

BOARD OF COUNTY COMMISSIONERS - LAND USE HEARINGS

DECEMBER 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 Duffy, Commissioner Loftus, Commissioner Skidmore, and Commissioner Starr. Also in attendance were Assistant County Attorney Browne, County Administrator Baltz, Executive Assistant Dillon, and Deputy Clerk Lansing. The following members were absent: Commissioner Cummings.

The meeting was called to order at 9:00 AM followed by the Pledge of Allegiance.

CHANGES TO THE AGENDA:

Change#1: Planning and Zoning Agenda Item C-2 (Requested by Growth Management) - NC-08-10-03- Recommendation: Changed to Denial.

Addition#1: Regular Agenda Item B-2 (Requested by the Attorney's Office) Surety bond for Supervisor of Elections Paul Stamoulis.

Addition#2: Regular Agenda Item B-3 (Requested by Growth Management) Requested Motion/Action: Deny - SV 08-03-09 - Petition for Street Vacation to vacate Plaza Parkway and 2 alleys in Harbor Heights, Section 5 subdivision.

Mr. Baltz apologized for adding this item to the agenda due to staff oversight, noted it should have been on the December Regular Agenda, and explained he wanted to give the Board the option of addressing it today.

Commissioner Skidmore stated he is in agreement with Addition #1, expressed his discontentment with receiving Addition #2 backup information yesterday at 10:00 AM, noted he has not had the opportunity to review the packet information, and expressed opposition to addressing it today.

COMMISSIONER LOFTUS MOVED TO APPROVE ALL CHANGES TO THE AGENDA EXCEPT ITEM B-3, SECONDED BY COMMISSIONER SKIDMORE.

Chairman Duffy reminded the Board that the applicants have waited a very long time to be heard and were advised they would be on the Agenda. Commissioner Skidmore apologized but explained it is his duty to review all information and expressed his dissatisfaction in receiving the information packet at the last minute. Commissioner Starr said this has been going on for a long time, mentioned receiving the packet information at the same time as Commissioner Skidmore, noted meeting with the applicant yesterday, and stated he is in favor of moving forward. Commissioner Skidmore indicated he would be deeply upset if they moved this item forward when staff was directed in September to put it on the December Agenda and said he is not happy and unable to vote on it today. Chairman Duffy commented she is not happy either but stated delaying further is not fair to the applicant and said they need to be sure this does not happen again in the future.

Motion Failed 2:2. Chairman Duffy, and Commissioner Starr opposing.

ABSENT: Commissioner Cummings.

COMMISSIONER LOFTUS MOVED TO APPROVE CHANGES TO THE AGENDA AS READ INTO THE RECORD, SECONDED BY COMMISSIONER STARR.

Motion Carried 3:1. Commissioner Skidmore opposing.

ABSENT: Commissioner Cummings.

A. CONSENT AGENDA

1. Recommended Action: Approve a resolution and accompanying covenant adopting a Certification of a Sending Zone, petition #CSZ-08-10-01 for Patricia Swindle and Mark Roebuck. (RES2008-156)

Inga Williams provided detail related to the proposed Resolution and Certification of a Sending Zone in East County, provided detail, and explained it will remove 1546 units of density.

COMMISSIONER LOFTUS MOVED TO ENACT RESOLUTION 2008-156 AND ADOPT A CERTIFICATION OF A SENDING ZONE, PETITION #CSZ-08-10-01, SECONDED BY COMMISSIONER STARR.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

B. REGULAR AGENDA

1. Recommended Action: Discussion and direction on Local Preference as it related to the Request for Proposal Process.

Kim Corbett, Purchasing Director provided detail related to Regular Agenda Item B-1, gave a timeline of events to date, and explained the modifications made.

Commissioner Skidmore thanked Ms. Corbett for her dedication to this item, noted its importance to increase local economic development, and commented on residency. Commissioner Loftus agreed.

Peter Craig Taylor spoke on local preference, expressed surprise that the Board sees no difference with a headquarters office and a satellite office, discussed the point system, and noted headquarter offices support the community by paying property taxes, employing local citizens, donating to local charities, and by supporting our educational system.

