

BOARD OF COUNTY COMMISSIONERS - LAND USE HEARINGS

SEPTEMBER 16, 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, and Deputy Clerk Lansing. 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 (Proof of Publications were in Order.)

1. PA-08-05-29-LS Legislative Commission District IV

Pursuant to Section 163.3184(3), Florida Statutes, transmit a large Scale Plan Amendment to the Department of Community Affairs for an Objections, Recommendations, and Comments report, the request is to amend the Charlotte County 1997-2010 Comprehensive Plan to: 1) expand the Urban Service Area including approval of an increase in density per the Transfer of Density Units ordinance; 2) change the Future Land Use Map from Preservation, Public Lands & Facilities, Commercial Center, Commercial Corridor, Recreation Vehicle Park, and Low Density Residential to Compact Growth Mixed Use Type 1; 3) add an appendix to the Future Land Use Element to declare a base density, a maximum density and maximum FAR to which the desired project will be developed; for property located east of SR 766 and CR 771, north of Delamere Boulevard and Marathon Boulevard, west of Butterford Waterway, and south of the Myakka River, in the Englewood area, containing 1,187± acres; Commission District IV; Petition No. PA-08-05-29-LS; applicant: Dennis Fullenkamp. Recommendation: Growth Management Department: Approval of Transmittal to the Department of Community Affairs, Planning and Zoning Board: Approval

Matt Trepal, Growth Management, explained the purpose for the transmittal hearing, used visual slides to parallel packet material, described zoning, designations, location, pointed out parcels not included in the Amendment, advised the vacant land is currently being overgrown by plants which has reduced its value as preservation land, discussed the proposed amendment in detail, and advised staff recommendation was to approve.

Commissioner Cummings clarified normally we require Transfer of Density Units (TDUs) up front; noted in this case, annotations will be put in to allow the TDUs after the Planned Development (PD) is done, and stated in exchange for the delay, the land owner is accepting another annotation agreeing not to request more density than the limits previously described. Mr. Trepal answered affirmatively.

Commissioner Duffy asked about access to the County water plant. Attorney Berntsson explained access would not be negatively affected in any way and noted the possibility of a mutually agreed upon road in the future.

Attorney Berntsson opined this is an exciting new concept for Charlotte County, said they have been working on this in anticipation of the land use adoption which occurred last week, explained everything that is approved in this Land Use Amendment is already on the Land Use Map, noted land use and zoning is in place, mentioned development could occur with permits and would not require any additional hearings, explained mixed use and density, pointed out preservation and wetlands on the visual slides, opined this will offer something unique to West County where residents will have many designations in one area where they can work, live, and play, and requested approval.

Gary Bayne spoke in favor of this project, discussed smart growth, the 20/50 plan, and expressed hope that it would be approved.

Karen Price spoke on behalf of the residents of South Gulf Cove and in favor of the plan, opined this is a smart idea and will be an asset for Charlotte County, expressed concern with the waterways, and asked the Board to look into that as they move forward.

Bruce Laishley spoke in favor of the project and commended the applicant.

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

Motion Carried 5:0.

Attorney Berntsson respectfully requested approval and asked for Board support.

Commissioner Moore opined the project is impressive, questioned if the developer is planning to address the intersection of 771 & 776, asked about the other parcels not included, brought up water and reuse, and noted he did not see any parks. Attorney Berntsson said they will have the opportunity to address the intersection during planning, noted preliminary discussions with staff in the past, opined the better the intersection works for the Community, the better it is for the project, advised the other parcels are primarily residential and County property, and said there will be public areas, parks, and environmental areas.

Commissioner Duffy asked about existing density and whether there would be a reduction in plated lots. Attorney Berntsson and Mr. Trepal provided detailed answers. **Commissioner Cummings** commented they will count toward the reduction now but said more would come back with the PD, opined this is a good project, suggested they look for alternative access for Village of Holiday Lakes and South Gulf Cove.

COMMISSIONER CUMMINGS MOVED TO APPROVE TRANSMITTAL OF PETITION NO. PA-08-05-29-LS, A LARGE SCALE PLAN AMENDMENT, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Loftus thanked staff and the developer for this project and opined it will be an asset to West County. **Commissioner D'Aprile** commented this is the kind of development needed in our County and thanked all involved.

Motion Carried 5:0.

2. PA-08-05-30-LS Legislative Commission District III and IV

Pursuant to Section 163.3184 (3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Community Affairs for an Objections, Recommendations, and Comments report; the request is to amend the Transportation Element of the 1997-2010 Charlotte County Comprehensive Plan, by the addition of 1) a map identifying those roadways designated as the Lemon Bay/Myakka Trail Scenic Highway, 2) corresponding language adding discussion of this designation to Chapter 2 Section III, and 3) a new Objective and Policy supporting the efforts of the Scenic Highway Corridor Management Entity; Commission District III and IV; Petition NO. PA-08-05-30-LS; Applicant: Charlotte County Board of County Commissioners. Recommendation: Growth Management Department: Approval of transmittal to the Department of Community Affairs, Planning and Zoning Board: Approval

Martina Kuche, Growth Management, introduced the County's first proposed Scenic Highway, stated staff was requesting transmittal of a Large Scale Plan Amendment, noted the request to amend the Comprehensive Plan by adding a map identifying the Scenic Highway, including descriptive Narrative, Objective and Policy. Ms. Kuche provided designation history, proposed parks to be included, an activities timeline, discussed partnership opportunities and volunteer activities, noted this transmittal is the final step in the designation process, and advised staff recommended approval.

