

LAND USE PUBLIC HEARINGS

BOARD OF COUNTY COMMISSIONERS

MARCH 15, 2005

A meeting of the Board of County Commissioners for Planning and Zoning Land Use petitions was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman Sara J. Devos and Commissioners Thomas G. Moore, Adam Cummings and Matthew D. DeBoer. **(Commissioner Thomas C. D'Aprile was not present for this portion of the meeting.)** Also in attendance were Assistant County Administrator Kelly Shoemaker, Assistant County Attorney Richard A. Browne and Deputy Clerk Karen S. Mitchell. The meeting was called to order at **9:06 A.M.** followed by the Pledge of Allegiance to the Flag. **(Proof of Publication was in Order.)**

PLANNING AND ZONING AGENDA

Agenda Item 1 - Z-04-11-59 (Quasi Judicial) District II

(Chairman Devos polled the Board for Ex-Parte Disclosures. There were none.) (Deputy Clerk Karen S. Mitchell administered the oath to prospective witnesses.) Inga Williams, Planner III, explained this was the second of two required public hearings requesting to rezone 12.07+ acres from Mobile Home Subdivision (MHS) to Mobile Home Conventional (MHC). Ms. Williams stated the site contained 38 platted lots located south of Dania Lake Drive, west of Palm Drive, east of Deltona Drive and north of Hawaii Court; reviewed the Future Land Use Map (FLUM) designations and surrounding land uses; and stated the rezoning was consistent with the FLUM and requested approval of the ordinance. John Kemmeter said he'd spoken in opposition at the previous hearing, he's ordered a new mobile unit but he's afraid he will lose his value when taller stick built homes go on the vacant lots on either side of his property and voiced opposition to the new association's rule allowing an additional 2' of height. Bonnie Waldrop said she helped initiate the deed restrictions, the intent was to give people a choice on the type of home to have but they don't want really tall homes and the goal was to try to keep the look and feel of the community. Robert Brewster said as a new resident he supported this

proposal, he fears insurance companies will not fully insure mobile homes, clarified the new rules only allow single-story stick built homes a maximum of 3' above the FEMA level and 5' above the ground, and the deed restrictions were filed yesterday so they were now in place. **COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS (4:0). COMMISSIONER DeBOER MOVED APPROVAL TO ENACT ORDINANCE #2005-021, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0).**

Agenda Item 2 - Z-04-12-69 (Quasi-Judicial) District II

(Chairman Devos polled the Board for Ex-Parte Disclosures. There were none.) Inga Williams, Planner III, explained this was a request to rezone 9.3+ acres from Mobile Home Subdivision (MHS) to Mobile Home Conventional (MHC); the site contains 44 platted lots located southeast of Almar Drive, northwest of Sea Edge Drive between River Bay Canal and Sea Edge Canal; reviewed the Future Land Use Map (FLUM) designations and surrounding land uses; stated the rezoning was consistent with the FLUM; and requested approval of the ordinance. **THERE BEING ON ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS (4:0). COMMISSIONER DeBOER MOVED APPROVAL TO ENACT ORDINANCE #2005-022, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0).**

(County Attorney Janette Knowlton replaced Assistant County Attorney Richard Browne for this portion of the meeting.)

Agenda Item 3 - DRC-P-04-48 (Quasi-Judicial) District III

(Deputy Clerk Karen S. Mitchell administered the oath to prospective witnesses.) **(Chairman Devos polled the Board for Ex-Parte Disclosures. There were none.)** Jorge Perez, Planner III, explained this was the first of three petitions for exceptions to the Interim Development Controls (IDC) imposed on Manasota and Sandpiper Key on November 23, 2004; McDaniel Condominium (a/k/a Beachcomber at Manasota Key) seeks an exception from the IDC; and prior to the effective date of the IDC the project had not received any Department of Community Affairs (DRC) or any other development approvals from Charlotte County. Mr. Perez said the scope of his presentation will be

similar for all three petitions according to the criteria for exceptions and detailed the following: Scope of presentation; McDaniel-Beachcomber Condominium (site aerials); Approval history; Permitting process; Permitting process-DRC; Investment-backed expectations; History of property and development; Nature, size, and use of property; Compatibility with the Manasota Plan (September 21, 2004); Consistency with 1997-2010 Comprehensive Plan; and Photographs provided by the applicant. Mr. Perez summarized staff and the Manasota and Sandpiper Key Advisory Committee (MASKAC) recommend denial based on the criteria for exceptions to the IDC ordinance and the facts presented to them. **Chairman Devos** said she was surprised to hear the 16' tower would be acceptable and she thought when the Board passed the height restrictions they were pretty clear that they didn't want anything to exceed the maximum. Mr. Perez said there was a specific section of the code that excludes certain elements from the 35' height restriction such as elevator shafts and staircase towers and it has come to a point where one of those exceptions to the structure height measures half of the residential height of the building. **Chairman Devos** said then they need to take a look at that issue for all areas because it was the Board's desire that items such as towers were to be part of the overall 35'. Ken Ortel, Attorney for the applicant, said he wouldn't be testifying and questioned staff on density units per acre, zoning limitations, the definition of density, and how density is calculated. Attorney Ortel said he felt the new code discriminated against his client who owns two parcels that were platted in the 1950's, and if the two parcels were combined he would be allowed three units versus only one unit per parcel for a total of two. Attorney Ortel reviewed the letter from the County Zoning Official dated May 11, 2004. Attorney Ortel questioned his client and owner of the property Bruce McDaniel and asked him to review the process from purchase of the property to today's hearing. Attorney Ortel questioned Site Planner Brad Bates, Project Coordinator for DMK Associates, and asked him to review his involvement in the project. Attorney Ortel questioned Robert H. Berntsson, Esq. with the law firm of McKinley, Ittersagen, Gunderson & Berntsson, P.A., and asked him to give his opinion of the project's compliance with the new code. Attorney Ortel stated that concluded the presentation, gave a brief closing statement and requested approval. Janette S. Knowlton, County Attorney, clarified there were basically nine review criteria the Board needs to consider in determining