Peter Van Buskirk commended staff and his fellow consultants for their part in moving this forward and mentioned the importance of satellite offices.

Gary Baine agreed with Mr. Taylor and gave reasons why they need to separate headquarters and satellite offices.

Dorian Popescu agreed with Commissioner Skidmore comments, discussed his company and their residencies, and opined the need to reward companies who have employees who live and work in the County.

Charlotte Ventola opined the issue should be that the people are working here, not if the office is a satellite or headquarters.

Todd Rebol noted the passion involved with this process, noted they have identified the goal, said staff has worked very hard, said companies should be rewarded for working in Charlotte County, opined trying it first, and urged approval now.

Bill Steves commended Ms. Corbett and agreed with **Commissioner Skidmore**.

Douglas Tucker commended the team for the Local Preference framework already set, expressed concern with the 5 point difference between headquarters and satellite offices, stated that small difference could make or break a contract, and opined we must do everything we can to bring in business and companies.

Mike Bell commended staff, said whatever we do will be better than doing nothing, described his office, and said the 5 points are relative to his company.

Commissioner Starr said staff did a great job and opined we can test this, see how it works, and make adjustments later.

COMMISSIONER STARR MOVED TO APPROVE LOCAL PREFERENCE AS PRESENTED BY STAFF, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

2. Surety bond for Supervisor of Elections Paul Stamoulis.

COMMISSIONER SKIDMORE MOVED TO APPROVE SURETY BOND FOR SUPERVISOR OF ELECTIONS PAUL STAMOULIS, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

3. Deny SV 08-03-09 - Petition for Street Vacation to vacate Plaza Parkway and 2 alleys in Harbor Heights, Section 5 subdivision (Requested by Growth Management) (**RES2008-155**)

Barbara Jeffries pointed out the location, described the item in great detail, paralleled the presentation with visual slides and packet material, talked about the drainage issues, and provided reasons why staff is recommending denial.

Commissioner Starr asked for confirmation of lot ownership. Ms. Jeffries responded and pointed out detail on the visual slides. **Commissioner Skidmore** questioned the access issue and the reason for denial since the applicant owns all of the lots. Ms. Jeffries explained the road frontage regulations. **Chairman Duffy** asked why this is taking so long. Ms. Jeffries said the project has been held up by the applicant and provided detail. Attorney Waksler said this matter was continued from a hearing held on September 9, 2008, explained the issues in detail and provided a timeline of events, was disturbed that this is being brought up at the last minute, and introduced the applicant.

Martin L. Rietveld said the street vacation should stand for itself, noted he has invited staff to view the property, accused Ms. Jeffries of lying about a retention pond, indicated there has been many lies, noted he has tried to do a lot for the property and provided the history and timeline of what has and will be done to date, talked about drainage, zoning, water flow, and Southwest Florida Water Management District (SWFWMD) site inspections, suggested they conduct a line and grade, and stated the street vacation is needed.

Attorney Waksler said this issue is only a request for a street vacation, explained there was no public opposition, and respectfully requested the street vacation.

Commissioner Starr commented he visited the property on Sunday morning, described an older building sitting empty unable to secure a CO, said we are losing \$6,000 in tax revenue annually, saw the drainage ditch and a nice retention pond, noted no water sitting on the property, opined a substantial amount has been spent on staff time and by the applicant, said they need to be more business friendly, and recommended approval to vacate the property.

Jerry Fehr opined 90% of County staff has changed over the years since this issue began and urged the Board to allow the street vacation.

Jeff Crocker spoke on Harbor Heights zoning, commented on property he purchased and was unable to use for his boat repair business due to the present zoning, and suggested updating the land use to allow growth in the area.

Brenda Berdnik indicated she is a residential and commercial property owner in the area, urged the Board to vote in favor of the street vacation, and opined the area is an eyesore and CI zoning would be an enhancement.

Douglas Lee expressed his support, read two letters which also spoke in support of the street vacation, opined this will help increase business development and growth in Harbor Heights, commented that nobody knows the area or where their park is, said Mr. Rietveld is part of the solution, and urged the Board to vote in favor of the vacation.

