

LAND USE PUBLIC HEARINGS

BOARD OF COUNTY COMMISSIONERS

February 21, 2006

Public Hearings on Planning and Zoning Land Use petitions were held before the Board of County Commissioners at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman Thomas G. Moore and Commissioners Thomas C. D'Aprile, Adam Cummings, and Matthew D. DeBoer. **(Commissioner Sara J. Devos was not present at this meeting.)** Also in attendance were County Administrator Bruce D. Loucks, Assistant County Attorney Richard A. Browne, Executive Assistant to the Board of County Commissioners Joann Dillon, and Deputy Clerk Gail Manley. The meeting was called to order at **9:02 A.M.** followed by the Pledge of Allegiance to the Flag. **(Proof of Publication was in Order.)**

I. PLANNING AND ZONING AGENDA

Agenda Item 1 - PA-05-12-81 (Legislative) Commission District II, and Agenda Item 2 - Z-05-12-12-82 (Quasi Judicial) - Commission District II

(Deputy Clerk Gail Manley administered the oath to prospective witnesses.)(Chairman Moore polled the Board for ex-parte communications. Commissioners DeBoer, D'Aprile and Cummings and Chairman Moore advised they had communication with Ms. Suzy Hackett on Agenda items 1 and 2 and would file the appropriate forms.)

Inga Williams, Planner III, presented plan amendment Petition PA-05-12-81 for a change from RV Park to Commercial Center, and companion rezoning Petition Z-05-12-82 from Planned Development (PD) to Commercial Intensive (CI), on a 9.13 ± acre parcel owned by the Homeowners of Alligator Park, Inc., located east of Taylor Road, north of Royal Road, and south of Alligator Boulevard; not all residents within the park or within 200' of the site were in agreement to the change and some residents did not respond; based upon the possible impacts CI could have upon the residents, staff recommends denial of the plan amendment and rezoning; if the Board approves the plan amendment staff

recommends the CI rezoning not be approved and that the applicant reduce that to an Office Medical Institutional (OMI) or Commercial Neighborhood (CN) use. Cecil Berson advised he is the future developer; that Attorney Warren Ross was to have appeared on behalf of the developer and has not yet arrived. **Commissioner DeBoer** suggested allowing public input. Warren Ross, Esq., of the law firm Wotitzky, Wotitzky, Ross, Goldman, Sturges & Tuttle, P.A., appeared and was **sworn in by Deputy Clerk Gail Manley**. Attorney Ross explained the project is for construction of approximately 105,000 sq ft of upscale business park setting; the parcel cannot be used as currently zoned; Alligator Park does not have the funds to develop this as a RV park; there is no demand in the market for RV park development; the rezoning use is appropriate; and he requests approval. (Attorney Ross presented a handout of a Unified Report). Robert Fogg, President of the Board of Directors of Alligator Park, presented a handout; advised Alligator Park cannot afford to develop the site as an RV Park; and most residents of the park and the Board support the zoning change and CI approval. Suzy Hackett, a resident of Alligator Park appeared and spoke in support of the petitions. **COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARINGS, SECONDED BY COMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0)**. **Commissioner Cummings** inquired if the Board was to proceed with the zoning change and Future Land Use Map (FLUM) change, what uses could be allowed on the site. Ms. Williams advised lumber and building supply establishment, auto repair, mobile home, travel trailers, and campers, mini warehouses, car wash, wholesale sales, automobile sales and service, and others. **Commissioner Cummings** suggested keeping in mind there is no legal requirement for the purchaser of the land to do as he says or even to keep the property. **Commissioner DeBoer** inquired if the Land Use Map was changed and the zoning left as PD, could what was intended be built. Ms. Williams replied affirmatively. Attorney Ross agreed, but advised Alligator Park's financial situation makes it eager to close on the property and Mr. Berson does not want to rule out the other potential uses for whomever might eventually buy the property. **Commissioner D'Aprile** stated CI is possibly not conducive to the neighborhood and inquired if the project could be built with a CG zoning. Mr. Berson replied no, it is important for the development to remain CI for the proposed plan, and will raise and elevate the area, and showed photos examples of permitted projects his company has under construction. **Commissioner D'Aprile** advised a certain amount of

trust must be given and requested confirmation by the developer, on the record, that he will keep the interest of area owners in mind. Mr. Berson agreed and stated buffers were already being planned. **Commissioner Cummings** inquired if type D buffering was required and if it offered any sound buffering. Ms. Williams said it does require type D buffering, but she is not certain on the sound buffering. **Commissioner Cummings** stated the Board must only look at what can or cannot be done under the law. **Chairman Moore** expressed concern there were no written assurances. **COMMISSIONER D'APRILE MOVED APPROVAL TO ENACT ORDINANCE #2006-010 AND PETITION PA-05-12-81 BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORT DATED DECEMBER 30, 2005 AND THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEBOER AND DECLARED UNANIMOUS (4:0).** **Commissioner DeBoer** inquired if 20 acres was required for development of an RV park. Ms. Williams said the Code requires 20 acres, but the PD was extended on the existing RV Park to cover the entire property, and someone other than Alligator Park could still develop the site as an RV park. **(Discussion ensued as to the minimum size for a Commercial Center under the Comprehensive Plan.) CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).** **Commissioner DeBoer** explained a variety of uses are possible with approval by the Board of Petition Z-05-12-82, and the developer is under no legal obligation to do anything other than what is legally permitted. **Commissioner Cummings** agreed with **Commissioner DeBoer** and advised it has been made clear there are no guarantees; there is no sound barrier, even with a D buffer; and questions if the legal threshold has been met for the zoning change. **Commissioner D'Aprile** advised he has trust in this developer but cautioned the Alligator Park residents to monitor the developer carefully to avoid misunderstandings. **COMMISSIONER D'APRILE MOVED APPROVAL TO ENACT ORDINANCE #2006-011 AND PETITION Z-05-12-82 BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORT DATED DECEMBER 30, 2005 AND THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEBOER.** **Commissioner DeBoer** stated there is flexibility in interpretation on whether the standards were met; and wants to be on the record again for advising that the developer has expressed it is a matter of making money and the site will be used for what best serves the developer. **CALL ON THE MOTION: CHAIRMAN MOORE AND COMMISSIONERS D'APRILE AND DEBOER VOTED "YES" AND COMMISSIONER CUMMINGS VOTED "NO." MOTION CARRIED: (3:1).** **Chairman Moore** explained there were

two gentlemen who attempted to speak but the Public Hearing had already been closed and no other input could be permitted.

