

LAND USE PUBLIC HEARINGS

BOARD OF COUNTY COMMISSIONERS

MARCH 21, 2006

Public Hearings on Planning and Zoning Lane 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 Adam Cummings, Matthew D. DeBoer and Sara J. Devos. Also in attendance were County Administrator Bruce D. Loucks, Assistant County Attorney Richard A. Browne, Executive Assistant to the Board Joann Dillon, and Minutes Supervisor Diane J. Nice. The meeting was called to order at **9:05 A.M.** (Commissioner D'Aprile and Chief Deputy Tommy Q. White were not present for the public hearings.) (Proof of Publication was in Order.)

I. PLANNING AND ZONING AGENDA

Agenda Item 1, PA-05-12-95 (Legislative) District III

Jie Shao, Planner II, presented the petition for a small-scale plan amendment from Medium Density Residential to Commercial Corridor on approximately .23 acre located north of Crestview Drive, south of East Bay Heights Avenue, east of South McCall Road (SR 776), and west of Deer Creek in the Englewood area; the site is the subject of a Special Exception (SE-06-03) to expand an existing business; the Board of Zoning Appeals (BZA) heard the petition on March 8, 2006; a condition of that approval makes development of the site contingent upon the plan amendment approval that is required to make the use conform to the Comprehensive Plan; the proposed use of the site is for parking only; the proposed change will be consistent with Policy 2.2.6 of the Future Land Use Element of the Comprehensive Plan to increase the depth of the existing commercial lots; staff recommends approval; and the Planning and Zoning (P&Z) Board heard the petition on March 13, 2006 and recommended approval. Geri L. Waksler, Moore and Waksler, P.L., appeared on behalf of Investors Choice Real Estate in support of the petition that is the final step in a multi-step process and a site specific plan approval for expansion of the parking area; the P&Z Board

recommended approval and the BZA granted the special exception subject to amendment of the land use to be consistent with the new commercial use and bring the use in compliance with the Code; there is a master drainage system on the site; and the drainage will flow into drainage facilities on adjacent residential property pursuant to a cross access and easement agreement. **COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS (4:0). COMMISSIONER DeBOER MOVED APPROVAL TO ENACT ORDINANCE #2006-020 AND PETITION PA-05-12-95 FILED BY INVESTOR'S CHOICE REAL ESTATE BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORT DATED JANUARY 31, 2006 AND THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS (4:0).**

Agenda Item 2, NOPC-06-01-05 (Quasi-Judicial) District II

(Minutes Supervisor Diane J. Nice administered the oath to prospective witnesses. Chairman Moore polled the Board for ex-parte communications and Members noted that issues relating to Tern Bay have been before the Board on previous occasions and made public record.)

Jason Utley, Planner II, stated the purpose of the petition is to adopt a resolution amending the Development Order for the Tern Bay Development of Regional Impact (DRI) to eliminate phasing of development and provide for a revised and updated Land Use Distribution Table dated January 2006 (Exhibit C) in Tab 3 of the attachment; Exhibit A is Tern Bay's adopted Map H and Exhibit B is the Tern Bay legal description; the elimination of the phasing will not have a material impact on the mitigation of the development impacts; the mitigation measures will now be tied to dates and construction milestones; the site involved is located approximately three miles north of the Lee County line, west of CR 765 (Burnt Store Road), east of Charlotte Harbor, and southwest of US 41 (Tamiami Trail); the Regional Planning Council (RPC) determined the change is not a substantial deviation; P&Z Board heard the petition on March 13, 2006 and recommended approval; and staff recommends approval. Attorney Waksler appeared on behalf of Tern Bay LLC to request a change to the DRI Development Order to eliminate phasing deadlines and tie remaining obligations to specific development thresholds or dates, e.g. a hurricane shelter mitigation plan is required when

