

TRANSFER OF DENSITY UNITS PUBLIC WORKSHOP

BOARD OF COUNTY COMMISSIONERS

JULY 6, 2004

A public workshop of the Board of County Commissioners was held at the Murdock Administration Complex in Port Charlotte, Florida. The following members were present: Vice Chairman Thomas D. D'Aprile and Commissioners Adam Cummings, Sara Devos and Mac V. Horton. **(Chairman Matthew D. DeBoer was not present due to illness.)** Also in attendance were County Administrator Bruce D. Loucks, Assistant County Attorney Louis Whitehead and Deputy Clerk Karen S. Mitchell. The meeting was called to order at 1:04 P.M.

I. Transfer of Density Units (TDUs)

A. Background and Update

(Draft an Ordinance with respect to TDUs)

B. Discussion

Thomas A. Cookingham, Planning Services Manager, explained the ordinance was a staff draft based on past Commission direction, the changes were notated in the margins and the packet material also included a summary titled Additional TDU Ordinance Changes that were incorporated since the June 22, 2004 public hearing. **(Discussion ensued and various questions were asked regarding substandard/unbuildable lots, conflicts in parts of code that need to be fixed as soon as possible, vested rights, areas outside the Urban Service Area (USA), and allowing units to be transferred out of certain areas to avoid buildout where it's not desired.)** Mr. Cookingham distributed and reviewed a handout titled Platted Lands Statistics which detailed lots within the USA and outside the USA as follows: Breakdown of Platted Lots/Parcels, Residential Lots/Parcels, and Vacant Residential Lot/Parcel Size. **(Discussion continued and various questions were raised regarding substandard/nonconforming lots that could become unbuildable based on minimum house size standards, consensus to remove 'recreational vehicle' as a dwelling unit on page 5, consensus to remove the Planned Development statement from item {e} on page 7 to protect areas like Manasota Key, and the three density options at the bottom of page 7.)** Commissioner Devos said she supported Option #3. Commissioner Horton agreed.

Commissioner Cummings said he was okay with Option #3 provided it was only for areas outside the USA but not if it applied to areas inside the USA because there was a real cost to this if they go County-wide. **Commissioner D'Aprile** agreed and summarized there was a split Board so this will have to be brought back. (Discussion continued and various questions were raised regarding zoning, the costs involved to have the TDUs in place before Board approval, the plan amendment process, and tracking the TDUs as the process moves forward.)

RECESS: 2:57 P.M. - 3:05 P.M.

Mr. Cookingham summarized regarding the timing of the TDUs to be put in place as covered on page 7 item (d), the Board wants to have more flexibility and staff will be coming up new language that would grant that flexibility as to when the TDUs would be required from the developer. (Discussion continued and various questions were raised regarding the management plan, the receiving zone (RZ) section on page 7, consensus to remove the wording 'to the extent of a conflict with a municipal ordinance or' from item {b} on page 7, consensus for staff to ensure the resolution referred to at the top of page 13 changes with the market as relates to the unit price equivalent for a Density Unit, consensus to keep the appeal process on pages 15 and 16 in the ordinance, the need to reduce the number of exposed storm surge area units and the suggestion to treat everything west of the Myakka River as a high hazard area.) **Commissioner Devos** referred to item (c) on page 17 and read the following language suggested by Attorney Waksler which would be added at the end after the words archeological resources: "... unless such areas are designated as preserve through a Planned Development (PD) or mitigated through appropriate state and/or federal permitting." (Board consensus to add the language as read into the record.) (Discussion continued and various questions were raised regarding RZs, the need to be able to transfer units within and out of the West County area including the barrier islands but not into that area, and the impact on the Community Rating System.)

Citizen Input

Andy Dodd said if the County intends to assume responsibility for the parcel then don't require a management plan from the person giving the property, don't require financial assurance for Management Ready if they're not going to do any management, suggested dropping rural communities out of RZs and opined the County should encourage new communities anywhere not just adjacent to USAs.

Dan DeLisi asked why the Florida Land Use Cover and Forms Classification System (FLUCCS) map was needed if there were no issues such as the land being environmentally sensitive or having an historic resource on site, opined they need to be careful in specifying land use categories in RZs because there could be a new land use category added in the future which would then require amending this ordinance and summarized the Board should do whatever they can to make the process easier.

Geri L. Waksler, Esq. with the law firm of Moore and Waksler, P.A., suggested adding 'reduced substandard platted lots' to item page 15 (d)(4); adding their sub-paragraph (e) after item (d) on page 12 of the draft; adding their criteria categories (7), (8) and (9) after item (7) on page 16 of the draft; and opined an exception was needed for a Community Redevelopment Agency (CRA) on page 18.

Michael P. Haymans, Esq. with the law firm of Farr, Farr, Emerich, Sifrit, Hackett and Carr, P.A., thanked the Board and staff for moving this process forward. Attorney Haymans said work was still needed on inconsistencies between the Comprehensive Plan (Comp Plan) and Zoning and suggested they use whatever was the least restrictive as it concerns density. Attorney Haymans said when dealing with the Tropical Storm Surge or Category 1 Hurricane Storm Surge areas, trying to determine where the flood zone lines are needs to be simplified.

Greg Betterton said he agreed with **Commissioner Horton** regarding having one standard for all areas west of the Myakka River and asked for clarification on areas where you can keep some of the units and transfer the rest.

Responses To Citizen Input

Commissioner Cummings agreed with the comments regarding the FLUCCS map, with Attorney Waksler on creating the potential to pull development units out of Northwest Port Charlotte and disagreed with Mr. Dodd regarding going outside the USA. **Commissioner Devos** addressed staff and said she agreed with Attorney Waksler regarding adding (e) to page 12 and to adding the three items to page 16. **Commissioner Devos** said she liked the ability to transfer within CRAs and agreed the wording dealing with retaining some density units while selling the rest needs to be clarified. Mr. Cookingham concurred. **(Discussion ensued regarding reserving density units, payment of property taxes, preserving the right to develop, and transferring units back onto a piece of property.)**

Vice Chairman D'Aprile thanked everyone for participating in this very productive workshop.

MEETING ADJOURNED: 4:37 P.M.

Signature on file in Commission Minutes

Thomas C. D'Aprile
Vice 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

/ksm