

BOARD OF COUNTY COMMISSIONERS - LAND USE HEARINGS

JULY 15, 2008

Land Use Public Hearings were held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman D'Aprile, Commissioner Duffy, Commissioner Moore, Commissioner Cummings, and Commissioner Loftus. Also in attendance were Assistant County Attorney Browne, County Administrator Baltz, Executive Assistant Dillon, and Deputy Clerk Manley. The following members were absent: None. The meeting was called to order at 9:00 AM, followed by the Pledge of Allegiance.

Changes to the Agenda: None

A. PLANNING AND ZONING AGENDA (Proofs of Publication were in order for all petitions.)

1. Revisions to ECAP Zoning District-Legislative-Commission District II An ordinance amending Chapter 3-9, Article II, Section 3-9-51, Enterprise Charlotte Airport Park (ECAP) Zoning District; amending permitted principal uses and structures; amending permitted accessory uses and structures; amending conditional uses/special exceptions; amending design and development standards; amending site plan approval process for developments within the district; providing for conflict with other ordinances; providing for severability; providing for an effective date. Applicant: Charlotte County Board of County Commissioners. Recommendation: Growth Management Department: Approval - Planning and Zoning Board: Approval (Ordinance 2008-055)

Inga Williams advised this is the second public hearing, noted it is an adoption hearing; mentioned the old staff report and document attached to the report was incorrect; advised the Ordinance is correct; provided a detailed description of revisions made by page number; explained the changes also included those submitted by Attorney Geri Waksler; and commented on the revisions.

Chairman D'Aprile questioned buffers and Ms. Williams clarified wall, berm, and buffer type requirements. **Chairman D'Aprile** asked if this was approved by the people involved. Ms. Williams replied affirmatively.

Attorney Rob Bernsson indicated they had worked closely with staff, support the changes, and advised a Settlement document would be forthcoming from the Charlotte County Park of Commerce Attorney after approval.

Attorney Geri Waksler spoke on behalf of Southwest Land Developers, indicated support of the changes, suggested the Board review other changes, and requested approval.

Bruce Laishley spoke in support of the changes, thanked staff, and opined this will encourage economic development into the County.

COMMISSIONER MOORE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.

Chairman D'Aprile thanked all those involved and stated the importance of economic development.

COMMISSIONER LOFTUS MOVED TO APPROVE REVISIONS TO ECAP ZONING DISTRICT (ORDINANCE 2008-055), SECONDED BY COMMISSIONER DUFFY.

Commissioner Moore commented he has great confidence in those involved, said he is convinced the changes were needed, and expressed dissatisfaction in the briefing.

Motion Carried 5:0.

2. PA-08-04-25 - Legislative - Commission District III
An Ordinance pursuant to Section 163.3187(1)(C), Florida Statutes, adopting a Small Scale Plan Amendment to the Charlotte County Future Land Use Map from High Density Residential to Parks and Recreation, for property located north of Oyster Creek, northeast of Lemon Bay, and west of Placida Road (C.R. 775), in the Englewood area, Florida, containing 1.75± acres; Commission District III; Petition No. PA-08-04-25; Applicant: Charlotte County Board of County

Commissioners. Recommendation: Growth Management Department:
Approval - Planning and Zoning Board: Approval
(Ordinance 2008-056)

Jeffrey Crimer paralleled the packet material with a presentation of the petition, provided ownership information, location, reason for the change, and additional detail.

Commissioner Moore asked if this was still owned by the Conservancy. Mr. Crimer replied affirmatively but explained Parks and Recreation would administer it as part of the park. Commissioner Duffy expressed confusion related to the location and ownership. Laura Kleiss Hoeft gave a brief history of the parcel and explained requirements, ownership, and contract information. Commissioner Loftus asked if it would reduce residential units. Mr. Crimer answered affirmatively.

COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

COMMISSIONER MOORE MOVED TO APPROVE A SMALL SCALE PLAN AMENDMENT TO THE CHARLOTTE COUNTY FUTURE LAND USE MAP (ORDINANCE 2008-056), SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

3. Z-08-04-24 - Quasi-Judicial - Commission District IV An Ordinance pursuant to Section 125.66 and 166.41, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Single-family 3.5 (RSF-3.5) to Commercial General (CG), for property located at 1250 Hillcrest Avenue, in the Port Charlotte area, containing 0.25± acres; Commission District IV; Petition No.Z-08-04-24; Applicant: Curt Cumming. Recommendation: Growth Management Department: Approval - Planning and Zoning Board: Approval (Ordinance 2008-057)

(Chairman D'Aprile polled the Board for ex-parte disclosure and there was none. Deputy Clerk Manley administered the oath.)

