

**REGULAR MEETING**

**BOARD OF COUNTY COMMISSIONERS**

**DECEMBER 7, 2004**

A regular meeting of the Board of County Commissioners was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman Sara Devos and Commissioners Thomas G. Moore, Thomas C. D'Aprile and Matthew D. DeBoer. (**Commissioner Cummings was not present for this portion of the meeting.**) Also in attendance were County Administrator Bruce D. Loucks, County Attorney Janette S. Knowlton, Chief Deputy Board Services Tommy Q. White, Executive Assistant to the Board of County Commissioners Jeninne Thornley and Supervisor of Minutes Caroline W. Lounsbury. The meeting was called to order at **9:00 A.M.**

The **invocation** was given by Reverend Bob Carlson, Fawcett Memorial Hospital, followed by the Pledge of Allegiance to the Flag. (**Commissioner Cummings was present for the remainder of the meeting.**)

**CHANGES TO THE AGENDA**

None.

**Proclamations:**

**THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING THE DAY OF DECEMBER 7, 2004 AS "NATIONAL HOMELESS PERSONS' MEMORIAL DAY IN CHARLOTTE COUNTY" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.** Unidentified citizen accepted the proclamation.

**Presentation - Commissioner DeBoer**

Purchasing Department received the "Achievement of Excellence in Procurement Award" from the National Purchasing Institute, Inc. Kimberly Corbett, Purchasing Director accepted the award on behalf of all the County's purchasing employees.

**Commissioner DeBoer** requested point of privilege and with great pleasure to add a proclamation to the agenda depicting "J. Paul Payette Day" on December 7, 2004. **COMMISSIONER CUMMINGS MOVED FOR APPROVAL TO ADD THIS PROCLAMATION TO THE AGENDA, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

**THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING THE DAY OF DECEMBER 7, 2004 AS "J. PAUL PAYETTE DAY" ON MOTION BY COMMISSIONER CUMMINGS AND SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.** J. Paul Payette accepted the proclamation.

**II. CITIZENS' INPUT - AGENDA ITEMS ONLY**

None.

**III. COMMITTEE VACANCIES**

Charlotte County is seeking volunteers to serve on the following committees:

**Affordable Housing Advisory Committee**

- one (1) volunteer for appointment as a Building Industry Representative for a two-year term

**Grove City Street & Drainage MSBU Committee**

- one (1) alternate member for term of two years

**Construction Industry Licensing Board**

- one (1) volunteer representing the Licensed Mechanical Contractor category for a four-year term

**IV. REPORTS RECEIVED AND FILED**

Informational County Investments Report/Interest on Investments

**V. CONSENT AGENDA**

**COMMISSIONER CUMMINGS MOVED FOR APPROVAL OF THE FOLLOWING ITEMS, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

**Commissioner DeBoer** addressed Agenda Item S-1, Amendment No. 2 to Agreement No. 65-4209-4-1631 between the Board of Charlotte County Commissioners and the United States of Agriculture Natural Resources Conservation Service, to increase previous funding by \$6,800,000 for canal debris removal due to Hurricane Charley and stated the County's Public Works Department is processing as many grants as possible for financial assistance and this is the second grant. **Commissioner DeBoer** stated the County will be receiving up to \$8.1 million in financial aid.

**CLERK OF THE CIRCUIT COURT**

**A. Finance Division**

Agenda Item A-1, Adoption of Clerk's Finance Memoranda

Memorandum #1 Status of Contingency Reserves - FY 03/04

Memorandum #1A Status of Contingency Reserves - FY 04/05

Memorandum #2 Total Disbursements for the period November 17, 2004 through December 1, 2004 in the amount of \$23,698,619.27

**B. Minutes Division**

Agenda Item B-1, Approval of Minutes

9:00 A.M.	November 9, 2004	Regular BCC Meeting
2:05 P.M.	November 15, 2004	BCC Legislative Issues Workshop

**BOARD OF COUNTY COMMISSIONERS**

**C. Commission Office**

No Items.