whether to grant or deny an exception and agreed that if you had to comply with each of the nine criteria there would be no need to have an exception. Attorney Knowlton said her interpretation of the ordinance provides some discretion on the Board's behalf, and some criteria speak in terms of compatibility but she didn't believe that meant 'consistent with' or 'compliance with' because you need to look at the intent and purpose of the ordinance and determine whether the proposed projects were compatible with the intent and purpose of the community plans. Attorney Knowlton stated at the conclusion of each of these hearings the Board can approve the request for exception, deny the request for exception, approve the request for exception in part, or deny the request for exception in part. Attorney Knowlton said legally the applicants were looking to establish some kind of equitable estoppel, i.e., trying to state a case that they've spent 'x' amount of dollars but she wanted to caution the Board that expenditure of money has to be tied to some approval by the County. Attorney Ortel agreed they were applying under the exception process of the ordinance but they were also applying under what he called common law vesting. **Chairman Devos** asked if the applicant will comply with the community plan regarding landscaping. Attorney Ortel responded as much as possible. Bob Carroll spoke on behalf of the South Manasota Key Association in support of the process, said they support the plan the Board approved and asked the Board to be fair but firm. Marianne W. Murdock said she was Mr. McDaniel's neighbor, she supported the new code, parking and traffic were already difficult, and she supported keeping the building as low as possible and as far from her little house as possible for safety reasons. B.J. Galberath, MASKAC Member and Architectural Board Member, said this project wasn't compliant with the intent or the purpose of the overlay code, Mr. McDaniel had sufficient time to know what they were planning, the Architectural Board reviewed this project last Friday, the information they had was totally different than what was said today and because many of the parcels were small like the applicant's two parcels the decision was not to allow combining of lots to increase density. **COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS (4:0).**

RECESS: 10:41 A.M. - 10:56 A.M.

(County Administrator Bruce D. Loucks replaced Assistant County Administrator Kelly Shoemaker and Commissioner Thomas C. D'Aprile was present for the remainder of the meeting.)

Commissioner DeBoer asked what was around this site. Mr. Perez said three single story buildings on grade, one two and a half story over piling structure and another single story structure. **Commissioner DeBoer** said this seems to be a very awkward forum for what they're doing, what's in front of them right now in a quasi-judicial setting was an ordinance that specifically states the criteria the Board must use to base their decision but most of the testimony didn't address the criteria, opined the criteria regarding expenditures wasn't clear, and they weren't in a setting where they can negotiate something different than what's been presented as evidence such as the issues with the tower and the driveway. **Commissioner DeBoer** said overall when he looks at this compared to it's surrounding uses and the actual plan, it appears the surrounding uses, especially with the height, were somewhat in conflict but when you look at the IDC ordinance it's not that far off. **Commissioner DeBoer** opined the issues of height and the driveway could be corrected but that's not the case with the issue of the number of dwelling units and said he was inclined to remand this back to staff for additional review instead of trying to deny or deny in part. **Commissioner Moore** said he hadn't heard anything to give him any reason to treat this as an authorized exemption, he'd heard no testimony the applicant was trying to comply with the IDC ordinance and he would have to deny this request. **COMMISSIONER CUMMINGS MOVED DENIAL OF McDANIEL CONDOMINIUM DRC-P-04-48, SECONDED BY COMMISSIONER MOORE.** **Commissioner DeBoer** asked what the Commissioner based his decision on. **Commissioner Cummings** said it didn't meet the criteria. **Commissioner D'Aprile** said he wished to recuse himself from voting because he hadn't heard all the testimony. **CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).**

Agenda Item 4 - No DRC application on file (Quasi-Judicial) District III

(Chairman Devos polled the Board for Ex-Parte Disclosures. Commissioners Cummings, D'Aprile, DeBoer and Moore said yes and they would file the appropriate papers.) (Deputy Clerk Karen S. Mitchell administered the oath to prospective witnesses.) Jorge Perez, Planner III, explained the applicants Paul and Marsha

Brown, Rose Byron and Ralph DeCarlo for the San Vito Lo Capo Condominium were seeking an exception from the Interim Development Controls (IDC) imposed on Manasota and Sandpiper Key on November 23, 2004 and prior to the effective date of the IDC the project had not received any Department of Community Affairs (DCA) or any other development approvals from Charlotte County. Mr. Perez said the site involves three parcels located west of North Beach Road for the construction of 24 multi-family residential dwelling units on 2.4+ acres and gave a slide presentation which detailed the specifics for this petition: San Vito Lo Capo - De Carlo Condominium (site aerials); Approval history; Investment-backed expectations; Monetary liability exposure/unable to obtain a reasonable return on the property; Nature, size, and use of property; Compatibility with the Manasota Plan (September 21, 2004); Consistency with 1997-2010 Comprehensive Plan; and Photographs provided by the applicant. Mr. Perez summarized there would be eight units on each of three floors totaling 24 units, this project has some good design elements but the concern was there was nothing on file, there were inconsistencies with the plan and the overlay code, and both staff and the MASKAC recommend denial based on the criteria for exceptions to the IDC ordinance and the facts presented. **Chairman Devos** asked exactly what were the items at issue. Mr. Perez said the most significant ones were the lack of buffer strips, lack of stormwater provisions and staff's inability at the current time to review for height and setbacks. **Commissioner D'Aprile** asked if density was also an issue. Mr. Perez said yes. Paul Brown spoke on behalf of the applicants in support of the petition and summarized by stating the people who wanted to buy and build the development offered an amount substantially less than the original \$9 million due to the new controls. Ralph DeCarlo said water retention was an issue but was part of the permit process and would be taken care of, the 30 foot setbacks due to combining lots really hurts them because it takes away almost one whole lot, shell versus blacktop was fine, opined since they were surrounded by condominiums they fit and comply with the area, and asked for Board support. **(Deputy Clerk Karen S. Mitchell administered the oath to the witness.)** Wayne Largent, South Manasota Key Association President, said this was a slam dunk, nothing was filed prior to the new ordinance, if this was granted then why have the ordinance and asked the Board not to approve. Marsha Brown said they'd been discouraged from applying for the zoning due to the timing