Agenda Item 3 - Z-05-05-27-TDU (Quasi-Judicial) - Commission District I

Jie Shao, Planner II, advised an issue regarding ownership of right-of-way was not resolved, and requested the petition be continued to a date to be set. Ms. Shao indicated applicant's Attorney, Michael P. Haymans, Esq., of the law firm Farr, Farr, Emerich, Sifrit, Hackett & Carr, P.A., was not present, but had agreed to the continuance. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER DEBOER MOVED TO CONTINUE PETITION Z-05-05-27-TDU TO A DATE TO BE SET IN THE FUTURE, SECONDED BY COMMISSIONER D'APRILE and DECLARED UNANIMOUS (4:0).**

Agenda Item 4 - Z-05-05-36-TDU (Quasi-Judicial) - Commission District I

(Deputy Clerk Gail Manley administered the oath to prospective witnesses.)(Chairman Moore polled the Board for ex-parte communications and there were none.)

Jie Shao, Planner II, presented the petition for a rezoning from Agriculture Estates (AE) to Planned Development (PD) for a parcel located on the northwest corner of Grand Canal Road and Burnt Store Road in the Punta Gorda area containing 94.72 ± acres; the parcel currently has two FLUM designations, Low Density Residential (Petition Number PA-04-05-16-LS) inside the Suburban area of the Urban Service Area; and Preservation outside the Urban Service Area; the purpose of the petition is to allow a mixture of multi-family and single-family residential development; and is located within the boundary of the Burnt Store Area Plan. Ms. Shao advised DRC, staffs in the Community Development Department and Planning and Zoning Board recommend approval of the petition with standard conditions, but do not recommend a 75-foot building height for the project but rather limiting development to a 60-foot height. Ms. Shao advised of a correction in Condition "t" to remove the words "restore and", so that Condition "t" reads: "The developer shall maintain hydrogeology..." Geri L. Waksler, of the law firm Moore and Waksler, P.L., appeared on behalf of Gregory W. Eagle, Trustee in support of the petition; and advised height would be internal

to the site; developer agreed to retain 17.8 upland acres as preservation and cluster the density on the eastern portion of the site; developer granted and recorded a 150' wide conservation easement along the southern boundary to insure a connection between the State-owned lands east of the site and the Coastal wetlands west of the site; provided outside the 150' conservation easement an area for parking so the public can access the 150' conservation easement; acquired a 60' wide right-of-way reservation along Burnt Store Road for future widening; applicant agrees to the conditions, but has provided sufficient mitigation for the requested height of 75'. Todd Rebol, Banks Engineering, gave a slide presentation of exhibits to show difference in heights, and presented handout material. Debra Highsmith, a resident of Pirate Harbor, indicated the area is tied to Babcock Ranch wildlife corridor; the wildlife corridor needs a management plan, per the Burnt Store Plan; and requests the Board stick to the current regulations on the property and the Burnt Store Plan. **COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEBOER AND DECLARED UNANIMOUS (4:0)**. Attorney Waksler advised the property is low density and has been clustered on the upland portion of the site. **Commissioner Cummings** expressed the same concerns as Ms. Highsmith and stated he would have less issue with the height if the wildlife corridor were widened by stormwater retention. (Discussion ensued on height restrictions, modification in the final site plan to place more of the stormwater and decorative areas adjacent to the conservation easement, conditions of staff, implementation of Burnt Store Sector Plan, and impacts.) **COMMISSIONER D'APRILE MOVED APPROVAL TO ENACT ORDINANCE #2006-012 AND PETITION Z-05-05-36-TDU WITH A 60' MAXIMUM BUILDING HEIGHT AND ALL CONDITIONS AND CHANGES RECOMMENDED BY STAFF BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORT DATED DECEMBER 30, 2005, REVISED JANUARY 31, 2006, AND THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEBOER, FOR DISCUSSION.** Commissioner DeBoer requested clarification that the motion is for a 60' height only. **Commissioner D'Aprile** replied affirmatively. **Commissioner Cummings** suggested amendment of the motion to include as an additional condition that the concept plan be modified to place the stormwater areas and as much greenspace as may be practical under the 60' elevation adjacent to the conservation easement; and advised it does not change the height to 75'. **Commissioner**

DeBoer clarified the motion includes deletion of the words "restore and" in staff's Condition "t". COMMISSIONER DEBOER MOVED TO ALSO ADD THE 75' MAXIMUM HEIGHT ALLOWANCE TO THE AMENDMENT, SECONDED BY COMMISSIONER CUMMINGS. COMMISSIONER DEBOER AND COMMISSIONER CUMMINGS VOTED "YES", COMMISSIONER D'APRILE AND CHAIRMAN MOORE VOTED "NO". MOTION FAILED 2:2. CALL ON THE ORIGINAL MOTION WHICH INCLUDES WORDING THAT THE SITE PLAN WILL BE MODIFIED TO PLACE AS MUCH OF THE RETENTION, LAKE AREAS, AND GREEN AREA AS POSSIBLE ADJACENT TO THE PRESERVATION EASEMENT, WITH A 60-FOOT MAXIMUM BUILDING HEIGHT AND DELETION OF THE WORDS "RESTORE AND" IN STAFF'S CONDITION "t". Commissioner Cummings inquired what the approximate gain at the conservation easement area would be with this change, and (after additional discussion), determined approximately 80 feet of additional width would be gained at the wildlife corridor, in addition to the stormwater retention space. CALL ON THE MOTION: COMMISSIONERS DEBOER AND D'APRILE AND CHAIRMAN MOORE VOTED "YES", AND COMMISSIONER CUMMINGS VOTED "NO". MOTION CARRIED 3:1.