**D. Administration**

Agenda Item D-1

Legislative Agenda for the 2005 Legislative Session.

**E. County Attorney**

Agenda Item E-1

No Items.

**F. Budget Office**

Agenda Item F-1

**Budget Amendment #05-A04** to carry and spend unused 5307 Grant Funds from FY 03/04.

**G. Community Development**

No Items.

**H. Economic Development**

No Items.

**J. Environmental Services**

Agenda Item J-1

**Addition** of one Environmental Specialist 1 position for the Natural Resources Division at no added cost.

**K. Facilities Construction and Maintenance**

No Items.

**L. General Services**

No Items.

**M. Human Resources**

No Items.

**N. Human Services**

No Items.

**P. Information Technology**

No Items.

**Q. Parks, Recreation & Cultural Resources**

No Items.

**R. Public Safety**

No Items.

**S. Public Works**

Agenda Item S-1

**Amendment No. 2 to Agreement No. 65-420904-1631** between the Board of Charlotte County Commissioners, and the United States Department of Agriculture Natural Resources Conservation Service, to increase previous funding by \$6,800,000 for canal debris removal due to Hurricane Charley.

**T. Real Estate Services**

Agenda Item T-1

**Resolution #2004-244** authorizing the Chairman of the Charlotte County Board of County Commissioners to execute a County Deed releasing a portion of a twenty (20) foot wide canal maintenance easement located in Lot 11, Block 4578, Port Charlotte Subdivision, Section Eighty-Seven, in Charlotte County, Florida. (Owner: Mercedes Homes, Incorporated, a Florida Corporation.)

Agenda Item T-2

**Resolution #2004-245** authorizing the Chairman of the Charlotte County Board of County Commissioners to execute a County Deed releasing a portion of a ten (10) foot wide utility and drainage easement located in Lot 98, Block 3293, Port Charlotte Subdivision, Section Forty-Four, in Charlotte County, Florida. (Owners: Chester S. Wilusz, Jr. and Marie Wilusz.)

Agenda Item T-3

**Resolution #2004-246** authorizing the Chairman of the Charlotte County Board of County Commissioners to execute a County Deed releasing portions of two six (6) foot wide utility and drainage easements located in Lots 18 and 19, Block 3713, Port Charlotte Subdivision, Section Sixty-Three, in Charlotte County, Florida. (Owners: John A. Ash and Joan M. Ash.)

Agenda Item T-4

**Resolution #2004-247** authorizing the Chairman of the Charlotte County Board of County Commissioners to execute a County Deed releasing a portion of a platted twenty-five (25) foot wide canal maintenance easement and a portion of a recorded twenty (20) foot wide canal maintenance easement per Official Record Book 1591, Pages 1746-1752 of the Public Records of Charlotte County, Florida, both located in Lot 35, Block 3302, Port Charlotte Subdivision, Section Forty-Four, in Charlotte County, Florida. (Owners: William Cotesworth Keller and Marjorie W. Keller.)

**V. Tourism Development**

No Items.

**W. Utilities**

No Items.

**VI. REGULAR AGENDA**

**Y. Regular Business**

**County Attorney**

Agenda Item Y-1, County Attorney Employment Contract

**Commissioner DeBoer** stated he received this contract late yesterday afternoon and reported the separation terms are too lucrative as compared with the previous County Attorney's contract. **Commissioner DeBoer** suggested amending the proposed contract to run parallel with the former County Attorney's

contract regarding separation terms. **Chairman Devos** apologized for the delay in receiving the contract, but explained that her assistant's sister passed away yesterday. **Commissioner DeBoer** stated if the Board desires to approve this contract as is, he will not vote in favor of it. **Commissioner Cummings** stated that 50% separation terms are a bit generous, but doesn't have any passionate feelings either way. **Commissioner Moore** questioned if **Commissioner DeBoer** was seeking some type of scale in terms of separation. **Commissioner D'Aprile** stated this contract is a little extreme and suggested diverting back to the former County Attorney's separation clause. **Chairman Devos** stated she would prefer having unanimous support from the Board Members for the County Attorney's contract. **Chairman Devos** recommended the Board take a five minute break.