issues and opined they'd been caught in the middle. B.J. Galberath, MASKAC Member and Architectural Board Member, said the applicants attended all the meetings so they knew what was happening before the applicants designed their project, the committees didn't get a majority of the required information and asked the Board to deny the exception. **COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS.** Commissioner D'Aprile asked the date of the commercial contract. Mr. Perez responded the copy was faxed on January 2, 2005. Commissioner D'Aprile asked for clarification on the total acreage - was it 3 acres or 2.4 acres which would make a difference on the number of allowable units. Mr. Perez clarified staff report was based on the information provided by the applicant who gave the size of each individual lot which was how the 17 units was derived and if there were in fact a total of three one acre parcels then 21 units of density would be allowed but the information provided to him was that according to a survey the properties were large enough to contain 17 units. Commissioner D'Aprile summarized the property could be larger and the applicants could apply for another plan to include additional units that meets the new codes. Mr. Perez concurred. **COMMISSIONER CUMMINGS MOVED DENIAL OF THE SAN VITO LO CAPO CONDOMINIUM EXCEPTION APPLICATION, SECONDED BY COMMISSIONER DeBOER.** Commissioner DeBoer stated the applicants failed to meet the criteria set forth in the ordinance, the paperwork was incomplete, this was a quasi-judicial decision that must be based on evidence and what's in front of them today, and even though the project was close to being compatible it doesn't comply with the ordinance. Chairman Devos concurred, said she would support denial and the applicants can come back if the property was proved to be larger but the presentation just wasn't complete. Commissioner D'Aprile agreed the Board had to go by the evidence and said he would support denial. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

RECESS: 11:54 A.M. - 1:31 P.M.

(Executive Assistant Jenine Thornley replaced Executive Assistant Joann Dillon for this portion of the meeting.)

Agenda Item 5 - DRC-PF-04-43 (Quasi-Judicial) District III

(Chairman Devos polled the Board for Ex-Parte Disclosures. There were none.) (Deputy Clerk Karen S. Mitchell administered the oath to prospective witnesses.) Jorge Perez, Planner III, explained the applicant Oceanaire Breeze Condominiums known also as The Keys Condominium DRC-PA-02-04 was the third petition seeking an exception from the Interim Development Controls (IDC) imposed on Manasota and Sandpiper Key on November 23, 2004. Mr. Perez said the site was located 2395 N. Beach Road, the project involves the construction of 14 residential dwelling units on 0.95+ acres and gave a slide presentation which detailed the specifics for this petition: Oceanaire Breeze - Keys Condominiums (site aerials); Approval history; Investment-backed expectations; Monetary liability exposure/unable to obtain a reasonable return on the property; History of property and development; Nature, size, and use of property; Compatibility with the Manasota Plan (September 21, 2004); Consistency with 1997-2010 Comprehensive Plan; and Photographs provided by the applicant. Mr. Perez summarized staff and the Manasota and Sandpiper Key Advisory Committee (MASKAC) recommend denial based on the criteria for exceptions to the IDC ordinance and the facts presented to them. Ken Ortel, Attorney for the applicant, questioned staff on the project's compliance with the Comp Plan. Attorney Ortel said this was a request for the Board to grant in part, they would not seek an exemption and promised the redesign of this project would comply with what he felt were the most important parts of the plan, i.e., the project would be reduced from four to three floors and they will comply with floor area ratio. Attorney Ortel said they were requesting exemption from: parking, setbacks and access, and the roof top garden. Attorney Ortel stated the applicant was committed to meeting the intent of the plan. **Chairman Devos** said she wondered if it would be in the applicant's best interest to table this for today and come back to the Board with specific changes. Attorney Ortel responded he didn't want to have to bring his witnesses back and asked the Board to make that decision after hearing from them. Janette S. Knowlton, County Attorney, asked the applicant's representatives to be as specific as possible regarding the exceptions being asked for. Attorney Ortel questioned his client and owner of the property Donna Kohs and asked her to review the process from purchase of the property to today's hearing. Attorney Ortel questioned Giffels-Webster Engineers,

