that this is not a gambling business.

Chief stated that he doesn't oppose the business, as long as it's lawful. He has concerns of the security but that the recommendations by staff would allow the applicant to work with the police department to ensure safety.

Ms. Joy recommended an expiration of one year for the conditional use permit.

**Motion: Ms. Joy moved, Mr. Denyes seconded, and the motion carried 3-1 to recommend approval based upon the evidence presented and finding the request to be consistent with the Comprehensive Plan and the Code of Ordinances of the request for CU-2015-02. Chair Iaboni denied the request. The Board recommends allowing the use for twelve months (12) and with the stipulations detailed in the Planner's staff report.**

5. Old Business

None

6. New Business

None

7. Adjournment

6:55 PM

Minutes were approved on: February 18, 2016 by the Planning and Zoning Board