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

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

COMMISSIONER STARR MOVED TO ENACT RESOLUTION 2008-155 AND APPROVE PETITION SV 08-03-09 FOR STREET VACATION, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Loftus seconded for discussion, said he is upset that staff has now come in discussing other issues, indicated the petition is strictly a request for street vacation not a plat vacation, opined the need to work with the business community, commented he had an issue with stormwater drainage in September, noted testimony advised SWFWMD has since approved, and stated the need to move forward with a Community Plan.

Chairman Duffy agreed with Commissioner Loftus, commented that this Board demands that we are open for business, said the County has to support citizens that have tried to do the right thing, and indicated she was in favor of the vacation. Commissioner Skidmore opined property rights are the most important right we have as citizens; said he is sorry for the treatment this applicant has received this far; said if we are open for business, we need to be sure this does not happen again; expressed hope that he will never receive late information

in the future; and stated he is proud to support this street vacation.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

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

1. NC-08-07-02 Legislative Commission District II Charlotte County Growth Management Department, Addressing Section, has applied to re-name a portion of one street in Punta Gorda Isles Subdivision. The street to be re-named is more particularly described as a portion of Jaurez Circle beginning at the junction of Alicante Drive running southerly, then westerly and finally northerly Zemel Road to Juarez Circle. The aforementioned street is located in Punta Gorda Isles Subdivision, as recorded in Plat Book 8, Page 27B, of the Public Records of Charlotte County, Florida. These streets are located in Section 29, Township 42 South, Range 23 East, in Commission District II. Recommendation: Growth Management Department: Denial Planning and Zoning Board: n.a. (RES2008-157)

Maggie Bartley, Land Information Supervisor provided detail and history related to the re-naming which paralleled the slide presentation.

Tom Kee commented there are no such words in any language which begin with JAU, presented the original survey which spelled it correctly, and requested the Board allow the name to be corrected to Juarez.

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

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

COMMISSIONER SKIDMORE MOVED TO ENACT RESOLUTION 2008-157 AND APPROVE PETITION NC-08-07-02, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

2. NC-08-10-03 Legislative Commission District I
Charlotte County Growth Management Department, Addressing Section, has received a request from Sheila Jerrom to re-name a portion of one street in a Port Charlotte Subdivision. The street, more particularly described as the northern portion of Loveland Blvd. commencing at the intersection of Veterans Blvd., running southerly, to Lot 0029, Block 2247, Section 020, PCH Subdivision, has been requested to be renamed to Pinner Road. The aforementioned street is located in Sections Fifteen, Twelve and Twenty of Port Charlotte Subdivision, as recorded in Plat Book 5, Page 4B, 4E, 1B, 1C, 10A, and 10F, of the Public Records of Charlotte County, Florida. This street is located in Sections 01, 12, 13 and 24, of Township 40 South, Range 22 East and Sections 06, 07 and 18, Township 40 South, Range 23 East, in Commission District I.

Maggie Bartley, Land Information Supervisor provided location detail and information related to the re-naming request which paralleled the slide presentation.

Commissioner Starr asked for the number of homes on the street. Ms. Bartley stated there were 165 of which 107 are developed.

Sheila Jerome congratulated the two new Commissioners, provided history related to the proposed name change, and asked the Board to deny the request.

Douglas Tucker opined the solution would be to mark the sections Loveland North and Loveland South.

Gilbert Bingaman spoke in opposition, opined no problems in the past, indicated it will be expensive to property owners who need to make the changes on their personal paperwork and deeds, and asked the Board to vote against.

Johanna Kelly discussed the history of Loveland Boulevard and requested denial of the name change.

An unidentified representative of the Loveland Courtyards Condominium Association provided a petition of signatures opposed to the name change.