Inc. Civil Engineer Sandra Newell, P.E. and asked her to review her involvement in the project. **Chairman Devos** asked what the parking was under the old rules. Mr. Perez said parking requirements for MF uses was and still is County-wide 1.5 spaces per condo unit and the Manasota plan was revised to require two parking spaces per unit plus a small percentage for services and guests. Ms. Newell said there were 24 parking spaces provided in the original plan, commented on the approval process for the roof top garden and the project's delay due to the County's need to correct an error in the 1997-2010 Comp Plan regarding density. Attorney Ortel questioned Architect Julio Claret and asked him to review his involvement in the project. **Chairman Devos** asked if the site can accommodate the required number of parking spaces. Mr. Claret said 28 spaces was no problem. Attorney Ortel clarified they can't accommodate 28 spaces plus the percentage for services and guests, it would be close but may not meet the exact number. **Chairman Devos** summarized it appeared the only two issues were the number parking spaces and the side setbacks. Attorney Ortel agreed. **(Discussion ensued regarding the roof top garden as detailed in the two handouts.)** **Commissioner Moore** asked the width of the driveway included in the 17.5' side setback. Mr. Perez explained between 9' to 12' wide leaving a maximum of 5.5' of green space. B.J. Galberath, MASKAC Member and Architectural Board Member, said the applicant has made dramatic changes since they reviewed the plans last Friday and promises were great but they need to be in writing. **COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS.** **Commissioner D'Aprile** asked if they were expected to decide today. Attorney Knowlton reiterated the Board can approve the request for special exception, deny it, approve it in part or deny it in part; and said the applicant was looking more for a partial exception on the three items of parking, setbacks and to allow the roof top garden. **Commissioner Moore** said he's not ready make a decision and he supported tabling this. **Commissioner Cummings** said he was willing to consider a presentation or other specific proposal other than what was presented but he wasn't willing to give what appeared to him as a vague partial exception to details they're really not sure of and he would reluctantly support tabling this but otherwise he would support denial. Attorney Ortel clarified he didn't object to tabling this he had just wanted to give his witnesses the chance to make their presentations instead of having to bring them back, he had no problem putting everything

they'd said in writing and having the Board make it an explicit condition to any approval and he didn't want any ambiguities. **Commissioner DeBoer** said the difficulty is maintaining the integrity of the process started today, he liked the things he'd heard in terms of trying to find some compromises, he felt this one was close enough, it has been in the process for quite a number of years and he felt they can reach a consensus. **COMMISSIONER DeBOER MOVED TO TABLE ACTION ON THIS, REMAND IT BACK TO STAFF TO MEET WITH THE APPLICANT AND DEFINE WHAT THE EXCEPTIONS WILL BE IN PARKING, ACCESS AND SETBACKS, AND THE ROOF GARDEN, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

(Assistant County Attorney Richard A. Browne replaced County Attorney Janette Knowlton for the remainder of the meeting.)

COMMISSIONER DeBOER MOVED TO TAKE AGENDA ITEM #7 OUT OF ORDER, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

Agenda Item 7 - Z-04-11-54 (Quasi-Judicial) District IV

(Deputy Clerk Karen S. Mitchell administered the oath to prospective witnesses.) (Chairman Devos polled the Board for Ex-Parte Disclosures. Commissioners Cummings and DeBoer said yes and they would file the appropriate papers.) Jie Shao, Planner II, explained this was the second of two public hearings requesting a rezoning from Planned Development (PD) (79.45+ acres) to RSF-5 (71.07+ acres), RSF-3.5 (6.42+ acres) and RSF-1 (1.96+ acres); and the site was located east of Riverwood DRI, south of Riverwood Drive, west of El Jobean Road, and north of the Myakka River. Ms. Shao said the purpose was to rezone the privately owned properties to be compatible with the existing and future use of the lands and to give the property owners the ability to build residential houses on their lots. Ms. Shao reviewed the surrounding zoning designations and FLUM classifications. Ms. Shao reported since 1982 this area underwent a PD rezoning, subsequently changed ownership several times, the old PD was never finalized prior to the change in ownership, during this time a substantial portion of the PD was purchased and became part of the Riverwood DRI, and consequently there was uncertainty over how much density remains on that portion of the old PD after the Riverwood DRI was created. Ms. Shao stated there were 512 lots on the site most of which were vacant, there were two small existing residential neighborhoods

containing two recreational buildings, and under current development standards most of the lots would be considered non-conforming but under the non-conforming lot provision of the Code each lot could be built on except that the ambiguity of the old PD zoning does not give any property owner rights to develop. Ms. Shao reported staff has determined that no property owner can build a residential house on any lot due to the confusion surrounding PD development rights and this rezoning will benefit the property owners and give them back the right to apply to the County to develop their properties. Ms. Shao stated both staff and the Planning and Zoning (P&Z) Board recommend approval. The following people spoke in opposition to the petition: Carol Mac Dougall, Joan Schneider, Al Rossi, John Schneider, Charley "Haraway", Bill "Walsky", Patti Tantum, Dennis Rash, Paul "Voley", "Hayman Kape", and Vic Lucas. **(Deputy Clerk Karen S. Mitchell administered the oath to the witness.)** "Conchetta Rash" spoke in opposition to the petition. **(Board discussion ensued regarding septic and well on 5,000 square foot lots, the Health Department restriction to a one-bedroom home on that size lot, and odor problems from so many septic systems in such a small area.)** The following people spoke in support of the rezoning: Attorney Robert Berntsson and Attorney Geri Waksler. **(Deputy Clerk Karen S. Mitchell administered to oath to prospective witness.)** Eric Crinshaw spoke in support of the rezoning. **Commissioner DeBoer** clarified most of the comments aren't dealing with the zoning issue and asked Ms. Shao to state the criteria than must be meet. Ms. Shao read item 19. Standards for Rezoning Approval from pages 9 and 10 of staff report. **Chairman Devos** summarized the PD was never finalized on the property; the Board was being asked to correct the issue of restoring people's property rights; and all concerns like roads, water and sewer will be addressed during the process before this property can be developed. **Chairman Devos** added that if additional people still wanted to address the Board they could still do so even though most of what they'd heard so far wasn't what this hearing was about today. The following people spoke in opposition to the rezoning: Tom Vilaro, Wally Sadoff and Donald Wilkie. **COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS.** **Commissioner DeBoer** asked if there have been any homes built within the areas in question. Ms. Shao said yes some but the County stopped issuing new permits three years ago. **Commissioner DeBoer** asked if vesting