**RECESS: 9:25 A.M. - 9:30 A.M.**

**Commissioner DeBoer** requested the Board turn their attention to the top of page 3, under C Severance, paragraph 1 with the following substitute language change: "If the Attorney is removed by the County prior to November 23, 2005, she shall receive a severance benefit in a lump sum cash payment in the amount equal to 50% of her then based salary. If the Attorney is removed by the County after November 23, 2005, she shall receive a severance benefit in a lump sum cash payment in the amount equal to 25% of her then based salary." **COMMISSIONER CUMMINGS MOVED FOR APPROVAL OF THE AMENDMENT TO THE COUNTY ATTORNEY'S CONTRACT AS READ INTO THE RECORD BY COMMISSIONER DeBOER, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS. COMMISSIONER DeBOER MOVED FOR APPROVAL OF AGREEMENT #2004-057 AS AMENDED, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.**

Agenda Item Y-2, Set an Executive Session in the matter of Elizabeth Armstrong vs. Charlotte County, December 14, 2004, starting at 1:00 P.M. in the County Administrator's Conference Room

**COMMISSIONER DeBOER MOVED FOR APPROVAL TO SET AN EXECUTIVE SESSION IN THE MATTER OF ELIZABETH ARMSTRONG VS. CHARLOTTE COUNTY, DECEMBER 14, 2004, STARTING AT 1:00 P.M. IN THE COUNTY ADMINISTRATOR'S CONFERENCE ROOM, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

Agenda Item Y-3, Peace River Tri-County Collaborative Agreement

Bruce D. Loucks, County Administrator stated that Charlotte, DeSoto and Hardee Counties Hurricane Charley Recovery Committee formed in the ten days following the Friday, September 13, 2004 hurricane to discuss creating a formal group to follow up on resource opportunities. Mr. Loucks reported that FEMA will be holding a recovery plan meeting tonight at 6:00 P.M. and requested the Board delay approving this agreement until all questions have been answered regarding funding. **Chairman DeBoer** stated the Board needs to move forward in some fashion and voiced concerns of missing grants during the recovery process. **Commissioner Cummings** stated we need to pursue lobbying and isn't convinced this is the most effective tool. **Commissioner Cummings** recommended that the Board wait until Mr. Loucks comes back to the Board with his report from this meeting. **Commissioner Cummings** stated we need to see something that we'll get more monies out of it then we put into it. (**Commissioner DeBoer was not present for this portion of the meeting.**) **Commissioner Moore** stated he would like to know more about the plan and then hopefully approve this agreement. **Commissioner D'Aprile** stated he has the same concerns and needs more information so the Board can do more evaluation. **Chairman Devos** stated that **Commissioner DeBoer** told her before he left, that if this item was delayed for one week it would be fine, but we do need to move forward with the process. Mr. Loucks stated he would bring back the information next week.

**XI. CITIZENS' INPUT - ANY SUBJECT**

Curt "Geiling", Parkhill Estates resident, stated he attended the August 30, 2004 meeting regarding mobile home density and since that time many of the tenants of the Park have ordered new homes but our permits have been denied because our lots are not large enough. Mr. Geiling stated the homeowners were of the opinion they had ten feet from the water but now the County has changed it to twenty feet, and on the street side they had ten feet but now it's been changed to fifteen feet. Mr. Geiling stated the only type of manufactured home he would be able to put on his piece of property would be a thirty foot. **Chairman Devos** questioned the size of his new home that he ordered. Mr. Geiling responded the home was 36 x 24 and the problem now exists with the length of the home and not the width.

Randolph "Kibado" a resident of Parkhill Estates stated there are 176 units at this Park which consists of 40% full time residents. Mr. Kibado stated he also was told there was a ten foot set back from the water, ordered a 24 x 44 doublewide home and now finds out with the new setback change his home is now too long for the property. Mr. Kibado stated with the new setbacks, permits are being denied. Mr. Kibado stated the home he's purchased is 24 x 44 and his other home was 24 x 40.