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

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

COMMISSIONER LOFTUS MOVED TO DENY PETITION NC-08-10-03 TO RE-NAME THE NORTHERN PORTION OF LOVELAND BLVD., SECONDED BY COMMISSIONER SKIDMORE.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

3. PA-08-08-35 Legislative Commission District II An Ordinance pursuant to Section 163.3187(1)(C), Florida Statutes, for an amendment to the Future Land Use Map of the Charlotte County Comprehensive Plan from Low Density Residential to Commercial Center, for property located north of Dundee Road, south of US 17, east of Kentucky Avenue and west of Minnesota Avenue, in the Punta Gorda area; containing 1.9± acres; Commission District II; Petition No. PA-08-08-35; applicant: J & M Enterprise LLC. Recommendation: Growth Management Department: Denial Planning and Zoning Board: Approval (ORD2008-096)

Matthew Trepal described Petition PA-08-08-35 and its companion rezoning Petition Z-08-08-36 which paralleled the packet material and visual slides.

(Deputy Clerk Lansing administered the oath to prospective witnesses.)

Commissioner Starr stated his understanding related to the history of the property and its applicant and asked for additional clarification. Mr. Trepal explained the land use and zoning further. Chairman Duffy said the property was commercial when he bought it and indicated the zoning changed to residential shortly after that.

Jeff Crocker provided handouts which paralleled his presentation, thanked staff and the Planning and Zoning Board for their support, described a timeline of his situation, and explained his future intent.

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

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

COMMISSIONER SKIDMORE MOVED TO ENACT ORDINANCE 2008-096 AND
APPROVE PETITION PA-08-08-35, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

4. Z-08-08-36 Quasi-Judicial Commission District II
An Ordinance pursuant to Section 125.66 and 166.41, Florida
Statutes, amending the Charlotte County Zoning Atlas from
Mobile Home Conventional (MHC) to Commercial Intensive (CI),
for property located north of Dundee Road, south of US 17,
east of Kentucky Avenue and west of Minnesota Avenue, in the
Punta Gorda area; containing 1.9± acres; Commission District
II; Petition No. Z-08-08-36; applicant: J & M Enterprise
LLC. Recommendation: Growth Management Department: Denial
Planning and Zoning Board: Approval-1 staff second
(ORD2008-097)

(Chairman Duffy polled the Board for ex parte
disclosures. Chairman Duffy and Commissioner
Loftus acknowledged ex parte communication)

COMMISSIONER LOFTUS MOVED TO ENACT ORDINANCE 2008-097 AND
APPROVE PETITION Z-08-08-36, SECONDED BY COMMISSIONER SKIDMORE.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

5. PA-08-08-37 Legislative Commission District III
An Ordinance pursuant to Section 163.3187(1)(C), Florida
Statutes, for an amendment to the Future Land Use Map of the
Charlotte County Comprehensive Plan from Low Density
Residential to Commercial Corridor, for property located
north of S. McCall Road, south of Grouse Avenue, east of
David Boulevard, and west of Meadow Lane, in the Englewood
Area, containing 1.45± acres; Commission District III;
Petition No. PA-08-08-36; applicant: David Street, LLC.
Recommendation: Growth Management Department: Approval
Planning and Zoning Board: Approval (ORD2008-098)

(Chairman Duffy polled the Board for ex parte disclosures and Commissioner Skidmore acknowledged receiving an e-mail)

Jie Shao described Petition PA-08-08-37 and its companion rezoning Petition Z-08-08-38 which paralleled the packet material and visual slides.

Attorney Berntsson provided detail related to the amendment and requested the Board approve the Comprehensive Plan amendment and companion rezoning.

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

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

COMMISSIONER SKIDMORE MOVED TO ENACT ORDINANCE 2008-098 AND
APPROVE PETITION PA-08-08-37, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

6. Z-08-08-38 Quasi-Judicial Commission District III
An Ordinance pursuant to Section 125.66 and 166.41, Florida Statutes, amending the Charlotte County Zoning Atlas from Office, Medical, Institutional (OMI) and Residential Single Family 3.5 (RSF-3.5) to Commercial General (CG), for property located north of S. McCall Road, south of Grouse Avenue, east of David Boulevard, and west of Meadow Lane, in the Englewood Area, containing 1.7± acres; Commission District III; Petition No. Z-08-08-37; Applicant: David Street, LLC. Recommendation: Growth Management Department: Approval Planning and Zoning Board: Approval (ORD2008-099)