RECESS 10:55 A.M. - 11:04 A.M.

COMMISSIONER DEBOER MOVED TO TAKE AGENDA ITEM #20, PETITION SV-04-05-11, OUT OF ORDER, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (3:0) (Commissioner Cummings was not present for this vote.)

Agenda Item 20 - SV-04-05-11 (Legislative) - Commission District I

(Commissioner Cummings was present for the remainder of the meeting)

James Dossett, Development Review Manager, explained Robert and Johanne Wallace applied to vacate a portion of Peace River Drive 125 feet in length and 50 feet wide, for a total of 0.14 ± acres lying between Harbor Heights Section 4, Block 93, Lots 1 and 2 and Harbor Heights Section 4, Block 102, Lot 70, Charlotte County, Florida Public Records, Plat Book 3, Page 27B, which currently provides public access to the canal; Planning and Zoning Board heard this petition on July 12, 2004 and recommended denial because Public Works needs the property for future drainage opportunity; the property provides public access

to the water, and provides Code Enforcement the opportunity to remove derelict boats through the Amnesty Program; and advised some letters were received opposing the vacation. Joseph Fleming, Betty Talburt, John DiPinto, Linda Bean, Eric Frohn, Herman Schaller and Florence Galperin spoke in opposition of the petition. **COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0). COMMISSIONER DEOER MOVED TO DENY PETITION SV-04-05-11 TO VACATE A PORTION OF PEACE RIVER DRIVE, HARBOR HEIGHTS, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0).**

Agenda Item 5 - Z-05-10-66-TDU (Quasi-Judicial) - Commission District I

(Deputy Clerk Gail Manley administered the oath to prospective witnesses.)(Chairman Moore polled the Board for ex-parte communications and there were none.)

Jie Shao, Planner II, advised this petition is a rezoning from Agriculture Estates (AE) to Planned Development (PD) by Westfield Homes for property located on Duncan Road (U.S. 17) in the Punta Gorda area, containing 90.89 ± acres; the site is vacant and has a Low Density Residential FLUM; the purpose of the petition is to increase the maximum allowable residential density from 1 unit per acre to 2.85 units per acre to allow for a development totaling 258 dwelling units. Ms. Shao presented replacement pages 9,10,and 11 of revised staff conditions, reviewed the changes, and stated applicant has agreed to the changes. Geri L. Waksler, of the law firm Moore and Waksler, P.L., appeared on behalf of Westfield Homes in support of the petition. **COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0). Commissioner Cummings** inquired if the only access point to the property was from U.S. 17. Attorney Waksler replied affirmatively; that the access point was reviewed by Public Works through the DRI process and deemed adequate, and advised that the site backs up to the railroad. **COMMISSIONER DEBOER MOVED APPROVAL TO ENACT ORDINANCE #2006-013 AND PETITION Z-05-10-66-TDU BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORT DATED DECEMBER 30, 2005, REVISED ON JANUARY 17, 2006, AND THE EVIDENCE AND CHANGES PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE.** Commissioner D'Aprile advised he has no problem with

the development outside the infill area. (**Assistant County Administrator Roger Baltz replaced County Administrator Bruce D. Loucks for this portion of the meeting.**) **Chairman Moore** stated the Board should discuss the standard of access for staff to follow in the future because developments should have more than one way out. **Commissioner Cummings** agreed and stated because of the railroad there was not much else to be done in the current parcel. Attorney Waksler stated other jurisdictions require when there is only one access point there be a lane coming in and one going out, 20' wide each, for emergency purposes, and applicant has no objection to that condition if the Board wishes to propose it in the petition, with the caveat that it must be approved by Florida Department of Transportation (FDOT). **Commissioner DeBoer** stated the 20' width is not sufficient, and there should be an emergency outlet other than the main road. **CALL ON THE MOTION: DECLARED UNANIMOUS (4:0)**

Agenda Item 6 - PA-05-11-73 (Legislative) Commission District III, and Agenda Item 7 - Z-05-11-74 (Quasi Judicial) - Commission District III

(**Deputy Clerk Gail Manley administered the oath to prospective witnesses.**)(**Chairman Moore polled the Board for ex-parte communications and there were none.**)

Jan Rogers, Planner III, presented Petition PA-05-11-73 for a Small Scale FLUM Amendment to the Charlotte County Comprehensive Plan from Low Density Residential to Medium Density Residential on 2.87 ± acres, and from High Density Residential to Low Density Residential on 1.8 ± acres, and Petition Z-05-11-74 for a companion amendment to the Charlotte County Zoning Atlas from Agriculture Estate (AE) to Residential Multi-Family-7.5 (RMF7.5) on 2.87 ± acres, and from Residential Multi-Family-12 (RMF12) to Agriculture Estate (AE) on 1.8 ± acres, for CCC DR, LLC - Coral Creek Golf Club; Planning and Zoning Board and staff support the plan amendment and rezoning. Geri L. Waksler, of the law firm Moore and Waksler, P.L., appeared on behalf of CCC DR, LLC in support of the petitions, and advised if approved, she will later request street vacations. **COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0). COMMISSIONER D'APRILE MOVED APPROVAL TO ENACT ORDINANCE #2006-014 AND PETITION PA-05-11-73 BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING**

