

BOARD OF COUNTY COMMISSIONERS - LAND USE HEARINGS

JANUARY 20, 2009

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 Cummings, Commissioner Skidmore, and Commissioner Starr. Also in attendance were Assistant County Attorney Browne, County Administrator Baltz, Executive Assistant Gant, and Deputy Clerk Lansing. The following members were absent: None.

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

Changes to the Agenda:

Change #1: Goal Setting Workshop Date and Time Change (Changed from after the Tuesday, 1/20/09 Land Use Agenda at 3:00 PM to Thursday, 2/5/09 at 3:00 PM)

Change #2 Goal Setting Workshop Date and Time Change (Changed from Thursday, 2/5/09 at 3:00 PM to a Goals Setting and Budget Workshop, Thursday 2/5/09 at 1:00 PM in Room 106-B)

COMMISSIONER SKIDMORE MOVED TO APPROVE CHANGES TO THE AGENDA,
SECONDED BY COMMISSIONER LOFTUS.
Motion Carried 5:0.

A. Planning and Zoning Agenda (Proofs of publication were in order for all petitions.)

1. **NC-08-11-04 (Legislative)** Commission District II - Charlotte County Growth Management Department, Addressing Section, has received a request from applicant Kevin McKyton to re-name a portion of one street in Jacks Replat of LaVilla Subdivision. The street, more particularly described as the northern portion of Scott Street commencing at the intersection of Marion Avenue, running northerly, to the south end property line of lots 0008 and 0020 at Jacks Replat of LaVilla Subdivision, has been requested to be renamed to Landings Way. The forementioned street is located in Jacks Replat of LaVilla Subdivision, as recorded in Plat Book 3, Page 62 of the Public Records of Charlotte County, Florida. This street is located in Section 05 of Township 41 South, Range 24 East, in Commission District II. Recommendation: Growth Management Department: Approval; Planning and Zoning Board: n.a. (RES2009-010)

Maggie Bartley presented the proposed re-name petition which paralleled visual slides.

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

Motion Carried 5:0.

COMMISSIONER SKIDMORE MOVED TO ENACT RESOLUTION 2009-010 AND APPROVE PETITION # NC-08-11-04, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Cummings advised Commissioner Skidmore that Resolution titles were not required to be read fully into the record as Ordinances are.

Motion Carried 5:0.

2. **PA-08-05-29-LS (Legislative)** Commission District IV - Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment to amend the Charlotte County 1997-2010 Comprehensive Plan to 1) expand the Urban Service Area; 2) reduce the Urban Service Area elsewhere on the site to protect environmentally sensitive lands and change the Charlotte County Future Land Use Map from Low Density Residential to Preservation; 3) change the Charlotte County Future Land Use Map from Preservation, Public Lands & Facilities, Commercial Center, Commercial Corridor, Recreational Vehicle Park, and Low Density Residential to Compact Growth Mixed Use (CGMU) Type I; and 4) add an appendix to the Future Land Use Element to declare: a) a base density of 1,830 units, of which no more than 978 units shall be permitted within the Coastal High Hazard Area, b) a maximum density of 3,962 units, and c) a maximum Floor Area Ratio (FAR) of 0.0292 for the development site. For property located east of SR 776 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; Planning and Zoning Board: n.a (ORD2009-002)

Matt Trepal presented the adoption hearing material which paralleled visual slides, said all criteria has been met and discussed the result if approved, mentioned mixed use, Transfer of Density Units (TDUs), applicant requirements, read the scribblers error corrections into the record, explained the agreement between the County and the applicant, advised Growth Management recommends approval, and introduced Inga Williams to provide an update of applicants compliance with Department of Community Affairs (DCA) objections. Ms. Williams explained in great detail.

Attorney Rob Berntsson spoke on behalf of the applicant; described how mixed land use will create an improvement in the County; explained how the applicant worked with staff to comply with DCA objections; advised density changes; explained the urban service area deed; stated the applicant will accept the new language provided by staff today; and requested approval.

Karen Price, President of the South Gulf Cove Homeowners Association expressed confusion with the changes and noted they will continue to watch impact to their waterways.

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

Attorney Berntsson addressed Ms. Price's concerns and advised they will work closely with South Gulf Cove Association as the property develops.

Commissioner Cummings asked for clarification on the total number of units and questioned the future transfer of density process. Attorney Berntsson and Mr. Trepal confirmed the total number of units is 3,962 with a base density retained of 1,831 and explained future density intent, options, and the process further.

COMMISSIONER SKIDMORE MOVED TO ENACT ORDINANCE 2009-002 WITH REVISED LANGUAGE READ INTO THE RECORD AND APPROVE PETITION # PA-08-05-29-LS, SECONDED BY COMMISSIONER LOFTUS.

Chairman Duffy commended staff for thinking outside the box and for working with the applicant to protect the environment.

Motion Carried 5:0.

3. **PA-08-05-30-LS (Legislative)** Commission District III and IV - Pursuant to Section 163.3187(1)(c), Florida Statutes, adopt a Large Scale Plan Amendment 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; Planning and Zoning Board: n.a. (ORD2009-003)

Martina Kuche presented the Petition for adoption of a large scale amendment which paralleled the packet material and visual slides, provided detail and history related to the Scenic Highway, advised this intent is unique and will enhance and promote County resources, commended volunteer involvement, noted no DCA objections, and requested approval.