Chairman D'Aprile announced this is a Public Hearing and invited citizens to speak.

Bret Clark, Scenic Highway Volunteer, mentioned this is a volunteer effort and expressed the hope that more citizens step up and get involved.

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

Motion Carried 5:0.

COMMISSIONER MOORE MOVED TO APPROVE TRANSMITTAL OF PETITION PA-08-05-30-LS, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

3. Revisions to U.S. Zoning District Overlay (Boundary only)
Legislative Commission District IV and V

An ordinance amending Charlotte County Code, Section 3-9-52, U.S. 41 Zoning District Overlay, extending the existing U.S. 41 Zoning District Overlay boundary to include property located at 525 Bowman Terrace, and properties located south of Brinson Avenue, northeast of Tamiami Trail (U.S. 41), east of Sunrise waterway and west of Elkcam Waterway, in the Port Charlotte area; Commission District IV and B; applicant: Charlotte County Board of County Commissioners. Recommendation: Growth Management Department: Approval, Planning and Zoning Board: Approval
Ordinance 2008-082

Jie Shao, Growth Management, explained this petition was heard last Tuesday, noted this is the second hearing for adoption of the request, pointed out the proposed expansion overlay on the visual slide, advised staff recommends approval, and offered to answer questions.

Attorney Berntsson noted the next item is contingent on approval of this one and strongly encouraged approval.

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

Motion Carried 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE REVISIONS TO U.S. 41 ZONING DISTRICT OVERLAY (BOUNDARY ONLY) ORDINANCE 2008-082, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

4. PA-08-07-32 Legislative Commission District V

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 Commercial Corridor to US 41 Overlay Mixed Use, for property located at 2500 Aaron Street, in the Port Charlotte area, Florida, containing 3.24± acres; Commission District V; Petition No. PA-08-07-32; Applicant: 250 Aaron, LLC. Recommendations: Growth Management Department: Approval, Planning and Zoning Board: Approval
Ordinance 2008-083

Tom Scott paralleled the material with a presentation of the proposed ordinance, discussed the purpose of the amendment, noted minimal impact to local residents, and recommended approval.

Attorney Berntsson thanked staff for their support, discussed the location and proposed facility, and again requested approval.

Commissioner Duffy asked for detail of the proposed facility location. Attorney Berntsson responded.

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

COMMISSIONER MOORE MOVED TO APPROVE PETITION NO. PA-08-07-32, ORDINANCE 2008-083, SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.

5. PA-07-11-88 Legislative Commission District V

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 Medium Density Residential to Parks and Recreation, for property located at 4368 and 4336 Lister Street, or 4399 and 4331 Willow Street, in the Port Charlotte area, Florida, containing 6.3± acres; Commission District V; Petition No. PA-07-11-88; Applicant: Charlotte County Board of County Commissioners. Recommendation: Growth Management Department: Approval, Planning and Zoning Board: Approval
Ordinance 2008-084

Ms. Shao paralleled a detailed description of the proposed amendment to the Future Land Use Map (FLUM) with a visual presentation, said the change will eliminate approximately 30 density units within the coastal high hazard area, and noted staff recommends approval.

Commissioner Duffy asked if there is access to this property. Laura Kleiss-Hoeft, Director of Parks and Recreation, explained two access points, said they have a formal agreement with the YMCA, and described the agreement. **Commissioner Duffy** asked for

additional clarification, wondered if this will be another park in the future, opined the County does not need another park, and commented that this property is owned by the County and could be sold instead.

Chairman D'Aprile asked what the advantages to this change are. Ms. Kleiss-Hoeft advised it is to meet the Comprehensive Plan, future land use and zoning, and indicated it is an umbrella to protect the use of the land in the future.

Commissioner Duffy expressed concern that this is to assure the property will remain a park, stated she does not agree with another park, and opined it could be sold and used as a revenue source. **Commissioner Moore** asked if **Commissioner Duffy** would prefer it be zoned residential medium density, noted we own the property, can do whatever we want with it, and opined this is just cleaning up the Comprehensive Plan. **Commissioner Loftus** explained his understanding is that half of the property is zoned Residential Multi-Family-10 (RMF10), the other half is Environmentally Sensitive Land that can not be build on, noted this has been in the works for over 10 years, agreed this is just clarifying the usage, and opined they should move forward. **Commissioner Cummings** explained the FLUM is out of balance, noted too much residential and not enough of other zoning categories, and opined it is better to keep it in our inventory and not purchase more expensive land later.

Robert Blake said there are many homeless living behind Edgewater Village, said his condo association asked that a fence be put up, advised that is where Roy Carter was found dead, noted cars driving back there at night, and requested the area be cleaned up.

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

COMMISSIONER LOFTUS MOVED TO APPROVE PETITION NO. PA-07-11-88, ADOPTING A SMALL SCALE PLAN AMENDMENT TO THE CHARLOTTE COUNTY FUTURE LAND USE MAP, ORDINANCE 2008-084, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

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September 16, 2008

ADJOURNED: 10:03 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