DIVISION STAFF REPORT DATED DECEMBER 30, 2005, AND THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEBOER. Commissioner Cummings recalled there was to be an agreement for property to be provided to insure that the Pioneer Trail extended down to get across Coral Creek and join up with route 771 and inquired if this had been done. Thomas Cookingham, Planning Services Manager, stated there was an agreement, but it has not transpired. Laura Kleiss-Hoeft, Parks, Recreation and Cultural Resources Director, advised there was an official agreement, the land has been turned over, and Public Works is working on the shared improvements and infrastructure. **CALL ON THE MOTION: DECLARED UNANIMOUS (4:0). COMMISSIONER DEBOER MOVED APPROVAL TO ENACT ORDINANCE #2006-015 AND PETITION Z-05-11-74 BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORT DATED DECEMBER 30, 2005, AND THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE, AND DECLARED UNANIMOUS (4:0).**

Agenda Item 8 - PA-05-10-64 (Legislative) Commission District V, and Agenda Item 9 - Z-05-10-65 (Quasi Judicial) - Commission District V

(Deputy Clerk Gail Manley administered the oath to prospective witnesses.)(Chairman Moore polled the Board for ex-parte communications and there were none.)

Jason Utley, Planner II, advised applicants, Carolyn S. Depenbrock and Cynthia L. Drawdy, request a Small Scale Plan Amendment, Petition PA-05-10-64, from Low Density Residential to Commercial Corridor, along with Rezoning Petition Z-05-10-65, from Residential Single-Family-3.5 (RSF-3.5) to Office, Medical, and Institutional (OMI), for two parcels located to the rear of Randol ERA Realty, which abuts Tamiami Trail; the two parcels exist within the US 41 Overlay District; one parcel is currently vacant and one is improved with a single-family residence; Planning and Zoning Board heard the Petition on January 23, 2006 and recommended approval, and staff recommends approval. Warren Ross, Esq., of the law firm Wotitzky, Wotitzky, Ross, Goldman, Sturges & Tuttle, P.A., appeared on behalf of Carolyn S. Depenbrock and Cynthia L. Drawdy in support of the petitions. **COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0). COMMISSIONER D'APRILE MOVED APPROVAL TO ENACT ORDINANCE #2006-**

016 AND PETITION PA-05-10-64 BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORT DATED JANUARY 11, 2006, AND THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS, AND DECLARED UNANIMOUS (4:0). COMMISSIONER CUMMINGS MOVED APPROVAL TO ENACT ORDINANCE #2006-017 AND PETITION Z-05-10-65 BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORT DATED JANUARY 11, 2006, AND THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE. Commissioner DeBoer clarified the acreage is 0.5 acres, not .05 acres. CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).

Chairman Moore stated Agenda Items 10 and 11 are shown to be Legislative, but the County Attorney advised him they are Quasi-Judicial.

Agenda Item 10 - NOPC-05-12-83 (Quasi-Judicial) - Commission District I

(Deputy Clerk Gail Manley administered the oath to prospective witnesses.) (Chairman Moore polled the Board for ex-parte communications. Commissioners Cummings, D'Aprile and DeBoer, and Chairman Moore will submit paperwork for communications.)

Jason Utley, Planner II, gave a slide presentation and explained the petition is to amend the development order for the Sandhill Development of Regional Impact (DRI) by Sandhill Properties, Inc.; provide for a revised Sandhill Map H, dated January 10, 2006; and will create a new parcel within the Sandhill DRI, Parcel 519A, by of 0.3 ± acres. Mr. Utley advised the new parcel will be allocated 3,500 square feet of commercial square footage which already exists from another area, will be restricted to only Commercial Neighborhood uses, and special exceptions on the new parcel will be forever prohibited. Mr. Utley stated the petition was heard by the Planning and Zoning Board on January 23, 2006 and approval recommended. The petition was heard by the Southwest Florida Regional Planning Counsel and approval recommended; and staff recommends approval. Geri L. Waksler, Esq., of the law firm Moore and Waksler, P.L., appeared on behalf of Sandhill Properties, Inc. in support of the petition, and advised this is a cleanup change to the DRI. COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY

COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0). COMMISSIONER CUMMINGS MOVED TO ADOPT RESOLUTION 2006-026 APPROVING AN AMENDMENT TO THE SANDHILL DRI DEVELOPMENT ORDER BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORT FOR PETITION NOPC-05-12-83, DATED JANUARY 11, 2006, AND THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEBOER AND DECLARED UNANIMOUS (4:0).

Agenda Item 11 - NOPC-05-12-84 (Quasi-Judicial) - Commission District I

(Deputy Clerk Gail Manley administered the oath to prospective witnesses.) (Chairman Moore polled the Board for ex-parte communications. Commissioners Cummings, D'Aprile and DeBoer, and Chairman Moore will submit paperwork for communications.)

