

PUBLIC HEARING

BOARD OF COUNTY COMMISSIONERS

DECEMBER 13, 2004

A Public Hearing 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, Adam Cummings, Thomas C. D'Aprile and Matthew D. DeBoer. Also in attendance were County Administrator Bruce D. Loucks, County Attorney Janette S. Knowlton, and Deputy Clerk Diane J. Nice. The meeting was called to order at **10:05 A.M. (Proof of publication was in order.)**

- 1. Transfer of Density Units (TDU) Ordinance**
- 2. Resolution for Land Trust Fund**
- 3. Resolution for Unity Price Equivalent for Vacant Land**

Michael Konefal, Community Development Director, introduced Inga Williams, Planner III, and Charles A. Pingree, Jr., Senior Real Estate Specialist. Mr. Konefal summarized revisions to the TDU ordinance and stated, as result of meetings with the Land Practitioners Group, staff, and the Board, language was added that newly annexed property to the City of Punta Gorda will be subject to the ordinance; the ordinance has been modified to be more friendly to the development community; the ordinance provides for a 100% appeal process instead of a 95% appeal process; and the goals of the ordinance are to reduce single family platted lots, reduce density in general, protect environmental resources, and encourage growth in the Urban Infill Areas as opposed to Rural Suburban Areas. **Commissioner Cummings** requested a mechanism be established to assure consistency of the City of Punta Gorda Comprehensive Plan with the County's Comprehensive Plan and stated increasing the development potential in the City would be a good thing since it is an Infill Area but it should be done with transfers from less appropriate areas paid for by developers. **Chairman Devos** announced public input procedures. Robert H. Berntsson, of the McKinley, Ittersagen, Gunderson & Berntsson law firm

appeared on behalf of various clients including the City of Punta Gorda, distributed a list of suggested changes to the TDU Ordinance and the Land Trust Fund Resolution; advised the City of Punta Gorda requested and supports the language currently in the ordinance and clarified the language that was before the voters was whether to delete Charter language that says the County may impose ordinances within the City and the answer was no so this ordinance could be imposed within the City; and opined the language in the ordinance is appropriate and consistent with Comprehensive Plans of the County and the City. Attorney Berntsson reviewed his suggested changes as indicated on the handout. Gerri Waksler, of the Moore & Waksler law firm, stated she has worked with staff since November 2002 on the TDU ordinance, staff and the Practitioners Group have come to a general consensus on the issues, encouraged adoption of the ordinance, and agreed with Attorney Berntsson on establishing a TDU fee earlier in the process. Greg Betterton, of the Betterton & Tyler law firm, commended staff on the negotiation process; expressed concern about the language on page 20 of the ordinance about TDUs to and from flood zones and requested deletion of the 12 words or, in the alternative, revert to language offered by Ms. Williams to prevent transfers from an AE zone into a velocity zone. Andy Dodd expressed appreciation to staff and Board Members for their efforts over the last 18 months, reviewed improvements in the TDU to allow a separation of the sending and receiving processes stating the biggest benefit will be to provide for an open market in credit transactions, the ordinance will permit summary allocation of density in a Tropical Storm Category I, expressed support for the changes that Attorneys Berntsson and Betterton have requested, advised the ordinance will allow tracking of density credits, and related a Bonita Bay Group representative indicated support of the ordinance. **COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS.** Commissioner D'Aprile requested an explanation regarding the lack of a fee in the ordinance. Mr. Konefal explained price values are increasing rapidly, the fee will be established at the time of application by the Property Management Department, and land values depend on the parcel location within the County. Commissioner D'Aprile requested staff's position on deleting line 43, page 20 regarding TDUs into flood zones. Mr. Konefal stated he totally disagrees with the statement, recalled the Comprehensive Plan directs that

density will not be increased in Coastal High Hazard Areas and staff compromised to allow TDUs from a less restrictive to a more restrictive area. **Commissioner DeBoer** stated there are things that he would like to see changed in the ordinance and one of the resolutions but the ordinance provides a 100% appeal process and the Board has the discretion to make changes. **Commissioner DeBoer** suggested an annual review be conducted to ascertain the need for changes in order to further goals and objectives. **COMMISSIONER DeBOER MOVED FOR APPROVAL TO ADOPT RESOLUTION #2004-248 FOR THE LAND TRUST FUND, RESOLUTION #2004-249 FOR THE UNIT PRICE EQUIVALENT FOR VACANT LAND, AND ENACT ORDINANCE #2004-067, SECONDED BY COMMISSIONER CUMMINGS.** **Commissioner DeBoer** recalled years ago land values appreciated at a significant rate and then they fell and stated, if values were set today, they would probably be lower in five or six years. **Commissioner Moore** expressed support for the action although he does not like the lack of pricing; agreed reviews are needed; stated the maps of West County represent an artist's rendition, not a legal document, that will create a lot of confusion; and he will support moving forward since he has been assured that this is better than the existing process. **Chairman Devos** complimented staff and stakeholders for their due diligence, expressed support for the ordinance, stated the 100% appeal process will allow for changes at the Board's discretion, and requested an amendment to the motion to add annual reviews. **COMMISSIONER DeBOER AMENDED THE MOTION TO INCLUDE AN ANNUAL REVIEW, SECONDED BY COMMISSIONER CUMMINGS. CALL ON THE MOTION AS AMENDED: DECLARED UNANIMOUS.** **Commissioner DeBoer** stated he will talk to staff about the direction in the resolution that money within the Land Acquisition Trust Fund "shall" be used to acquire and manage properties and it should be "may" based on a conversation with Dr. Merwin about a public/private partnership with Florida Gulf Coast University environmental study programs to manage some of the environmentally sensitive lands. **Chairman Devos** stated she has a conflict with serving on the Metropolitan Planning Organization (MPO) and the Council on Aging and requested **Commissioner DeBoer** move from Alternate on the MPO or another Board Member volunteer to serve on the MPO. **Commissioner DeBoer** stated he would attend today's meeting at 2:00 P.M. **Commissioner D'Aprile** offered to serve after today.

MEETING ADJOURNED: 10:42 A.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
djn