County Administrator Baltz asked if this designation is approved today, will anything in the future be required beyond what is ordinarily required now. Ms. Kuche expressed her understanding is that no special actions will be required in the future. Commissioner Loftus thanked Mr. Baltz for the clarification.

Bret Clark, Scenic Highway Committee, thanked the Board for their support of the Scenic Highway designation and said he looks forward to working with the Board in the future.

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

Commissioner Skidmore commended all involved with this effort and mentioned attending the ribbon cutting ceremony with Commissioner Loftus and Mr. Baltz.

COMMISSIONER SKIDMORE MOVED TO ENACT ORDINANCE 2009-003 AND APPROVE PETITION # PA-08-05-30-LS, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

4. SV-08-06-12 (Legislative) Commission District III - Bernard Bruns has applied for a Street Vacation to vacate an unnamed six foot (6') alley between Lot 3 and Lot 4 of Block 4 of Bay Heights subdivision as recorded in Plat Book 1, Page 79 of the Public Records of Charlotte County, Florida. The site is bounded on the northeast by Bay Street, on the northwest by Lot 3, on the southeast by Lot 4, and on the south by Lemon Bay. The six foot wide alley is 174.6 feet long, and consists of 1,047.57 square feet or 0.024 acres, located in Section 6, Township 41, Range 20, in Commission District III. Recommendation: Building Construction Services Department: changed from Denial to APPROVAL prior to the meeting; Planning and Zoning Board: Denial (RES2009-011)

Barbara Jeffries presented the street vacation request which paralleled packet materials and visual slides, described the location, history, and result of the proposed change, mentioned positive negotiations with the applicant and Board members to arrive at an agreement, read stipulation changes into the record that were made after the goldenrod was released, and advised staff was now recommending approval.

Commissioner Skidmore asked if the public had prior notification of the change. Ms. Jeffries explained they had not, said the changes were made late Friday afternoon, and provided further detail. Attorney Brown advised legislative decisions frequently have last minute changes, asked for clarification of the last condition, and stated the condition covers any loose ends. Commissioner Skidmore indicated the street is very narrow

and asked about roadway impacts. Ms. Jeffries indicated the roads will be addressed during the Development Review Committee (DRC) and Public Works process, pointed out the site plan on the screen, and introduced the applicant's representative to explain the issue further. Dorian Popescu provided ownership history and additional detail related to the easement. **Commissioner Skidmore** expressed concern that Public Works, Parks, Recreation and Cultural Resources, and the Planning and Zoning Board had recommended denial and have not had the opportunity to review the updated changes. Ms. Jeffries advised all denials were based on the easement issue and noted the correction has caused the denials to be nonexistent.

Don Schneider thanked **Commissioner Skidmore** for addressing the notification issue, stated he is still opposed and unable to speak on behalf of his neighbors since they are unaware of the change, expressed concern with the potential restaurant and parking lot, suggested the developer can do other things with the property, opined environmental changes will cause increased traffic, noise, garbage, and smells from the kitchen, and requested denial.

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

Mr. Popescu clarified past negotiations discussed legal history related to the property and this update, and apologized for being late with the change.

Chairman Duffy advised the residents that live in the area that the DRC will address all issues related to this potential restaurant prior to approval.

COMMISSIONER LOFTUS MOVED TO ENACT RESOLUTION 2009-011 AS AMENDED AND APPROVE PETITION # SV-08-06-12, SECONDED BY COMMISSIONER CUMMINGS.
Motion Carried 4:1. Commissioner Skidmore opposing.

Chairman Duffy commented that at the end of each regular BCC meeting the Commissioners have the opportunity to speak, suggested they add that practice to the end of the Land Use meetings as well, and asked for Board comments. **Commissioner Cummings** suggested they convert Land Use Meetings to Regular Meetings with an agenda that is primarily dedicated to Land Use, explained everything would be the same with the addition of Land Use, and noted by law they could add items easily since the meetings would have a regular BCC agenda. Board members were in agreement after brief discussion and provided consensus. Attorney Brown suggested they do not allow public comments on quasi-judicial items during Land Use hearings.

Commissioner Comments:

Chairman Duffy pointed out topics discussed at the Regional Planning Council (RPC) Meeting last week, advised the categories related to the Stimulus Package, mentioned funding, timing, submitting to several organizations, talked about timing, and said the Council suggested they would have more clout and a better chance for approval if they submitted their County List regionally. **Commissioner Skidmore** said we need to take care of our County first, expressed concern with entering into a regional "pool" of projects, opined we first need to see where Charlotte County stands to benefit, noted there could be room for both, and requested insider direction. **Commissioner Cummings** recommended that we do both, said lobbying efforts must be incorporated, and suggested we create the list that works for our community and then continue to push forward individually. **Commissioner Starr** agreed with both Commissioners, discussed the positives and negatives, and said we need to stay the course and be aggressive. **Commissioner Loftus** agreed with going regionally and individually; opined there is strength in numbers; expressed concern with past and future one time project cuts; noted the importance of cooperation and constitutional officer support; and mentioned we need to give thought to ad valorem taxes when considering projects. **Chairman Duffy** opined asking the Ferguson Group for their recommendations.

ADJOURNED 10:12 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

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