occurs with the plat or when the Board changes this from a PD to a particular zoning. Richard A. Browne, Assistant County Attorney, said vesting would have occurred at the time of the platting but then they were going to rezone to a PD which was never really consummated. **Commissioner DeBoer** said then if the Board did nothing and left this the way it is right now the Board could end up involved in an extensive lawsuit on the vested rights of those property owners. Attorney Browne said yes, there was a very good chance of that. **Chairman Devos** said that goes to why this was on the agenda today. **Commissioner DeBoer** said individual homeowners were in conflict and the Board needs to encourage developers like those represented by the two attorneys who spoke today to create more developments that were under the Board's control. **Chairman Devos** said this truly was an effort to manage growth, there were about 200,000 vacant platted lots in this County which makes it extremely difficult for them to attempt to manage growth hence Murdock Village, agreed the only way to have some control was to do what they were trying to do today and opined they were all striving for value-added growth. **COMMISSIONER CUMMINGS MOVED APPROVAL TO ENACT ORDINANCE #2005-023 FOR PETITION Z-04-11-54, SECONDED BY COMMISSIONER MOORE.** **Commissioner Cummings** said he didn't hear any competent evidence to overcome the staff report, the prior PD process rendered all of this land essentially undevelopable, this was an infill area of the Comp Plan, he felt they wouldn't be able to use any of the tools in the platted lands strategy until the PD was removed and this is the first step in making positive changes. **Commissioner DeBoer** recalled at the last land use hearings they turned down a development request to plat 14 lots because there wasn't water and sewer, said the Board has been stanch that they were not in favor of approving any developments that have undersized lots where they don't have water and sewer and developers need to take note of that fact. **Commissioner D'Aprile** said he didn't support this at all because he'd heard tales about this thing happening and then it changes somewhere along the line. **CALL ON THE MOTION: CHAIRMAN DEVOS AND COMMISSIONERS CUMMINGS, DeBOER AND MOORE VOTED "YES" AND COMMISSIONER D'APRILE VOTED "NO." MOTION CARRIED: (4:1).**

RECESS: 4:33 P.M. - 4:46 P.M.

(Executive Assistant Bonnie Stoner replaced Executive Assistant Jenine Thornley for the remainder of the meeting.)

Chairman Devos said it appears they will continue this meeting until tomorrow morning at 9:00 A.M., **Commissioner Moore** will be unable to attend, she had a conflict at 11:00 A.M. so they will meet from 9:00 A.M. to 11:00 A.M. and then from 1:00 P.M. until they're finished. Attorney Browne advised since these hearings were land use issues as well as quasi-judicial concerns they would need to be readvertised for the appropriate new date. Michael Konefal, Community Development Director, clarified with reference to quasi-judicial and legislative proceedings the Board can continue to a date and time certain provided this was done by a formal motion and vote at this meeting. **Commissioner Cummings** said he will not be available. **Chairman Devos** said then that means both **Commissioner Moore** and **Commissioner Cummings** will be absent.

Agenda Item 6 - PA-04-11-65-LS (Legislative) District III

Jorge Perez, Planner III, said this was the transmittal hearing for a large scale plan amendment from High Density Residential to Medium Density Residential and this applies to the northern most properties of Manasota Key now zoned Manasota Multi-family 10 (MMF-10) in the subdivision known as Englewood Villas behind the commercial strip. Mr. Perez reviewed the surrounding zoning and land uses, said this will further consistency between the zoning and Future Land Use Map (FLUM) designations and all parties recommend transmittal to the Department of Community Affairs (DCA). **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS. COMMISSIONER DeBOER MOVED APPROVAL TO TRANSMIT PETITION PA-04-11-65-LS TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR AN OBJECTIONS, RECOMMENDATIONS AND COMMENTS (ORC) REPORT, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.**

Agenda Item 8 - Z-04-04-11-TDR (Quasi-Judicial) District II

(**Chairman Devos** polled the Board for **Ex-Parte Disclosures**. All Board Members said yes and they would file the appropriate papers.) (Deputy Clerk Karen S. Mitchell administered the oath to prospective witnesses.) Barbara Jefferies, Planner II, explained KB Home Fort Myers, LLC was requesting a rezoning of 50 acres from Agricultural Estate (AE) and Commercial General (CG) to PD; and this project has previously been known as Tuscany

Isles, Waterford Lakes and Stone Lake. Ms. Jefferies said the site was located north of Scenic View Drive, east of Taylor Road, south of Technology Boulevard and west of I-75; and reviewed the FLUM designations and surrounding land uses. Ms. Jefferies explained 28 acres of the 50 acres were mined under a Class 3 excavation, the net density will be 22 units, the gross density 49 units, the revised site plan proposes 104 duplex units developed condominium style versus 104 separate units so there is no lot size, and the separation between duplex units will be 15 feet. Ms. Jefferies stated the Development Review Committee (DRC) and the Planning and Zoning (P&Z) Board recommended denial, and staff recommended denial for the following reasons: Incompatibility with surrounding land uses, PD concept and FLUM consistency. Geri L. Waksler, Esq. with the law firm of Moore and Waksler, P.A., spoke on behalf of the applicant, distributed two handouts, reviewed her letter to the Board dated March 11, 2005 along with the architectural elevation drawing, and requested Board approval. **Chairman Devos** asked the cost of the homes. Attorney Waksler said at today's construction costs the starting price of the homes were intended to be in the range of \$150,000 to \$160,000. **Commissioner D'Aprile** asked the allowable number of units per acre. Attorney Waksler said under the land use category up to 15 units per acre. **Commissioner D'Aprile** said that amounts to 330 units on 22 acres and the plan was for only 104 units. Attorney Waksler said that's correct. **Commissioner DeBoer** asked under the current zoning how many units could be built under the net acreage. Attorney Waksler said 22 one acre home sites however density wasn't calculated in the County's plan under a net acreage concept but under a gross acreage concept. Norma L. Henry recalled being told there would be 11 or 12 one acre lots which was the reason permission was given to have the lake dug, she was also told the lake was going to be approximately 23 acres but now it's a 28 acre lake, asked the County to please watch these digs more close to ensure they adhere and opined 104 units all coming out on Taylor Road was too much. Pat Nickel said all of her objections had been addressed, she had no objections and she felt KB Home will do a nice job. **COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS.** **Commissioner DeBoer** said he hadn't been given any evidence that would change his mind as to the density and how we calculated it, there needs to be a balance between green space and all the amenities so the whole thing balances, he disagreed with the amount of density,