Harold Reese a resident of Parkhill Estates stated on October 20, 2004 he purchased a 16 X 48 manufactured home almost identical home that he had before "Hurricane Charley" took it away. Mr. Reese stated now he doesn't know what he'll be doing with the new home which he purchased. Mr. Reese questioned the reasoning for changing the setbacks. **Chairman Devos** requested a staff member meet with these individuals to explain the setback requirements.

Craig Beman commented on speaking with the Board Members and other Farabee Road homeowners during an October meeting this year expressing concern of raising our taxes to pay for the maintenance for the construction of paving this road. Mr. Beman stated that since that time, he received a tax bill, last year he paid \$123.00 in taxes for his 45 acres and now he received his tax bill in the amount of \$1,167.35 which includes a \$900.00 assessment. Mr. Beman stated he is looking at a tax bill increase of approximately 1000%. Mr. Beman stated he spoke with an individual this morning that received his tax bill of \$33,000. Mr. Beman stated this situation needs to be examined thoroughly.

Mr. Loucks stated that Mr. Cookingham can provide answers to the three individuals of Parkhill Estates. **Chairman Devos** stated she would prefer having Mr. Cookingham address the Board Members now. Thomas A. Cookingham, Planning Services Manager stated he's found a number of lots with three different types of mobile homes at Parkhill Estates. Mr. Cookingham stated if an individual is replacing an in kind manufactured home on the same spot there is no problem in granting the permit, but if units are larger, we'll look at it and can use an administrative variance. Mr. Cookingham stated these permits for the individuals that spoke should be approved.

**BB. County Administrator**

Mr. Loucks stated a workshop has been scheduled for Tuesday, January 4, 2005 at 2:00 P.M. to discuss the Peace River Authority Expansion Plant and serious decisions need to be made. Mr. Loucks stated that today at 3:00 P.M. a news press conference will be held regarding the removal of debris from the County's canals.

**CC. County Attorney**

Janette Knowlton, County Attorney stated Public Works staff has been working feverishly to reach an agreement with FEMA for cleanup of private roads. Attorney Knowlton stated that staff learned yesterday that Escambia County was successful with FEMA in reaching an agreement to obtain some funding. Attorney Knowlton stated that Alan Holbach, Maintenance & Operations Manager will present strategies to the Board on December 14, 2004.

**DD. Commissioner Comments**

**Commissioner Cummings** commented on the workshop being scheduled for January 4, 2005 regarding the Peace River Authority Expansion Plant and stated if we're interested in expanding the plant it will be very expensive, but we do have host of available options to produce water. **Commissioner Cummings** stated he has asked our staff to work with Sarasota County and see if they can work on the other host of water options that are available. **Commissioner Cummings** stated he hopes staff will be able to give the Board some type of presentation on the host of water options that are available for consideration. **Commissioner Moore** stated he needs to talk to the Director of Charlotte County Utilities to see what options we have and what type of timeframes we're talking about. **Commissioner Cummings** stated he didn't want to make a \$100 million plus decision regarding the expansion of the water plant without his fellow Board Members in agreement. **Commissioner D'Aprile** commented on the taxes for Farabee Road, doesn't understand why the prices are so high and needs an explanation. **Commissioner D'Aprile** commented on his serving on the Governor's Affordable Housing Committee, will be leaving for Tallahassee to discuss the needs for affordable housing and has gathered information from staff.

**Commissioner D'Aprile** stated there are a number of people that don't have homes now. **Commissioner D'Aprile** stated he will do his best at the meeting. **Chairman Devos** informed the Board that Mrs. Amodeo would like me to involve the City of Punta Gorda to approach Southwest Florida Management District to acquire the Dunwoody property consisting of 39 acres. **Chairman Devos** stated Mrs. Amodeo requested her to sent a letter to SWFWMD petitioning them to acquire this property. **Chairman Devos** stated she needs to know that she has the support of her fellow Board Members to do send one letter to Mayor Fabian from the City of Punta Gorda and to SWFWMD. **Commissioner Cummings** requested the Chair makes sure she copies him on these letters.