COMMISSIONER SKIDMORE MOVED TO ENACT ORDINANCE 2008-099 AND
APPROVE PETITION Z-08-08-38, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

RECESS 11:00 AM - 11:11 AM

7. NOPC-08-09-39 Quasi-Judicial Commission District I Charlotte Commons, LLC is requesting to amend the Development Order and Map H for the Sandhill Development of Regional Impact to permit development of additional uses in a portion of C-21 and C-25 in Tract 1; allow non-truck traffic to access onto Loveland Boulevard; relocate a mitigation area within C-25 in Tract 1; incorporate the terms of the transportation development agreement between Charlotte County and Charlotte Commons, LLC dated March 25, 2008; delete the requirement for the affordable housing study; and correct scrivener's errors. The property is generally located south of DeSoto County, west of the Deep Creek area, north of Rampart Boulevard, and east of Loveland Boulevard; Sections 7, Township 40 South, and Range 23 East in Port Charlotte, Florida; a complete legal description is on file. Recommendation: Growth Management Department: Approval Planning and Zoning Board: Approval (RES2008-158) (XREF RES2007-112)

(Chairman Duffy polled the Board for ex parte disclosures and there were none.)

Sean Smith provided detail related to the petition which paralleled visual slides and indicated typos that will be corrected.

Chairman Duffy asked to see the diagram which depicted the access onto Veterans Blvd. and was advised it was part of the plat not this NOPC.

(Deputy Clerk Lansing administered the oath to Attorney Waksler.)

Attorney Waksler explained the proposed Development Order and Map H amendment, provided background information, and requested Board approval for this notice of proposed of change.

(Deputy Clerk Lansing administered the oath to Sean Smith)

Ernie Sturges spoke on behalf of his client who owns the property directly across from this parcel, indicated the development would increase commercial traffic and add to the dangerous intersection

at Loveland and Veterans, noted opposition unless the Board requires the developer to add signals and turn lanes as a condition, and questioned how the County plans to enforce a "No Truck" restriction onto Loveland Blvd.

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

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

Commissioner Skidmore asked for clarification on who was to provide the signalization and questioned how the traffic would be shifted. Chairman Duffy expressed her traffic and access concerns. Attorney Waksler explained it is premature to consider a signal until a traffic study is done, indicated the client would pay their proportionate share if a signal was necessary, and provided additional detail. Ms. Jeffries advised there is a condition in place that gives the Board the opportunity for additional discussion prior to final approval.

COMMISSIONER LOFTUS MOVED TO ENACT RESOLUTION 2008-158 AND APPROVE NOPC-08-09-39 (XREF RES2007-112), SECONDED BY COMMISSIONER STARR.

Motion Carried 3:1. Commissioner Skidmore opposing.

ABSENT: Commissioner Cummings.

8. PP-08-06-01 Quasi Judicial Commission District II Robert N. McQueen Trustee and John D. McQueen Trustee have applied for a Preliminary Plat for a subdivision, Interstate Commerce Park, consisting of 16 commercial lots in Section 21, Township 41, Range 23. The site is currently partially developed under land leases. The site, consisting of 41.35 acres, more or less, is located west of I-75, east of the horse arena and Indian Spring Drive, and north of Jones Loop Road, in Commission District II. Recommendation: Building Construction Services Department: Approval with conditions Planning and Zoning Board: Approval with conditions

Barbara Jeffries provided detail related to the Petition which paralleled visual slides, mentioned 6 conditions, and requested approval.

(Chairman Duffy polled the Board for ex parte disclosures and there were none.)

Attorney Waksler represented the applicant, furnished detailed history, timeline, and information related to the plat, and questioned condition 6. Ms. Jeffries noted she would remove condition 6.