Jason Utley, Planner II, gave a slide presentation and explained the petition is a request by American Invest, LC and James E. Moore, III, Trustee, to amend the Sandhill Development of Regional Impact (DRI) Development Order by reallocating 320 units of residential density from Parcel R-1 in Tract 1 to a portion of Parcel C19 and to C20 in Tract 4; reallocating 75,000 square feet of commercial square footage from C19 and C20 in Tract 4 to C21 and C25 in Tract 1; provides for a revised Map H; and does not constitute a substantial deviation. Mr. Utley advised no spot zoning is created, but currently by volume Sandhill Boulevard is operating at a D level of service and the adopted level of service for Sandhill Boulevard is C, and gave a slide trip analysis presentation; the Planning and Zoning Board heard this NOPC on January 23, 2006 and recommends approval; this has also been before the Southwest Florida Regional Planning Counsel and approval is recommended; and staff recommends approval; an updated Map H dated January 11, 2006 is being adopted and will reflect the changes made to the DRI. Robert Berntsson, Esq., of the law firm McKinley, Ittersagen, Gunderson and Berntsson, P.A., appeared on behalf of the applicants, American Invest, LC and James E. Moore, III, Trustee, and advised this is a matter of reallocating the development within the Sandhill DRI, not creating new development or generating new traffic counts, and requested approval of the petition. Harvey Goldstein, Kim Jakubaitis, Maria Rinaldo and Bob Vigna (**Deputy Clerk Gail Manley administered the oath to Mr. Vigna**) spoke in opposition of the

petition. Geri L. Waksler, Esq., of the law firm Moore and Waksler, P.L., partner of the applicant, James E. Moore, III, Trustee, spoke in support of the petition. **COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0)**. Attorney Berntsson pointed out the professional staff has done a traffic analysis that indicates traffic would actually decrease on the Sandhill Boulevard side by making this change. **Commissioner Cummings** inquired if the traffic analysis indicates trip lengths are reduced rather than being a new attraction. Mr. Utley stated he is unable to answer based upon the analysis done. **Commissioner DeBoer** stated Deep Creek is a poorly platted subdivision that did not provide enough commercial retail to capture trip generation internally because there are only three ingress and egress points out and those are already congested; the evidence today supports the petition, but with the common knowledge of the development and infrastructure problems that exist, he would like beyond this hearing for the Board to discuss a moratorium on building in Deep Creek until such time a plan is formed on how to resolve the problems of build-out. **Commissioner D'Aprile** stated building should not be continued in this area until the road construction and infrastructure improvements are actually made to make the flow of traffic easier, and his vote will be to deny. **Commissioner DeBoer** pointed out professional testimony was presented by staff; the argument is that no more traffic can be handled in the Deep Creek area; and a moratorium is required, but not applicable to this petition. **COMMISSIONER DEBOER MOVED TO ADOPT RESOLUTION 2006-027 APPROVING AN AMENDMENT TO THE SANDHILL DRI DEVELOPMENT ORDER BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORT FOR PETITION NOPC-05-12-84, DATED JANUARY 11, 2006, AND THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS. CALL ON THE MOTION: CHAIRMAN MOORE AND COMMISSIONERS DEBOER AND CUMMINGS VOTED "YES", COMMISSIONER D'APRILE VOTED "NO". MOTION CARRIED 3:1.**

Chairman Moore inquired of Attorney Berntsson if Agenda Item 16, Petition SV-05-10-20, was pulled. Attorney Berntsson replied affirmatively.

Commissioner DeBoer stated there is a need for the Board to look at the current planning standards and discuss the adopted level of service for roads. **Chairman Moore** indicated there would be

discussion, if only under Commissioner Comments, but hopefully more. **Commissioner Cummings** said there should be a re-focus of efforts in completing the build-out scenario to have a clear idea of the infrastructure requirements for various land use decisions at build-out prior to making those land use decisions; and there is a need for a needs-based Capital Improvement Plan based upon a build-out scenario and keyed to actual growth.

RECESS 12:36 P.M.- 1:34 P.M.

Agenda Item 12 - PA-05-12-85-LS - (Legislative)

Joan F. LeBeau, Planner III, explained Florida Statutes 163.3191(1) Evaluation and Appraisal of Comprehensive Plan requires all local governments to review and evaluate its comprehensive plans every seven years; this was done in 2002; Petition PA-05-12-85-LS is a Large Scale Plan Amendment to amend the Historical Element of the 1997-2010 Comprehensive Plan as proposed; there are no major changes, but an update of the text, tables, Goals, Objectives, and Policies to conform with the 2005 language; and approval to transmit to the Department of Community Affairs (DCA) is requested. **Commissioner Cummings** inquired why the change was necessary in the historical and archeological verbage. Laura Kleiss-Hoeft, Parks, Recreation and Cultural Resources Director, indicated it was to clarify definitions. **COMMISSIONER CUMMINGS MOVED APPROVAL TO TRANSMIT THE POLICY CHANGES TO THE HISTORICAL ELEMENT TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR AN OBJECTIONS, RECOMMENDATIONS AND COMMENTS (ORC) REPORT AS PROPOSED IN THE EAR OF CHARLOTTE COUNTY'S COMPREHENSIVE PLAN FOR PETITION PA-05-12-85-LS, SECONDED BY COMMISSIONER D'APRILE. 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 (4:0). CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).**

Agenda Item 13 - PA-05-05-37-LS - (Legislative)

Joan F. LeBeau, Planner III, stated this agenda item is the second of the Evaluation and Appraisal Report (EAR) - based amendment for the Communities Facilities and Services Element; it is pursuant to Florida Statutes 163.3191(1) and the EAR - based recommendations within that statute; there are no major changes, but brings the element up to date with the language and