**RECESS: 10:15 A.M. - 2:05 P.M.**

(Chief Deputy Tommy Q. White and Executive Assistant Jenine Thornley were not present for the remainder of the meeting and Deputy Clerk Diane J. Nice replaced Supervisor of Minutes Caroline W. Lounsbury for the remainder of the meeting.)

**Chairman Devos** brought up the meeting schedule for land use hearings, suggested one day a month be set aside for land use petitions, and the first one has been set for Wednesday, December 15, 2004, at 9:00 A.M. Michael Konefal, Community Development Director, recalled discussions on November 23, 2004 about the heavy planning and zoning schedule i.e. Comprehensive Plan Amendments and community plan changes during January through March 2005; suggested options for scheduling land use hearings on the Wednesday following the Board meeting at 9:00 A.M. and to discuss zoning issues at the Monday Pre-Agenda along with regular Board meeting items or to schedule hearings on the third Tuesday of the month at 9:00 A.M.; and reviewed conflicts of staff, Board Members, and outside attorneys. **Commissioner Cummings** commented in support of the Third Tuesday of the month and acknowledged this would be a temporary change. **Chairman Devos** stated land use petitions may also be scheduled on regular meeting days, if time permits. **Chairman Devos** announced land use petitions will be heard on the Third Tuesday of the month, starting at 9:00 A.M., for as long as the workload necessitates a separate meeting day. **Chairman Devos** suggested zoning petitions be discussed at the Pre-Agenda on the Monday preceding the prior regular Board meeting.

X. PUBLIC WORKSHOP AGENDA

2:00 P.M. PUBLIC WORKSHOP

Agenda Item X-1, Determination of Residential Density, Definition of Substandard Lots, and Cluster Housing Developments

Mr. Konefal explained the purpose of the workshop and requested direction on how to calculate residential density, what the minimum lot size should be for a substandard or compact residential lot, and modifying the ordinance regarding cluster housing and introduced Barbara Jefferies, Planner III, to give the presentation. Ms. Jefferies reviewed the packet information:

1. Zoning District Development Standards chart with minimum lot sizes of 10,000 square feet for RSF-3.5; 7,500 square feet for RSF-5, RMF-5, RMF-7.5, RMF-12, MHS, MHC, and OMI; 4,000 square feet for MHP; and 2,100 square feet for RVP; and the standard lot size in the Zoning Code is set at 7,500 square feet unless the lot is located within a Planned Development (PD).
2. The Existing Charlotte County Code, Sections 3-9-2, 3-9-30, 30-9-31, 3-9-32, 3-9-33, and 3-9-71 regarding cluster housing.
3. The white paper entitled "Density within Charlotte County" and staff's first recommendation presented October 5, 2004.
4. Draft Zoning Code changes for Section 3-9-100, Residential Density Determination, Section 3-9-101, Substandard Lots, and Section 3-9-102, Cluster Housing.

Ms. Jefferies explained the draft of Section 3-9-100 is a compromise from the October 5, 2004 meeting:

Prior to calculating allowable density on a given parcel, the area of fresh and tidal wetlands greater than 15%, waterways, reclaimed excavation lakes from Class III excavations, dredged out canals and basis shall be subtracted from the gross acreage of the parcel. The resulting net area shall be used to calculate the density yield or allowable density. Storm water drainage ponds

that are developed on uplands as part of an approved site plan shall be included in the calculation of the allowable density.

**Chairman Devos** suggested the workshop be conducted with staff's presentation, public input, and Board discussion and direction. **Chairman Devos** requested questions from Board Members and there were none.