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

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

COMMISSIONER LOFTUS MOVED TO APPROVE PRELIMINARY PLAT - PETITION PP-08-06-01 WITH FIVE (5) CONDITIONS AS AGREED FOR THE RECORD, SECONDED BY COMMISSIONER STARR.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

9. PP-08-09-05 Quasi Judicial Commission District I Charlotte Commons, LLC has applied for a Preliminary Plat for a subdivision, Charlotte Commons, consisting of 15 commercial lots in Section 6, Township 40 South, Range 23 East, within Planned Development 80-4. The site, consisting of 51.073 acres more or less, is located west of Veteran's Boulevard, north of Peachland Boulevard, and east of Loveland Boulevard in Commission District I. Recommendation: Building Construction Services Department: Approval with conditions Planning and Zoning Board: Approval with conditions

Steve Reager provided plat detail which paralleled visual slides and advised approval was recommended with 16 conditions.

Attorney Waksler discussed the proposed preliminary plat, pointed out location and access points, mentioned conversations with Public Works, indicated there will be a Development Review Committee (DRC) hearing, and introduced Todd Rebol of Banks Engineering. Mr. Rebol explained the process and timeline in great detail. **Chairman Duffy** commented on the access points. **Commissioner Loftus** mentioned future signalization to avoid accidents.

Ernie Sturges said his client is not opposed to the development but asks the Board to consider the condition that roadway improvements be completed first.

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

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

Attorney Waksler addressed Mr. Sturges comments and provided additional detail related to improvements.

COMMISSIONER LOFTUS MOVED TO APPROVE PRELIMINARY PLAT - PP-08-09-05, SECONDED BY COMMISSIONER SKIDMORE.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

10. PV-08-08-16 Legislative Commission District I Patricia Roebuck Swindle and Mark Stephen Roebuck, as Trustees, have applied for a plat vacation to vacate a portion of Resubdivision of Tamiami Subdivision as recorded in Plat Book 2, Page 24 of the Public Records of Charlotte County, Florida, lying within the northwest corner of Section 34, Township 40 South, Range 27 East, Charlotte County, Florida, more particularly described as the northwest 1/4 of Section 34, Township 40 South, Range 27 East, less and except Lot 24 of Block 39; Lots 30 and 31 of Block 27; Lots 1, 2 and 3 of Block 29; Lots 1 and 2 of Block 30; Lots 1, 2, 16, and 17 of Block 22; Lot 8 of Block 44, and Lots 32 and 33 of Block 40, along with that portion of Carlinda Street bound by the south line of said plat to the north right of way line for Tamiami Avenue, that portion of Tamiami Avenue running from the west right of way line of Carlinda Street to the east boundary of Penobscot Street, that portion of Penobscot Street from the south boundary of Tamiami Avenue to the north boundary of Florida Avenue, as well as that portion of Penobscot Street from the south boundary of Tamiami Avenue to the south boundary line of Lot 32 of Block 40 and the south boundary line of Lot 2 of Block 41, and that portion of Florida Avenue from the west boundary of Penobscot Street to the east boundary of Samoset Street, that portion of Samoset Street from the south boundary of Florida Street to the south boundary of Sarasota

Avenue. The site, located north of Bermont Road and east of S.R. 31, consists of 159.199 acres, more or less and is located in Commission District I. Recommendation: Building Construction Services Department: Approval with conditions Planning and Zoning Board: Approval with conditions (RES2008-159)

Barbara Jeffries provided detail related to the Petition which paralleled visual slides.

Jeff Krauskopf spoke on behalf of the applicant and indicated they agree with staff recommendation for approval.

COMMISSIONER SKIDMORE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER STARR.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

COMMISSIONER SKIDMORE MOVED TO ENACT RESOLUTION 2008-159 AND APPROVE PETITION PV-08-08-16, SECONDED BY COMMISSIONER STARR.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

11. PV-08-07-13 Legislative Commission District II Omni Airport, LLC, 4 Charlotte LLC, Environmental Underground, Inc., and Rick Treworgy, LLC have applied for a Plat Vacation to vacate a portion of Woodland Acres and a portion of Woodland Estates subdivisions, more specifically Lots 1 and 3 of Block A in Woodland Estates, together with Lots 1 and 2 of Block I and Lots 1 and 2 of Block J in Woodland Acres, and a portion of North Boundary Boulevard, Foye Boulevard, Palmetto Road and Central Drive. The site, consisting of 14.67 acres, more or less, is located in Section 14, Township 41 South, Range 23 East in Commission District II. Recommendation: Building Construction Services Department: Approval with conditions Planning and Zoning Board: Approval with conditions (RES2008-160)

Barbara Jeffries provided detail related to the Petition which paralleled visual slides.