verbage of today; and all maps, tables, charts, text, Goals, Objectives and Policies were updated as necessary. **Commissioner DeBoer** pointed out page 4 claims there is a 3% CAP, but there is no 3% CAP; inquired why the data on page 16 only goes as far as the 2002/2003 fiscal year because in doing that the statistics do not include the Regional Library that was just opened. Laura Kleiss-Hoeft, Parks, Recreation and Cultural Resources Director, stated that is an error that needs to be corrected, and the data does include the Regional Library. **Commissioner DeBoer** stated that on Page 19 there is text that includes that, but he is not certain it is included in the comparisons when stating the County is below the neighboring counties so severely in terms of how many materials are had per capita. Ms. Kleiss-Hoeft stated the Mid-County Library is included. **Commissioner DeBoer** inquired what the base requirement is in the State Comprehensive Plan for the County to meet; is the Florida Public Library Standards what the County is supposed to be meeting; and if that was a mandate. Ms. Kleiss-Hoeft indicated Charlotte County is still below the statistical requirements; Page 25 under Level of Service and Funding refers to "essential, enhanced, or exemplary levels of service within the state standards", which are State recommendations; Charlotte County is at the base level of 1.5 and 0.4, but attempting to get to two items per capita for its population, and based upon the square footage, attempting to get to 0.6 square foot per capita of building space. **Commissioner DeBoer** stated the County should have aspirations to do better than the minimum, but by stating current square footage of 0.4 square feet, to 0.6 square feet, increasing the amount of library space by 50%, it creates a future funding problem; when standards are set too high flexibility is lost and it creates a mandate, then everything sent to Tallahassee is reviewed based upon what is adopted in the Comprehensive Plan and things get turned down with the recommendation to increase taxes or whatever else is needed; and that in the Comprehensive Plan he would rather see the minimum requirements. (**County Administrator Bruce D. Loucks replaced Assistant County Administrator Roger Baltz for this portion of the meeting.**) **Commissioner Cummings** agreed with **Commissioner DeBoer**; indicated the standard should be met when the South County and West County Regional Libraries are added; and considering it is the base level recommended, he is okay with the language. **Commissioner DeBoer** expressed concern that by the time the South County and West County Regional Libraries are built the County will still be below the level of

service because of population increase; there will be the same problem with parklands; and the County will have a difficult time funding. **Commissioner Cummings** indicated if the Comprehensive Plan shows the standard the County is trying to maintain it gives another tool when attempting to charge impact fees. **Chairman Moore** asked if there were options. Ms. Kleiss-Hoeft advised it is the library system that gets evaluated by the books and square footage; it is an inadequate library system; and the County is attempting to go to a higher level than the minimal standards. Bruce D. Loucks, County Administrator, advised libraries is not one of the mandated levels of service that must be adopted; anything done at the level of service of the library is discretionary; parks, roads, water, sewer, and perhaps a fifth one, are the mandated services that must be provided; other things such as government facilities, libraries, and things of that sort, are discretionary; no level of service must be adopted, and although this reflects what the community wants, there is more discretion and flexibility here than in other areas. **Commissioner DeBoer** pointed out that it is discretionary, but once adopted into the Comprehensive Plan, it is no longer discretionary. **Commissioner DeBoer** indicated one of the conclusions shown on Page 23 is that "Charlotte County has a high proportion of population with library cards; however, each borrower signs out a relatively low number of items, a reflection of the low per capita number of materials available"; and inquired if that could be just a social anomaly. Ms. Kleiss-Hoeft agreed. **Commissioner DeBoer** stated Page 47 indicates fire rescue response time ranges between 4-6 minutes (in urban service area), 12-15 minutes (in rural service area); future stations are planned by incident, call volume and response times, and a change is wanted from a 6-minute response time to a 4-minute response time, and expressed concern on how many more fire stations will be required by reducing the response time by one-third. Mr. Loucks stated his understanding is that stations are being built, and slated to be built, in the 5-year program, and will bring fire rescue to the 4-minute response time. **Commissioner DeBoer** inquired where the 4-minute response time came from because normally it comes from insurance requirements or national fire safety standards; it is fine to aspire to a 4-minute response time, but when put into the text amendments that it will be done, that is what will be required, and as congestion gets worse and the 4-minute response time unable to be met, more stations must be built; and sooner or later the

expense will be too great for the residents. **Commissioner Cummings** said he doubted a 12-15 minute response time in the rural service area could be maintained. **Commissioner DeBoer** reported there was a possible typographical error on Page 85 regarding the Courthouse/new Justice Center. Ms. LeBeau stated there was an oversight, and believes the year should have been 2015. **Commissioner DeBoer** explained this is just forwarding for the ORC Report and only brought the items up for discussion at this time. **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 (4:0). COMMISSIONER CUMMINGS MOVED APPROVAL TO TRANSMIT THE POLICY CHANGES TO THE COMMUNITIES, FACILITIES AND SERVICES ELEMENT TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) FOR AN OBJECTIONS, RECOMMENDATIONS AND COMMENTS (ORC) REPORT AS PROPOSED ON THE EAR OF CHARLOTTE COUNTY'S COMPREHENSIVE PLAN FOR PETITION PA-05-05-37-LS, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0).**

Agenda Item 14 - PP-05-11-09 - (Quasi-Judicial) - Commission District II

(Deputy Clerk Gail Manley administered the oath to prospective witnesses.) (Chairman Moore polled the Board for ex-parte communications. Commissioner DeBoer explained he has not had conversations specifically on this petition but there have been numerous conversations before the Board on this particular park that are all public record, it is part of the lawsuit that was settled, and part of the lawsuit that was re-filed, and made the comments for the record. Chairman Moore advised he possibly had one communication and will submit paperwork. Commissioner Cummings had the same as Commissioner DeBoer, and Commissioner D'Aprile had none.)

James Dossett, Development Review Manager, gave a slide presentation for a Preliminary Plat petition for Charlotte County Park of Commerce-Phase II, consisting of a 37 lot industrial subdivision lying in Sections 2 and 11, Township 41 South, Range 23 East, located in the Airport Commercial Park, south of Wharton Avenue, east of Westminster Street, north of Pelican Drive and west of Dayton, containing 73.67 ± acres. The petition was heard by the Planning and Zoning Board on January 9, 2006 and approval was recommended with the following

conditions; and staff recommends approval with the same conditions, which applicant has agreed to:

1. State Plane coordinate values of two corners in the descriptions must be provided on the final plat. The elevations of the benchmarks indicated on the plat must be defined for the evaluation of the drainage criteria for the Final Plat.
2. Access easements at Wharton Avenue and Westminster Street shall be noted and dedicated to Charlotte County on the Final Plat.