Ms. Jefferies read draft Section 3-9-101, Substandard Lots:

- (a) Intent. The reason for setting requirements for substandard lots is to establish a baseline or minimum lot size on which it is practical or reasonable to construct a residential dwelling unit.
- (b) The term "substandard lot" means a lot which does not meet the minimum dimension or area requirements established pursuant to the Zoning Atlas, County Zoning Regulations, Future Land Use Map (FLUM), County Land Development Regulations, County Subdivision Regulations, or the Goals, Objectives, and Policies of the Comprehensive Plan.
- (c) For all zoning districts which allow for development of residential dwelling units (including RSF, RMF, RMF-T, MHS, MHC, OMI, and CT) the minimum lot size allowable will be as set forth within the existing Zoning Code but shall not be less than 7,500 square feet. In the case of a PD, smaller lot sizes may be considered as part of such approval.

**Chairman Devos** requested questions of Board Members and there were none.

Mrs. Jefferies presented slides taken on tours of various sites and subdivisions including Mira Bay Community of 750 acres with over 1,000 units of a minimum size of 3,200 square feet and some of the amenities; Reflections Lake (another development by Park Side Preserve in Punta Gorda); Colonial Country Club of 750 acres with 150 acres of wetlands and preserve, 150 acres of golf course, 150 acres of water feature, and 400 acres of housing comprised of 1,700 units; Beazer Homes at Gateway Cypress Cay off of Commerce Lakes Drive and amenities and a cypress stand; explained these are all examples of compact lots; and referenced the Park Side Preserve project that has 3.62 density units per

acre with RMF zoning that would allow 1,634 units even though 701 units are proposed along with open space in a recharge basin environment and an FP&L power line easement; and the staff would prefer more functional, usable open space for residents to congregate and children to play. Ms. Jefferies indicated staff was hopeful that cluster housing might be eliminated in the short-term and replace it with a Planned Development Overlay (PDO) to allow cluster housing and retain existing underlying zoning. Ms. Jefferies continued with the proposed Section 3-9-102, Cluster Housing:

- (a) Intent. The intent of cluster housing developments is to encourage the setting aside of large contiguous blocks of habitat and open space, active and passive recreational areas and structures as well as other site amenities. To accomplish these set asides, a reduced lot size is provided for. Lands designated for open space shall include natural, unimproved, vegetated areas, preferably with heritage trees and shall not be encumbered by easements, engineered infrastructure or manmade lakes, ponds, or recharge areas.
- (b) Cluster housing can only be approved through a PDO.

**Chairman Devos** announced public input procedures, requested input from Board Members, and there was none. Geri Waksler, Moore & Waksler law firm, stated there has not been sufficient time for review since this is the first time she has seen the presentation and documentation; expressed concern with all of the issues: 15% of what, total wetlands, total gross area of the site and exclusion of Class III excavations will increase dirt costs and road damage for imported dirt; there is an existing definition of non-conforming lots of record which is the same as a substandard lot; cluster housing communities are very marketable; and expressed concern about the exclusion of engineered infrastructure or manmade lakes in the determination of open space. Mel Staudmyer, of Florida Lakes and Southwest Land Developers, stated increased costs of land and permitting is reducing profits on excavations; profits are not realized until after completion of excavations and the land is sold and/or developed; requested density not be taken away; agreed with Attorney Waksler on the increased costs of dirt and maintenance and repair costs to roads; and asked that the

