

BOARD OF COUNTY COMMISSIONERS

August 18, 2009

A meeting was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida.

Members present were: Chairman Duffy, Commissioner Cummings, Commissioner Starr, Commissioner Loftus, Commissioner Skidmore, County Administrator Baltz, County Attorney Knowlton, and Minutes Supervisor Nice. The following members were absent: None. The meeting was called to order at **9:00 A.M.** followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: Agenda Item A-3, Approve Support Letters for Transportation Investment Generating Economic Recovery (TIGER) discretionary grant applications for Sarasota County and City of Punta Gorda.

COMMISSIONER LOFTUS MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

I. CITIZEN INPUT - AGENDA ITEMS ONLY - None

A. CONSENT AGENDA

COMMISSIONER LOFTUS MOVED TO APPROVE CONSENT AGENDA EXCEPT AGENDA ITEM A-3, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Growth Management

- (1) RECOMMENDED ACTION: Approve to Set Public Hearings for elements of Smart Charlotte 2050 Comprehensive Plan rewrite. Public Hearings dates will be: Infrastructure Element and Coastal Planning Element - August 25, 2009 at 10:00 am or soon thereafter; and Transportation Element and Intergovernmental Coordination Element - September 8, 2009 at 10:00 am or soon thereafter; and Natural Resources Element and Housing Element - September 15, 2009 - at 9:00 am or soon thereafter; and Future Land Use Element and Public Schools Element- September 22, 2009 - at 10:00 am or soon thereafter.

- (2) RECOMMENDED ACTION: Approve Petition #FP-07-05-10. Cleveland Marketplace, LTD, has applied for a Final Plat for a subdivision consisting of three (3) commercial lots in Section 34, Township 40 South, Range 23. The site, containing 2.96 acres, more or less, is located northeast of the Bermont Road/Duncan Road intersection, and west of the Cleveland Marketplace (Winn Dixie shopping center) in Punta Gorda, in Commission District I.

Administration

- (3) RECOMMENDED ACTION: Approve Support Letters for TIGER grant applications for Sarasota County and the City of Punta Gorda.

Jason Stoltzfus responded to Board inquiries related to the Item. **Commissioner Starr** initiated additional Board discussion and questions. Mr. Baltz offered further details, discussed costs, and read an email into the record which included project information.

COMMISSIONER LOFTUS MOVED TO APPROVE SUPPORT LETTERS FOR TIGER GRANT APPLICATIONS FOR SARASOTA COUNTY AND THE CITY OF PUNTA GORDA, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 4:1. COMMISSIONER STARR OPPOSING.

B. PLANNING AND ZONING AGENDA - 9:00 A.M.

(1) Land Use - RECOMMENDED ACTION: Punta Gorda of Charlotte County, LLC. has applied for a Preliminary Plat for a commercial subdivision called, Punta Gorda Crossings, consisting of ten (10) commercial/industrial lots in Sections 3 & 4, Township 41 South, Range 23 East, in Charlotte County, Florida. The site (the former Punta Gorda Golf Club) consists of 99.2604 acres, and is situated within the ECAP on Duncan Road, between I-75 and Golf Course Boulevard in Punta Gorda in Commission District III.

(Chairman Duffy polled the Board for ex-parte disclosures and all Commissioners indicated conversations with petitioners. Minutes Supervisor Nice administered the oath to witnesses)

Steven A. Ellis presented a slide presentation on the preliminary plat, reported staff recommends approval with the 15 conditions, and explained an amended drawing was attached to Consent Item 1 in error.

Dale Johnson, Primamerica Group One, appeared on behalf of the applicant in support of the petition and accepted the 15 conditions. Catherine Sanders spoke on behalf of the property owners and discussed issues related to access and ECAP zoning. Assistant County Attorney Brown and Ms. Johnson responded to Board inquiries.

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

MOTION CARRIED 5:0.

The Commissioners and staff continued to discuss the item extensively. Ms. Johnson responded to Board inquiries. Ms. Sanders commented further on behalf of the property owners. There was additional Board discussion and comments from Attorney Brown.

COMMISSIONER SKIDMORE MOVED TO DENY PETITION PP-09-02-02 FOR A PRELIMINARY PLAT FOR A COMMERCIAL SUBDIVISION CALLED, PUNTA GORDA CROSSINGS, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 3:2. COMMISSIONER CUMMINGS, COMMISSIONER SKIDMORE OPPOSING.

RECESS: 10:10 AM - 10:20 AM

(2) Land Use - RECOMMENDED ACTION: Approve an ordinance adopting petition PA-09-05-07.

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

Jie Shao gave a slide presentation on Petition PA-09-05-07 and Z-09-05-08 and stated the recommendation is for approval with conditions "a" through "p" based on Planning Division findings.

Attorney Robert H. Berntsson appeared on behalf of the petitioner, provided detailed background information and timelines, explained buffering and sidewalks are being included, and requested approval.

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

MOTION CARRIED 5:0.

COMMISSIONER SKIDMORE MOVED TO APPROVE ORDINANCE 2009-035 ADOPTING PETITION PA-09-05-07, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 5:0.

(3) Land Use - RECOMMENDED ACTION: Approve an ordinance adopting petition Z-09-05-08.