and he didn't believe there was any reason the property couldn't be used under it's existing zoning. **COMMISSIONER DeBOER MOVED DENIAL OF PETITION Z-04-04-11-TDR, SECONDED BY COMMISSIONER CUMMINGS.** Commissioner Cummings said he agreed with many of Commissioner DeBoer's points and there were valid arguments on both sides but overall he felt there were just too many units packed on too small an area. Commissioner Moore said he disagreed, he felt this was creative and imaginative, the housing was relatively low cost, there will be infrastructure and he was in favor of the project. Commissioner D'Aprile said his major problem was the lake but the slope has been changed, this was a good builder he has faith in, and because there is such a demand for affordable housing in our area he would support the petition. Chairman Devos said she too liked what the project was bringing to the County, it has affordability with amenities, she didn't feel it will detract from the surrounding areas, she liked the idea of a 28 acre lake and she will support the applicant. Commissioner Cummings asked the number of bedrooms. Attorney Waksler responded two to three bedrooms per unit. Commissioner Cummings said there has been no guarantees that this will be affordable or the price range will be as stated nor that there will in fact be two to three bedrooms per unit and he also didn't see any playground equipment or other things you would typically hope to have with trying to provide affordable housing for families. **CALL ON THE MOTION: COMMISSIONERS CUMMINGS AND DeBOER VOTED "YES" AND CHAIRMAN DEVOS AND COMMISSIONERS D'APRILE AND MOORE VOTED "NO." MOTION FAILED (2:3).** **COMMISSIONER D'APRILE MOVED APPROVAL TO ENACT ORDINANCE #2005-024 FOR PETITION Z-04-04-11-TDR, SECONDED BY COMMISSIONER MOORE.** **CALL ON THE MOTION: CHAIRMAN DEVOS AND COMMISSIONERS D'APRILE AND MOORE VOTED "YES" AND COMMISSIONERS CUMMINGS AND DeBOER VOTED "NO." MOTION CARRIED: (3:2).** Commissioner DeBoer said he wanted to state for the record, "I oppose this for the same reasons that I had offered the motion to deny. I'm very uncomfortable with the fact that we were moving ahead with something that didn't meet the eight criteria and also that some of the conversations supporting whether or not we move ahead with this has to do with a PD approval which was just what they told the Riverwood people to stop talking about. I think that's pretty bad when we get into quasi-judicial, we really need to be more careful. Thank you."

COMMISSIONER DeBOER MOVED TO TAKE AGENDA ITEMS 9, 16, 17, 18 AND 19 OUT OF ORDER, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

Agenda Item 9 - PA-04-12-70-LS (Legislative) Districts I & V

Jorge Perez, Planner III, explained this was a large scale text amendment to the Future Land Use Element (FLUE) and it applies to the areas that allow mixed-uses inside the Charlotte Harbor Community Redevelopment Area (CRA). Mr. Perez said in order to facilitate redevelopment of the commercial and mixed-use areas, staff and the Charlotte Harbor Community Redevelopment Agency Advisory Committee (CRAAC) proposed changes which include an increase in the Floor-area Ratio (FAR), more flexible percentages of uses for mixed-uses, and an increase in the lot percentage that can be covered by buildings. Mr. Perez said they feel these more flexible standards will achieve some of the goals in the Charlotte Harbor CRA. Dick Loftus, CRAAC Chairman, spoke on behalf of the CRAAC in support of the proposed changes. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS. COMMISSIONER D'APRILE MOVED APPROVAL TO TRANSMIT PETITION PA-04-12-70-LS TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR AN OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT, SECONDED BY COMMISSIONER DeBOER. Commissioner DeBoer said if they haven't already done it let's make sure this doesn't have to be approved by the Community Redevelopment Area (CRA). CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item 16 - SV-04-12-25 (Quasi-Judicial) District I

(Chairman Devos polled the Board for Ex-Parte Disclosures. Commissioners Cummings, D'Aprile and Moore said yes and they would file the appropriate papers.) (Deputy Clerk Karen S. Mitchell administered the oath to prospective witnesses.) James Dossett, Development Review Manager, explained the applicant John Zack was requesting a street vacation for part of Beachwood Street (a/k/a Second Street) located north of U.S. 17 (a/k/a Duncan Road) south of Riverside Drive, east of Fairfield Avenue and west of Eddy Avenue; reported the site contains 0.101 acres+; and there were no staff objections to the proposed vacation. Mr. Dossett stated the P&Z Board recommends approval

and staff recommends approval with one condition - Applicant's engineer provides a statement and/or appropriate drainage easement. **Commissioner D'Aprile** asked why not vacate the whole road. Mr. Dossett clarified the Prices own the remaining property but they were not part of the petition and also there was a stream that goes through there that forms a natural break. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS. COMMISSIONER DeBOER MOVED APPROVAL TO ADOPT RESOLUTION #2005-044 FOR PETITION SV-04-12-25, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