Jeff Crimer presented the petition which paralleled the packet material, explained the location and zoning, commented on the

purpose for the change, and advised staff and Planning and Zoning (P & Z) recommended approval.

Jennifer Meyer gave a brief history of the property and spoke on behalf of the petitioner in support of approval.

COMMISSIONER MOORE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE AMENDMENT TO THE CHARLOTTE COUNTY ZONING ATLAS (ORDINANCE 2008-057), SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

4. SV-08-04-11 - Legislative - Commission District III Michael Alexander has applied for a Street Vacation to vacate Wharf Avenue, a 40 foot right of way, between the south 1/2 of Lot 3 (currently known as P-1) and Lot 6 of Block 2 and Lots 4 and 5 of Block 95 of the W.A. McElya's Subdivision of Little Gasparilla Island as recorded in Plat Book 1, Page 11 of the Public Records of Charlotte County, Florida. The site, consisting of 0.137 acres, more or less, is located north of King Street and south of Marsh Street, in Section 15, Township 42, Range 20, in Commission District III. Recommendation - Building Construction Services Department: Approval Planning and Zoning Board: Approval (**Resolution 2008-076**)

Barbara Jeffries presented the petition request for a street vacation on behalf of Michael Alexander, advised Mr. Alexander was present and had since purchased the adjacent property, provided a brief history of the parcel, and advised staff and P & Z recommended approval.

COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DUFFY.

Motion Carried 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE A STREET VACATION TO VACATE WHARF AVENUE, (RESOLUTION 2008-076), SECONDED BY COMMISSIONER DUFFY.

Motion Carried 5:0.

Commissioner Comments:

Chairman D'Aprile commented during any election there is the possibility that the Sunshine Law could be violated, announced three Commissioner's would be attending the Curmudgeons Club meeting on July 23, 2008, and noted he was assured they would be in compliance with all Sunshine Law requirements. **Commissioner Loftus** advised the meeting would be recorded. **Commissioner Duffy** asked compliance questions. **Commissioner Cummings** asked if the minutes would be approved by the Board of County Commissioners and if County staff was required to take minutes. **Chairman D'Aprile** opined it would be a good idea to have staff take minutes. **Commissioner Moore** remarked his understanding was that this was a Meet and Greet type meeting being held at the Cultural Center and asked for confirmation of the meeting format. **Commissioner Duffy** said she has attended several of these meetings in the past, advised they adhere to the Sunshine Laws, and mentioned notes were taken by staff. **Commissioner Cummings** explained the Board was not required to approve the meeting agenda and noted Board approval was only needed for the minutes. Attorney Knowlton confirmed the minutes did need to be taken, promptly approved by the Board, and advised the statute does not state who is required to take the minutes. **Commissioner Cummings** suggested a trained person take the minutes. Board consensus approved a staff member be assigned the duty. Attorney Knowlton confirmed she would follow-up.

Commissioner Moore announced he is looking for support from two additional Commissioners; advised Rotonda residents are being disturbed by solicitors late at night; stated the current ordinance requires a permit but does not specify detail on when solicitations are allowed; asked for approval to ask the County Legal Department (Legal) to find a solution; and opined Legal could bring their suggestions back to the Board. **Commissioner Loftus** asked if it was related to political solicitation and was advised it was religious related and salespeople, not political. **Commissioner Loftus** said he would provide his support. **Chairman D'Aprile** said he would also support it. **Commissioner Cummings** agreed it is a nuisance and expressed he is not comfortable with that level of regulation. **Commissioner Duffy** also expressed her support and suggested they consider time restrictions.

Book 66, Page 821
July 15, 2008

Commissioner Duffy asked if any other Board members were attending a Town Hall meeting at the Cultural Center the following evening, was advised they were not, and opined it appeared there would be no conflict or violations.

ADJOURNED: 9:50 AM

Signature on file in Commission Minutes
Chairman

ATTEST:

BARBARA T. SCOTT, CLERK
OF THE CIRCUIT COURT AND
EX-OFFICIO TO THE BOARD
OF COUNTY COMMISSIONERS

By: Signature on file in Commission Minutes
Deputy Clerk

JL