Robert Berntsson, Esq., of the law firm McKinley, Ittersagen, Gunderson and Berntsson, P.A., appeared on behalf of applicant Charlotte County Park of Commerce; stated the applicant came up with the second condition as it makes good sense from a planning standpoint that ultimately there would be access from the Airport Overlay area to C.R. 74; that today there is insufficient right-of-way to go through the area, but there will be future planning to bring the area into compliance of roadway width; in the interim there will be a no-access easement so the roads do not connect through at the three locations, but when the County is ready for the roadway system to be expanded the applicant would be willing to work with the County, which will benefit the project and the airport properties as well. **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 (4:0).** Commissioner Cummings requested clarification on the access easement points (additional discussion ensued on the location of the access easement location.) Attorney Berntsson stated the original plat showed three access points, but the roads are not commercial, and actually cross the residential areas, which is where applicant came up with the idea of providing an access to the County for roads, and if a corridor never happens, then the cul-de-sacs remain. Commissioner Cummings requested clarification that the purpose of the no-access is they go nowhere now, but in the event another corridor is developed the access is available and at the County's discretion the other roads could be tied in. Mr. Dossett stated that was correct. Commissioner DeBoer explained the Airport will extend the runway and the clear zone

will extend out over Pelican Drive; and asked for confirmation there was no concept of using Pelican Drive to get back out to Piper Road. Attorney Berntsson advised the discussion is to connect Commerce Parkway to what is currently George Road, the area that is anticipated to have the highest likelihood of being run through. **COMMISSIONER DEBOER MOVED APPROVAL OF PRELIMINARY PLAT PETITION PP-05-11-09, CHARLOTTE COUNTY PARK OF COMMERCE - PHASE II WITH THE TWO (2) CONDITIONS EXPRESSED BY STAFF, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0).**

Agenda Item 15 - PP-05-11-10 - (Quasi-Judicial) - Commission District III

James Dossett, Development Review Manager, stated Bel Aire at Windward, LLC has applied for a Preliminary Plat for Bel Aire @ Windward, consisting of a 8-lot multi-family subdivision lying in Section 34, Township 41 South, Range 20 East, being a portion of the Cape Haze Windward Subdivision, as recorded in Plat Book 15, Page 59-I, of the Public Records of Charlotte County, Florida; the site is a replat of Lots 73,74,75 and 76, located north of Windward Road and west of Westwind Drive, and contains 1.46 ± acres. Mr. Dossett explained the petition originally came in as 6 lots. The only objection was from Public Works because the property may be needed in the future for drainage improvements, but there is no long-range plan on this property; the Planning and Zoning Board heard the petition on January 9, 2006 and recommended approval; and staff recommends approval with the one (1) condition that a drainage outfall easement be provided when applicant comes in with the construction plans. **(Deputy Clerk Gail Manley administered the oath to prospective witnesses and witnesses who have already testified.)** **Commissioner DeBoer** stated Public Works indicated the property might be needed for a drainage retention and detention area for the expansion of Boundary Boulevard, but the property is not close to Boundary Boulevard, and asked for clarification. Mr. Dossett said staff did not understand the comment from Public Works because there is a drainage pond directly behind the units and a drainage easement was agreed upon to get water from Boundary Boulevard, wherever that might be, down to this. **(Chairman Moore polled the Board for ex-parte communications and there were none.)** Kenneth Yurkovich appeared on behalf of the applicant and advised the development will be patio homes, single-family homesites; advised that Boundary Boulevard was

three-quarters to a mile away; this is a self-contained stormwater system for this subdivision, and the pond in the rear is a part of Southwest Florida Water Management District (SWFWMD) jurisdictional area for this subdivision; and requested approval of the plat. **COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0).** **COMMISSIONER DEBOER MOVED APPROVAL OF PRELIMINARY PLAT PETITION PP-05-11-10, BEL AIRE AT WINDWARD, WITH THE TWO (2) CONDITIONS RECOMMENDED BY STAFF, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0).**

Agenda Item 17 - SV-05-10-21 - (Legislative) - Commission District III

James Dossett, Development Review Manager, gave a visual slide presentation for a Street Vacation requested by Tony and Lynn Pearson to vacate an unbuilt portion of Rotonda Boulevard South, being that portion of right-of-way lying between Lot 1079 and Parcel P8 (which is State owned land), of the plat of Rotonda West-Pine Valley as recorded in Plat Book 8, Page 16-16K of the Public Records of Charlotte County, Florida, and located in Section 36, Township 41, Range 20, consisting of .21 ± acres; Public Works requires a drainage easement be dedicated down the eastern side of the right-of-way; State Parks has no objections; the petition was heard by the Planning and Zoning Board on January 9, 2006 and approval recommended, mistakenly without the condition of a drainage easement; staff recommends approval with the condition of a drainage easement dedication down the eastern side of the right-of-way. **COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0).** **Commissioner DeBoer** requested clarification on the visual slide being shown of what a certain easement was, and if the vacation would come down the property line. Mr. Dossett explained it was a greenbelt; that the photograph was incorrect and the vacation would actually go all the way down the backside of the greenbelt; the Pearson's would not get a portion, it would still be part of the greenbelt system; would no longer be under County jurisdiction, but under the jurisdiction of the owner of the greenbelt, which he believes would be the Association. **Commissioner DeBoer** requested clarification from the slide being shown how the drainage easement goes anywhere because it runs down the center (of what is showing in red.) Mr. Dossett said the intent is to run the drainage easement down