Agenda Item 17 - PP-04-10-21 (Quasi-Judicial) District II

(Chairman Devos polled the Board for Ex-Parte Disclosures. Chairman Devos and Commissioners Cummings, D'Aprile and DeBoer said yes and they would file the appropriate papers.) James Dossett, Development Review Manager, explained Tern Bay Development Co., LLC was requesting a Preliminary Plat for Tern Bay Resort Phase I consisting of 231 single-family units and the site contains 1,778+ acres located on Burnt Store Road. Mr. Dossett stated this was part of a Development of Regional Impact (DRI), initially staff's recommendation was for denial as a portion of the Preliminary Plat was located within a Tropical Storm and Category 1 Hurricane Storm Surge Zone, and in accordance with the Comp Plan residential development within that zone must not exceed 3.5 units per acre but the DRI and the state approved this prior to adoption of the County's Comp Plan therefore the applicant was vested. Mr. Dossett clarified staff's recommendation of denial had to be rescinded, everything else was in compliance, and both staff and the P&Z Board recommend approval. **Commissioner Cummings** asked when the plans were submitted. Mr. Dossett suggested Attorney Waksler might have the date. Geri L. Waksler, Esq. with the law firm of Moore and Waksler, P.A., spoke on behalf of the applicant, said the original DRI order was approved in 1991 so this predated the Comp Plan, and they concur with staff's recommendation. **Commissioner Cummings** asked how many times the DRI was extended. Attorney Waksler responded twice. **Commissioner Cummings** opined this was a good example why never to extend a DRI. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER**

DeBOER AND DECLARED UNANIMOUS. COMMISSIONER DeBOER MOVED APPROVAL OF PETITION PP-04-10-21 FOR TERN BAY RESORT PHASE I, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.

Agenda Item 18 - PP-04-12-23 (Quasi-Judicial) District IV

(Chairman Devos polled the Board for Ex-Parte Disclosures. There were none.) James Dossett, Development Review Manager, explained Centex Homes was requesting a Preliminary Plat for Myakka Pointe at Riverwood Unit Two; the site contains 12.68+ acres located north of River Beach Road, east of Myakka River, south of Columbia Avenue and west of Gulf Point Drive; and the Preliminary Plat was zoned Planned Development (PD). Mr. Dossett said the proposed plat lies entirely within the Riverwood DRI, it was also within the Tropical Storm and Category 1 Hurricane Storm Surge Zone, and the DRI was reviewed and approved prior to the adoption of the Comp Plan. Mr. Dossett reported both staff and the P&Z Board recommend approval. Attorney Steven C. Hartsell with the Pavese Law Firm spoke on behalf of the applicant in support of the staff report and requested approval. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS. COMMISSIONER DeBOER MOVED APPROVAL OF PETITION PP-04-12-23 FOR MYAKKA POINTE AT RIVERWOOD UNIT TWO, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

Agenda Item 19 - PP-04-12-24 (Quasi-Judicial) District II

(Chairman Devos polled the Board for Ex-Parte Disclosures. There were none.) James Dossett, Development Review Manager, explained Carmalita Investment LLC was requesting a Preliminary Plat for Parkside Preserve; and the site contains 196.87+ acres located north of Airport Road, south of Carmalita Street and east of Education Street. Mr. Dossett said the proposal was for 701 lots, this has been through the DRC process, the project was consistent with the Comp Plan as related to density and Future Land Use but inconsistent with the elements of Open Space and Recreational Facilities; however, due to the wording of these two policies, "adequate" was undefined and therefore the plan was approved as presented. Mr. Dossett stated the P&Z Board recommended approval and staff recommended approval with the following three conditions which have already been met:

1. Indicate lot widths at building setback lines.
2. Provide SWFWMD and USACOE (if required) Permits prior to presentation to the Board.
3. Resolve street name, benchmark requirements and drainage easement description issues.

Geri L. Waksler, Esq. with the law firm of Moore and Waksler, P.A., spoke on behalf of the applicant, said they concur with staff with the exception of the comments related to Recreation and Open Space, and she was willing to address those with specificity if the Board desired. **Commissioner DeBoer** asked the standard size lots and the relation to Open Space areas. Todd Rebol, Banks Engineering, said the lots located in the northwest corner were single-family attached products sold fee simple and each lot will be about 37' in width. Attorney Waksler clarified there were a number of open space areas as well as an onsite recreational facility that includes an 8,000 sq. ft. club house with amenities such as a swimming pool, two tennis courts and a basketball court. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS. COMMISSIONER D'APRILE MOVED APPROVAL OF PETITION PP-04-12-24 FOR PARKSIDE PRESERVE, SECONDED BY COMMISSIONER MOORE.** **Commissioner DeBoer** said he'd vote no. **Commissioner Cummings** said this was the first time he'd seen this and he may not approve it. **Chairman Devos** suggested this be tabled since they don't have all the appropriate information. **Commissioner Cummings** said this was a big chunk of land in Punta Gorda and he was very hesitant to approve this today because he wanted to be certain this was where this project should go. **Commissioner Moore** asked if they would get another bite at this one. Mr. Dossett said the Final Plat would be on the Consent Agenda. **Commissioner D'Aprile** clarified his motion included the three conditions. **Chairman Devos** said she felt uncomfortable to call for the question because she wasn't certain the Commissioners felt comfortable with the information they have, she wasn't sure she was okay with this either, she didn't feel this was the fault of the applicant, and she didn't want to deny this on the basis of a lack of information because it may be a very good project. **COMMISSIONER D'APRILE WITHDREW HIS MOTION AND COMMISSIONER MOORE WITHDREW HIS SECOND. COMMISSIONER DeBOER MOVED TO TABLE ACTION ON THIS UNTIL THE NEXT LAND USE HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.**

(Board consensus to complete the remaining agenda items now.)