density be maintained as is. Greg Morris, he and his partner own Park Side Preserves, advised they are under contract with Engle Homes to sell the approximate 188 acres of pastureland in Punta Gorda; the original RMF-10 and RMF-15 zoning designations would have allowed over 1,600 units; a plan was developed and submitted to DRC about two weeks ago but the definition of a standard lot did not fit; stated not everyone can afford a \$300,000 to \$500,000 home; this development is comprised of homes from the low \$100,000's and peak at the high \$200,000's attached two and four-plex units and detached single family homes with open space and use of adjacent amenities. Ian Vincent, appeared as a member of the development community, stated there is a lot of ambiguity regarding wetlands and the 15%, questioned the boundaries of wetlands i.e. SWFWMD or FDEP, wetlands are fillable and developable. Dennis Church, of the Bonita Bay Group, stated there is density value to wetlands for transfer and add value to the rest of the property, agreed wetlands can be filled, and offered to work with staff on the wetlands issue. Ron Inez explained PDS provide options to develop open and green space and common areas for residents and pointed out people like smaller lots and spending less time doing yard work. Chris Stephens, KB Homes of Ft. Myers, LLC, advised three projects are underway in Charlotte County of which Creekside is a development of smaller lots, 600 calls have been received in the last six months regarding this community, KB Homes will deliver nearly 40,000 homes this year Nationwide and nearly \$7 billion in revenues, and opined development is market driven based on location, lot size, and prices. Michael Haymans, as a land use attorney with Farr, Farr, et al. law firm, asked the Board to tell staff they are going in the wrong direction and need to work on incentives to transfer density; gross density should be used to calculate density instead of reducing density and revenues to preserve open space and provide amenities at a price that people can afford; stated the Comprehensive Plan allows the broadest choice of housing types and lot sizes; recalled the Agricultural and Natural Resources Advisory Committee was established to help with land uses in agricultural areas; the County needs some dense areas and allow cluster homes on smaller lots in lieu of high rises. Todd Rebol, Banks Engineering, stated the tour of various communities provided an opportunity for a good meeting with staff; pointed out Riverwood has some 44' lots and these are filled up; Heron Creek in North Port meets various development and housing needs;

advised SWFWMD surveys and identifies wetland boundaries prior to applications being submitted to the Army Corps of Engineers; developers have reasons for what and how they build homes, they do market research to ascertain what will sell; people want to live where they can get the most house for their money; and recreational facilities are difficult to define and vary significantly. David Cobb, Division President of Engle Homes, stated three weeks the contract was entered into for Park Side Preserves; encouraged everyone to visit Reflection Lakes to view the same basic concepts that will be implemented at Park Side i.e. to provide a variety of housing at different price levels; land values and prices in Charlotte County are increasing and they are comparable with current Lee County prices; the community will be designed to fit the needs of residents; they have found that not everyone wants a large home site, some people like the maintenance free lifestyle of multi-family, villa, or cluster units; stated this project has over 1,600 density units available but development will require 700 units; the site plan took into consideration the adjacent County parks and recreation facilities, the site has two club house sites, at Reflection Lakes, the club houses are 8,000 and 5,000 square feet; and advised the different types of housing are driven by the market and affordability. Sharon Neuhofer, Charlotte Builders and Contractors Association Executive Director, agreed with many of the prior statements. **COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC WORKSHOP, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS.** Mr. Konefal commended Board Members for taking the time to study the complex land development issues that have been brought before the Board and the development community for working with staff to develop the Transfer of Density Units (TDU) ordinance that should be ready for adoption next week; stated opposition exists regarding compact development; suggested renaming substandard to compact lots that are being developed pursuant to the rules and they are beneficial and serve market needs; recommended compact lots not be excluded but to develop them along with the proper balance of green space, parkland, and amenities; and explained that Class III excavations are mining operations that requires a significant set back from residential areas, schools, and churches. **(The Board posed questions and discussion ensued regarding the 1,000' setback requirement for Class III excavations during mining operations and subsequent reclamation or restoration plans; slopes applicable to Classes I, II, and**