the edge of the property of the existing right-of-way; the Pearsons would get one-half and the State would get the other half, but said the State has no interest in it, but that is not official, only what the State Ranger stated. Mr. Dossett advised the right-of-way is being vacated, but not the easement (greenbelt). **Commissioner Cummings** inquired who was using the property now, and for what, because it appeared someone was accessing the greenbelt across an empty lot. Mr. Dossett said he did not know; that it appeared to be a drainage way under construction; and would have Code Enforcement look at the area to determine if the greenbelt has been disturbed. **Commissioner Cummings** pointed out that with the drainage way under construction there would be a need for the easement down the eastern border so maintenance can continue on the greenbelt, which, in essence, is a drainage facility. Mr. Dossett explained that is what it has been used for, and there is a need to be able to turn the corner and get water down to the canal. **Commissioner Cummings** inquired if the drainage easement is sufficient to accomplish what is needed. Mr. Dossett said Public Works indicated the drainage easement is needed on the eastern side, and it will then work out details on the width. **COMMISSIONER CUMMINGS MOVED FOR APPROVAL TO ADOPT RESOLUTION #2006-028, PETITION SV-05-10-21, VACATING AN UNBUILT PORTION OF ROTONDA BOULEVARD SOUTH WITH THE ONE (1) CONDITION EXPRESSED BY STAFF, SECONDED BY COMMISSIONER DEBOER AND DECLARED UNANIMOUS (4:0).**

Agenda Item 18 - SV-05-09-18 - (Legislative) - Commission District I

James Dossett, Development Review Manager, gave a slide presentation, and stated Robert M. Parker and Nancy D. Parker are requesting a Street Vacation to vacate a portion of Magnolia Avenue, an unimproved street, between Lot 16 and Lot 17 of the J.H. Lucas Subdivision, Section 17, Township 40S, Range 24E; the total acreage was incorrectly stated on the Planning and Zoning (P&Z), and the correct acreage to be vacated is .88 ± acres. Mr. Dossett advised that during the P&Z hearing there was discussion concerning neighbors not wanting to give up the potential of Magnolia being extended as access and discussion about an easement being granted, but since the P&Z hearing evidence of a recorded easement was received; that there is an ingress/egress easement with a shell road constructed, which is the main source

of ingress/egress for the area residents; the easement was recorded in 1978 in Official Records Book 581, Page 94, of the Charlotte County Public Records. **Chairman Moore** inquired if this had come before the Board before. Mr. Dossett said the petition had been tabled before until the applicant provided the recorded easement showing legal access to the area resident properties, and advised the property to be vacated is not used as access by anyone other than off-road vehicles. **Chairman Moore** requested clarification of where the vacation parcel was located. Mr. Dossett showed **Chairman Moore** on the map where the vacation parcel and the existing ingress/egress easement were. Nancy Parker appeared and stated she and her husband own the property on both sides; there is no evidence that anyone other than applicants have used the property for access to Magnolia Way; applicant's neighbor, Matt Maloney, is in favor of vacating the parcel of land; and applicants have satisfied the conditions of staff. Robert Parker advised there has never been any kind of improvement on the portion of Magnolia Way requested to be vacated, and it has always been a wooded area; applicants own both sides of the property to be vacated, in addition to another parcel of property above the easement, and have used the easement since about 1990; and the next door neighbors (Maloney) are in favor of the vacation. **COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0). COMMISSIONER CUMMINGS MOVED FOR APPROVAL TO ADOPT RESOLUTION #2006-029, PETITION SV-05-09-18, VACATING A PORTION OF MAGNOLIA AVENUE, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0).**

Agenda Item 19 - PV-05-09-19 - (Legislative) - Commission District III

James Dossett, Development Review Manager, stated this agenda item is an application by CCC DR, LLC to vacate a portion of Coral Creek Club Plat, Lots 1-5 and Tract A, and is essentially a little housekeeping for something done earlier today as related to Agenda Item 6 (PA-05-11-73) and Agenda Item 7 (Z-05-11-74). Mr. Dossett advised there is a mistake in the handout and the area actually consists of 2.87 ± acres; the right-of-way was private, not dedicated; applicants wish to vacate the plat itself, which will do some cleaning up in order to move on with the rezoning that was approved today; the Planning and Zoning Board heard the petition on December 12, 2005 and recommends

approval with a condition that density not be exceeded on the future lots, but the rezoning that took place today negates that condition. Geri L. Waksler, of the law firm Moore and Waksler, P.L., appeared on behalf of CCC DR, LLC and advised these are the platted single-family lots and applicant wishes to vacate that plat to replace it with the multi-family approved today. **COMMISSIONER DEBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS (4:0). COMMISSIONER DEBOER MOVED FOR APPROVAL TO ADOPT RESOLUTION #2006-030, PETITION PV-05-09-19, VACATING A PORTION OF CORAL CREEK PLAT AND DECLARED UNANIMOUS (4:0).**

Chairman Moore advised Agenda Item 20 was heard out of order. Johanne Wallace, the applicant for Agenda Item 20, advised she had called the Commission Office off and on all day to see where the meeting was on the agenda and was told that the Board did not move items forward. Richard A. Browne, Assistant County Attorney, pointed out the Board had the right to take Agenda items out of order, the neighbors were in attendance at the meeting, the meeting was set for 9:00 A.M., and the applicant could have been at the meeting. **Commissioner DeBoer** advised the public hearing has been closed and cannot be reopened. **Chairman Moore** explained the staff's recommendation was denial; the agenda item was moved forward because there were a large number of people present for that item; the petition was heard and denied; the Board cannot hear her comments but she could contact the Commissioners, or Legal, to determine if a member of the Board would call the item back for reconsideration. Ms. Wallace presented copies of a handout to members of the Board.

MEETING ADJOURNED: 2:47 P.M.

Thomas G. Moore
Chairman

ATTEST:

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

By:

Deputy Clerk

gm