Agenda Item 10 - PA-04-11-61-LS (Legislative)

Inga Williams, Planner III, explained this was a text amendment to the Comp Plan, it changes all the references from Transfers of Development Rights to Transfers of Density, it removes all references to Bonus Densities when transferring from certain properties such as agricultural or wetlands, and it revises the list of sending and receiving zones according to what was adopted in the TDU Ordinance. Ms. Williams requested approval to transmit these to the Department of Community Affairs (DCA). **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS. COMMISSIONER DeBOER MOVED APPROVAL TO TRANSMIT PETITION PA-04-11-61-LS TO THE DEPARTMENT OF COMMUNITY AFFAIRS FOR AN OBJECTIONS, RECOMMENDATIONS, AND COMMENTS REPORT, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

Agenda Item 11 - PA-04-11-60-LS (Legislative) District II

Barbara Jefferies, Planner II, explained this was a large scale plan amendment from Low Density Residential to Rural Estates Residential for 2,211+ acres, the site was located south of the DeSoto County line, east of Duncan Road, and north and west of Washington Loop Road. Ms. Jefferies stated this will correct an inconsistency that currently holds a Low Density Residential FLUM which staff feels should be Rural Estates Residential, the zoning in the vicinity was Agricultural Estate (AE) and Rural Estates-1, and the FLUM was AG and Preservation. Ms. Jefferies reported both the P&Z Board and staff recommend transmittal. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS. COMMISSIONER CUMMINGS MOVED APPROVAL TO TRANSMIT PETITION PA-04-11-60-LS TO THE DEPARTMENT OF COMMUNITY AFFAIRS FOR AN OBJECTIONS, RECOMMENDATIONS, AND COMMENTS REPORT, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

Agenda Item 12 - PA-04-11-64-LS (Legislative) District II

Jie Shao, Planner II, explained this was a large scale plan amendment from Medium Density Residential to Low Density Residential; the site was located north of Harborview Road, east of Rio De Janeiro Avenue, south of Rampart Boulevard and west of Highlands Road in the Deep Creek area; reviewed the surrounding zoning and land uses; and said this amendment would correct an inconsistency between the FLUM and the Zoning Atlas. Ms. Shao stated the site contains a total 55 of platted lots; currently there were 24 single-family residences and several home sites under construction with the remaining lots vacant; and the site was situated in a residential single-family neighborhood. Ms. Shao clarified the amendment would not remove or constrain any currently available uses on the proposed properties, and both staff and the P&Z Board recommend transmittal. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS. COMMISSIONER D'APRILE MOVED APPROVAL TO TRANSMIT PETITION PA-04-11-64-LS TO THE DEPARTMENT OF COMMUNITY AFFAIRS FOR AN OBJECTIONS, RECOMMENDATIONS, AND COMMENTS REPORT, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS.**

Agenda Item 13 - PA-04-11-66-LS (Legislative) District III

Inga Williams, Planner III, explained this was a large scale plan amendment form High Density Residential and Commercial Center to Preservation, the site was acquired by the County as an extension to the Amerjack Slough Environmental Park, and the extension parcels were adjacent to Amerjack Slough on the east side. Ms. Williams reviewed the surrounding zoning and FLUM designations, explained this was part of a 50% matching grant from Florida Communities Trust (FCT) which is administered by DCA, and the change to a Preservation FLUM and a rezoning to Environmentally Sensitive (ES) will complete one requirement of the grant. Ms. Williams stated both staff and the P&Z Board recommend transmittal. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS. COMMISSIONER D'APRILE MOVED APPROVAL TO TRANSMIT PETITION PA-04-11-66-LS TO THE DEPARTMENT OF COMMUNITY AFFAIRS FOR AN OBJECTIONS, RECOMMENDATIONS, AND COMMENTS REPORT, SECONDED BY COMMISSIONER CUMMINGS. Commissioner Moore asked if they get**

credit for scrub jay habitat. Ms. Williams said she would get him the answer on Thursday. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item 14 - PA-04-12-74 (Legislative) District V

Inga Williams, Planner III, explained this had a companion rezoning which would be heard next, the request was a small scale FLUM plan amendment of 3.17+ acres from Low Density Residential and Single-family-3.5 (RSF-3.5) to Public Lands and Facilities; the site which was currently a church was located south and east of Easy Street, north of Gibraltar Drive and west of Birchcrest Boulevard; and the zoning change would allow for office uses for non-profit organizations and also for after-school activities for children. **Commissioner DeBoer** referred to item 12 on page 3 of the staff report and questioned the correctness of the statement that this did not require a change to the Capital Improvements Program (CIP). Bruce D. Loucks, County Administrator, clarified this was not currently in the CIP and a CIP change would be required. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS. COMMISSIONER DeBOER MOVED APPROVAL TO ENACT ORDINANCE #2005-025 FOR PETITION PA-04-11-74, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.**

Agenda Item 15 - Z-04-12-75 (Quasi-Judicial) District V

(Chairman Devos polled the Board for Ex-Parte Disclosures. There were none.) Inga Williams, Planner III, explained this was a request to rezone 3.17+ from Residential Single-family-3.5 (RSF-3.5) to Office, Medical and Institutional (OMI) and this was the companion rezoning to the previous petition. Ms. Williams stated the rezoning was consistent with the Comp Plan and will not contribute to decreasing property values or living conditions for other properties in this area. Ms. Williams said both the P&Z Board and staff recommend approval. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS. COMMISSIONER D'APRILE MOVED APPROVAL TO ENACT ORDINANCE #2005-026 FOR PETITION PA-04-11-75, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS.**

MEETING ADJOURNED: 6:49 P.M.

Signature on file in Commission Minutes

Sara J. Devos
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