Attorney Waksler furnished additional detail related to the Plat Vacation request and urged approval.

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

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

COMMISSIONER SKIDMORE MOVED TO ENACT RESOLUTION 2008-160 AND APPROVE PV-08-07-13, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

12. PV-08-08-15 Legislative Commission District III
David Street LLC has applied for a Plat Vacation to vacate Lots 1, 2 and 3 of Block 3984 of Port Charlotte Subdivision Section 72 as recorded in Plat Book 6, Page 28 of the Public Records of Charlotte County, Florida, along with Lots 6, 7, 8 and 9 of Block 5199 of Port Charlotte Subdivision Section 95, as recorded in Plat Book 10, Page 1A of the Public Records of Charlotte County, Florida. The site, consisting of 1.69 acres, more or less, is located north of the North Access Road (north of McCall Road), east of David Boulevard, and west of Meadow Lane, in Commission District III.
Recommendation: Building Construction Services
Department: Approval with conditions Planning and Zoning
Board: Approval with conditions (RES2008-161)

Barbara Jeffries provided detail related to the Plat Vacation, pointed out results of proposed change on the visual slide, and indicated staff recommends approval.

Attorney Rob Berntsson stated they have met conditions and requested approval on behalf of his client.

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

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

COMMISSIONER SKIDMORE MOVED TO ENACT RESOLUTION 2008-161 AND APPROVE PETITION PV-08-08-15, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

13. TDU Variance Request Quasi Judicial Commission District I Joe and Marjorie Bixby are requesting a variance from the Transfer of Density Units ordinance per Section 3-5-433 of the Charlotte County Code of Laws and Ordinances. The specific request is to modify criterion (vi) of Section 3-5-430(a)(1) to allow the Bixby's to sever density from their property and retain some density without the need to first submit a building permit. Recommendation: Growth Management Department: Approval Planning and Zoning Board: n.a. (RES2008-162)

(Chairman Duffy polled the Board for ex parte disclosures and there were none.)

Inga Williams provided a brief overview of information related to the Variance Request which paralleled the packet materials and indicated staff recommended approval.

Attorney Michael Haymans accepted staff recommendation on behalf of the applicant and offered to answer questions.

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

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

COMMISSIONER SKIDMORE MOVED TO ENACT RESOLUTION 2008-162 AND APPROVE THE TDU VARIANCE REQUEST, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

Chairman Duffy asked for comments before adjourning. Mr. Baltz advised some of our public safety personnel collect for the Muscular Dystrophy Association (MDA) and asked if the Commissioners agreed with continuing the practice. Chairman Duffy asked if they were on duty when collecting. Mr. Baltz advised they have been in the past but always respond immediately to an emergency. Commissioner Skidmore asked if they would collect on their own time and indicated he is hesitant to have employees collecting money at intersections. Commissioner Loftus and Chairman Duffy commented they prefer employees not collect while on duty.

ADJOURNED 12:13 PM

D. 2:00 PM JOINT WORKSHOP SESSION: Board of County Commissioners & Planning and Zoning Board Members: Audry Seay, Michael Gravesen, James Marshall, Paula Hess, Brenda Starr Bossman

Glatting Jackson, the consultant assisting staff with the County's Comprehensive Plan rewrite, will present the proposed Smart Charlotte 2050 "Vision." The Vision, developed through a variety of public and stakeholder meetings, is a consensus document. It identifies the County's key growth management issues and offers a "framework" to correct them. The framework will be incorporated into the rewritten Comprehensive Plan as goals, objectives and policies.

Concurrency Manager, Jim Fendrick described the Smart Charlotte 2050 Comprehensive Plan rewrite, provided its timeline, explained the process, said the framework is more like a blueprint, noted the Comprehensive Plan is more like the frame structure, indicated the land development regulations are the final step, commented this is the broad framework that will help guide the Comprehensive Plan rewrite, and said the goal today is to present the framework to obtain approval to move forward with the rewrite of the Charlotte County Comprehensive Plan.