III excavations; the need to establish a formula for open and green space and development ratio especially relative to cluster housing; future use of easements in green/open space areas; providing flexibility in development and preservation; density calculated on gross property area i.e. wetlands, natural water bodies at a maximum of two units per acre and mechanically created lakes, lakes and canals at a maximum of one unit per five acres and density for upland and dry retention areas would be based on the Comprehensive Plan; green space in the Murdock Village project being rearranged; the vision of the County does not include a house on every single platted lot; the Board has been approving cluster housing; cluster housing approved through a Planned Development provides more green space, recreational, and onsite facilities; increasing density in the Infill Area and Murdock Village; Harbor Heights was platted out with substandard lots with no room for amenities or green space; support for eliminating easements from at least some green space areas to forestall the possibility of an FP&L or utility easements running through habitats or heritage trees; establishing a cap for cluster housing in affordable housing areas; developers look at a site for profit, staff looks at preservation planning, and the Board needs to establish a median; concerns regarding Port Charlotte becoming an urban sprawl area; the relationship between the mass and height of a building versus the amount of green space and setbacks. Mr. Konefal explained staff's position is that more specificity is needed in the ordinance to create a balance; requested direction on whether the balance should be more down the middle or towards the development community or environmental oriented; suggested staff meet with people from the development community, as was done with the TDU ordinance; or leave the ordinance as is which is more in favor of the development community. **Chairman Devos** expressed reluctance in the ordinance being in favor of one community over another. **Commissioner Cummings** related people he has spoken with favor a "green community" with a high quality of life and is environmentally and pedestrian friendly; suggested staff meet with development community representatives due to the lateness of the ordinance being provided for review; expressed support of the recommendations; commented on the difference in Class II and III excavations; 140,000 standard platted lots are 80' x 120' and if this were to be changed, commercial centers would need to be created; his position regarding PDs is changing to support; and questioned if Lee County has a regulation regarding

developments above a certain threshold size. **Commissioner DeBoer** expressed no objection to the substandard lots or cluster housing with the provision to add a second floor, and the ratio between green space will be to developed areas. **Chairman Devos** agreed with **Commissioners Cummings and DeBoer** except about creating a specific percentage and suggested a minimum be established and requested when a PD is proposed, a developer provide a rationale for open space versus development. Ms. Jefferies explained, without a minimum, existing regulations would allow extraordinarily dense development without any balance. **Chairman Devos** commented in support of creating a minimum without a maximum point. **Commissioner Cummings** stated he does not want one ratio County wide because he would want Murdock Village to be more dense than Tern Bay i.e. location will determine the ratio. **Chairman Devos** commented in support of staff working with the development community and stated PDs should be flexible to provide cluster housing, amenities, and green space for a better quality of life. Mr. Konefal suggested 30% open space and allow for options off site. **Commissioner DeBoer** suggested 50% based on an 80' x 120' lot of 10,000 square feet with a 3,000 square foot home and an 1,800 square pool and deck space and setbacks; he would be happy with 60%; and expressed support for staff negotiations with the development community. Ms. Jefferies pointed out the Colonial Country Club community of 750 acres, at I-75 and Colonial Boulevard, has only 400 acres built on. **Commissioner DeBoer** expressed flexibility on alternatives and exceptions. **Commissioner Cummings** stated a big part of Charlotte County's growth is coming from Naples and the East Coast of Florida because residents are moving from big cities and over populated areas. **Board consensus.** **Commissioner D'Aprile** requested a meeting with Mr. Konefal and Ms. Jefferies by Thursday on this issue. **Commissioner Cummings** stated one of the most difficult problems the County will be faced with in the next 10 years will be affordable housing and this will not be accomplished by increasing density but by utilizing other tools i.e. multi-family, rehabilitation of certain areas, and community centers.

**DD. Commissioner Comments (Continued)**

**Commissioner DeBoer** requested revisions to the stem wall ordinance be brought back to address a problem he has been made aware of; suggested Board Members review the Hazard Mitigation

Grant Program memorandum prior to the staff meeting on Thursday being held to prioritize projects and offered to distribute copies; and requested Dick Keene be allowed to make a presentation to the Board regarding establishment of a Waterway Task Force Committee. **Commissioner Cummings** concurred with allowing Mr. Keene to make the presentation.

**MEETING ADJOURNED: 4:20 P.M.**

---

**Sara Devos**  
**Chairman**

**ATTEST:**

**BARBARA T. SCOTT, CLERK  
OF THE CIRCUIT COURT AND  
EX-OFFICIO TO THE BOARD  
OF COUNTY COMMISSIONERS**

**By:** \_\_\_\_\_  
**Deputy Clerk**

**cwl/djn**