COMMISSIONER SKIDMORE MOVED TO ENACT ORDINANCE 2009-036 AND ADOPT PETITION Z-09-05-08, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 5:0.

(4) Land Use - RECOMMENDED ACTION: Approve the transmittal of a large-scale plan amendment to the Future Land Use Map (FLUM) from Agriculture to Mineral Resource Extraction (MRE) for 121.17 acres, more or less.

Ms. Shao presented slides on the large-scale plan amendment request filed by George and Christina Davis and advised recommendation is for approval.

COMMISSIONER LOFTUS MOVED TO TRANSMIT PETITION PA-09-04-06-LS, A LARGE-SCALE PLAN AMENDMENT TO THE FUTURE LAND USE MAP (FLUM), SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 4:1. COMMISSIONER STARR OPPOSING.

(5) Land Use RECOMMENDED ACTION: Adopt a Resolution amending resolution 2008-158 to remove 17.18 acres of residential land from the DRI, reassign the residential development rights associated with approximately 17.18 acres within the remainder of the DRI, and correct numerous scrivener's errors; provide a finding that this amendment does not constitute a substantial deviation; modify any conditions that may suggest a conflict with these objectives; and provide an effective date.

(Chairman Duffy polled the Board for ex parte disclosures and there were none. Minutes Supervisor Nice administered the oath to Seann Smith.)

Mr. Smith gave a slide presentation on Petition NOPC-09-04-03 and advised the recommendation is for approval. Attorney Waksler appeared on behalf of the petitioners, provided additional detail, and requested approval.

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

MOTION CARRIED 5:0.

COMMISSIONER LOFTUS MOVED TO ENACT RESOLUTION 2009-237 AND ADOPT PETITION NOPC-09-04-03, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

(6) Land Use - RECOMMENDED ACTION: Adopt a Resolution amending resolution 2006-025 to require the extension of Rampart Boulevard from Kings Highway to Loveland Boulevard by the developer, add 17.18± acres to the DRI, apply existing commercial/office development rights to the 17.18± acres, extend the build-out date by three years to May 31, 2013; provide a finding that this amendment does not constitute a substantial deviation; modify any conditions that may suggest a conflict with these objectives; and provide an effective date.

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

Mr. Smith continued his visual presentation with the companion item, Petition NOPC-09-04-04, and noted the recommendation for approval. Attorney Waksler appeared again on behalf of the petitioners, asked that her prior remarks be attached to this petition, and requested approval.

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

MOTION CARRIED 5:0.

COMMISSIONER LOFTUS MOVED TO ENACT RESOLUTION 2009-238 AMENDING RESOLUTION 2006-025 AND ADOPT PETITION NOPC-09-04-04, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

(7) Land Use - RECOMMENDED ACTION: Deny an ordinance adopting petition Z-06-07-43.

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

Ms. Shao gave a slide presentation on Z-06-07-43, noted it is a companion rezoning to PA-06-07-42, provided history and timeline information, and advised why staff recommended denial. Attorney Waksler spoke in support of the petition, clarified the item further, and asked for a change in zoning.

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

MOTION CARRIED 5:0.

There was extensive Board discussion. Jeff Ruggieri discussed the petition further and confirmed why staff recommendation is for denial.

COMMISSIONER CUMMINGS MOVED TO AMEND THE MOTION TO DENY PETITION Z-06-07-43 TO INCLUDE A CG REZONING AND ALLOW WAIVER OF THE SIX-MONTH FILING REQUIREMENT, SECONDED BY COMMISSIONER SKIDMORE

The Commissioners discussed options. Attorney Waksler requested a waiver of the six-months for petitioners to bring back a CN rezoning or continue the hearing. Attorney Brown expressed reluctance to continuing the hearing but was in favor of a six-month waiver requirement. **Commissioner Cummings** amended the motion.

MOTION CARRIED 5:0.

(8) Land Use - **RECOMMENDED ACTION:** Staff will present and seek public comment regarding the updates to the Parks, Recreation and Cultural Resources Element.

James Fendrick stated the timeline provides for transmittal of this element to DCA in December 2009, noted this is the first public hearing, and introduced Roxanne Reed. Ms. Reed gave a slide presentation and introduced David Milligan. Mr. Milligan discussed funding, volunteers, and stated level of service recommendations. There was extensive Board discussion and staff comments.

II. CITIZEN INPUT - ANY SUBJECT - NONE

AA. County Administrator:

Mr. Baltz gave an update on the Crossing Guard issue.

BB. County Attorney: None

CC. Commissioner Comments:

Commissioner Cummings discussed the mining application and reiterated the need for a cumulative impact study. **Commissioner Skidmore** commented on the event held last weekend in the City of Punta Gorda that was not costly to residents, acknowledged efforts related to mining and excavations, and stated his Englewood Office is offering foreclosure assistance on Tuesdays and Thursdays in the morning. **Chairman Duffy** recognized Mary Webster's efforts and commented on her observations regarding mining operations. Mr. Ruggieri clarified mining permit and applicant processes. Assistant County Attorney Rooney explained reclamation requirements. The Board continued to comment on mining.

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ADJOURNED: 1:00 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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