Francis Chandler Marino provided a lengthy presentation which paralleled packet information and visual slides, expressed excitement about the Smart Charlotte process, and explained the next steps in detail for draft goals, objectives, and policies.

Ed McKinney explained the purpose of the visuals, indicated how framework illustrations help with the initial design and structure decisions, gave examples for targeted economic development which included several different types, and noted the importance of proactive thinking and long term visions to align policies to meet future needs.

Randall Arendt presented his approach to rural lands which paralleled the packet material and visual slides, mentioned conservation and mixed use, suggested zoning by density not by the size of the lot and recommended designing the open space first, mentioned subdivision regulations, and described different areas where alternative tools have worked.

Ms. Marino commented that the purpose today was to introduce the general framework of the Comprehensive Plan, help the group recognize the limitations of the framework, and to explain their ideas and provide a big outline for the Comprehensive Plan.

Ms. Hess asked if it would be a challenge to have goals and objectives by May, 2009. Mr. Fendrick opined they would be on schedule. **Commissioner Loftus** commented positively on the presentation, mentioned zoning by density, the importance of water conservation and landscaping, and opined the need for density, height, and commercial nodes in certain areas of the County.

Ms. Seay mentioned the airport commerce park, questioned residential intent in that area, and expressed concern with noise. Mr. Fendrick said the intent is to promote mixed use. **Commissioner Skidmore** said the worst thing you want to do near an airport is to encroach the area with residential. Ms. Marino explained this is a large area that should have additional opportunities for other land uses and indicated the airport would be protected as an economic driver. **Commissioner Skidmore** said a lot of mixed use sounds good on paper, but notes some say it does not work. Ms. Marino opined the failing of mixed use comes when jurisdictions regulate the mix and dictate the market on a piece of land. Ms. Hess said walk-ability sounds good, but noted many would not walk in the heat and rain for a loaf of bread. **Chairman Duffy** agreed, asked about mixed use in and around the hospital areas where there are existing buildings, and wondered how rural areas would be handled. Mr. Fendrick explained incentives and policies to promote the growth and noted allowing the market to drive the investments. Ms. Hess asked for overlay procedures. Ms. Marino said they can design uses to work together and explained these examples can open up new opportunities and provide flexibility.

Ms. Bossman commented on seeing some great ideas, noted it is hard to absorb it all in one hour, and urged the group to keep an open mind.

Rod Cribbs said he participated in the Sarasota 2050 plan, mentioned their current project, recommended the group listen to the experts, and noted the importance of flexibility.

Larry Hudson said his observations are emotionally mixed, noted the importance of preserving, discussed the conflicts between agriculture and the urban service area, opined the US17 Corridor may be the last chance to get it right, and asked to keep the economics of agriculture in mind.

Richard Woodruff noted he represents several property owners, commended the County for looking ahead, spoke in favor of incentives and flexibility, said with a good preservation plan, you can support conservation without public money, and suggested looking into all venues to find flexibility.

Tammy Cash said the plan looks great and mentioned the rights of the property owners.

Steven Brown pointed out realities that need to be considered, mentioned Babcock Ranch, provided population statistics, discussed development caps, density, concurrency, and rural subdivisions, remarked on the current number of vacant lots and the need for conservancy, and indicated he is in favor of the planning effort only if the existing problems are addressed first.

Bucky McQueen stated he was unaware of a DCA density cap in the County, mentioned growth factors, discussed access to conservation lands, commented on traffic concurrency, stressed the importance of citizen rights to own, sell, and divide land, discussed mining, brought up airport versus residential, opined navigation easements can control the noise, and commented on using consultants instead of local people who have investments and are familiar with the County and the market.

Commissioner Loftus said the most important word related to this is flexibility. Chairman Duffy agreed and also expressed the importance of property owners' rights. Chairman Duffy thanked the presenters and expressed hope that citizens realize how important the rewrite will be to the future of the County. Ms. Hess spoke in favor of the appointment of a committee to review the objectives and goals. Ms. Bossman said she liked the fresh ideas presented today.

ADJOURNED: 3:20 PM

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

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