phase II construction plan approval is granted whereas this change will require the mitigation plan when plan approval is granted for more than 993 units; construction of two additional lanes on Burnt Store Road along the southern half of the Tern Bay project will be required on or before January 17, 2007 instead of the initiation of phase II development; approval of this petition will not extend any deadlines or create any new impacts but it will provide more flexibility; the RPC has determined that this change will not create any additional regional impacts and does not constitute a substantial deviation; the P&Z Board recommended approval; and requested Board approval. **COMMISSIONER DeBOER MOVED APPROVAL TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS (4:0).** Commissioner Cummings requested an explanation of the additional flexibility. Attorney Waksler stated the developer would be allowed to construct certain units sooner or later than required under Phase I. **Commissioner Cummings** questioned development of commercial after all residential is built. Attorney Waksler advised the developer has received calls about commercial development; this change would allow for all commercial to be built sooner than later or later than sooner; the existing DRI Order allows one-half of commercial to be built after completion of Phase I and the remainder commercial after Phase II completion. **Commissioner Cummings** suggested adding language that, at a minimum, the commercial identified in Phase I would be accomplished with the same number of units in Phase I. Attorney Waksler indicated no objection. **Commissioner Cummings** requested staff's position on commercial being built sooner than later since it would reduce trip generation along the Burnt Store Road corridor. Mr. Utley stated the addition of that language would be acceptable; the Burnt Store Area Plan allows for commercial neighborhood establishments; Wilder Properties has expressed an interest in creating another power center and they have had a pre-application conference but no application has been filed for development approval for Jones Loop Road and US 41; and it would be appropriate to have commercial constructed to allow residents to obtain daily needs in close proximity. **COMMISSIONER CUMMINGS MOVED APPROVAL TO ADD A CONDITION TO REQUIRE THAT 70,000 SQUARE FEET OF THE TOTAL 140,000 SQUARE FEET OF COMMERCIAL BE CONSTRUCTED PRIOR TO APPROVAL FOR THE 994TH UNIT, SECONDED BY COMMISSIONER DEVOS.** Commissioner DeBoer requested restatement of the motion because he has concerns about vacant commercial buildings and

insufficient residents to support the establishments and questioned if the condition would change the existing DRI Order. **Commissioner Cummings** stated that was not his intent. **Commissioner DeBoer** expressed support if the intent is not to change the current DRI Order. **COMMISSIONER CUMMINGS RESTATED THE MOTION TO REVISE THE PROPOSED RESOLUTION TO ADD A CONDITION THAT PRIOR TO ISSUANCE OF DEVELOPMENT PERMITS FOR GREATER THAN 993 UNITS, 70,000 SQUARE FEET OF COMMERCIAL SHALL BE DEVELOPED WITHIN THE DRI, SECONDED BY COMMISSIONER DeBOER.** Attorney Waksler suggested issuance of certificates of occupancy. Mr. Utley accepted the suggested language change as long as the provisions referring to hurricane evacuation requires the shelter mitigation plan prior to construction plan approval. **Commissioner Devos** expressed a preference for adding language to the motion requiring shelter mitigation. Attorney Waksler pointed out the resolution contains specific language requiring the shelter mitigation plan when the Phase II construction plan is approved and it would be changed to when approval is granted for more than 993 units. **CALL ON THE AMENDMENT TO THE MOTION: DECLARED UNANIMOUS (4:0).** **COMMISSIONER CUMMINGS MOVED APPROVAL TO ADOPT RESOLUTION #2006-043, AS REVISED, AND PETITION NOPC-06-01-05 FOR AN AMENDMENT TO THE TERN BAY DRI DEVELOPMENT ORDER BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORT DATED FEBRUARY 27, 2006 AND THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS (4:0).**

Agenda Item 3, PA-05-11-80-LS (Legislative) District II

Jan Rogers, Planner III, announced procedures for the Department of Community Affairs (DCA) and regular sign-in sheets. Ms. Rogers presented the petition with slides on the large scale Future Land Use Map (FLUM) amendment from Agriculture to General Mixed Use on about 82.21 acres located north of Green Gulf Boulevard, south of Notre Dame Boulevard, east of Alligator Street, and west of US 41 (Tamiami Trail), in the South Punta Gorda area; the proposed amendment would allow for a combination of a minimum of two types of development such as residential, institutional, and commercial uses that would be considered in a future Planned Development (PD) amendment to the Zoning Atlas; staff recommends denial because the proposed change is premature due to factors pertaining to funding and design and construction of Tucker's Grade Extension; the Metropolitan Planning

Organization's (MPO's) 2030 Long Range Transportation Plan identifies the Extension in the needs plan but not in the cost feasible plan; the consultant hired by the Florida Department of Transportation (FDOT) estimated the cost of the Extension at about \$12 million; there are no utility commitments for potable water and sanitary sewer services and this would be inconsistent with Objection 1.3 of Infrastructure and Services; the existing housing stock is low considering the 1,946 vacant residential lots and over 23 vacant commercial properties; this is to be a PD and staff is unable to determine the trip generation rate and associated impacts on adjacent roadways; the P&Z Board disagreed with this analysis and unanimously recommended approval of the transmittal on February 13, 2006. Attorney Waksler appeared on behalf of Eighty One Hundred, LLC, for the large scale plan amendment from Agriculture to Mixed Use on approximately 82.21 acres located at the intersection of US 41 and Tucker's Grade; reviewed staff's objections and resolutions; pointed out 21,000 additional trips would need to be generated on this segment of US 41 to drop the Level of Service (LOS) from B to C so there is no transportation issue; several months ago the Board approved land use and zoning changes on property directly across the street for the Real Mark Tuckers Grade project for 999 residential units and commercial retail; a condition of that PD approval required water and sewer be brought to the site; she represents Real Mark Tuckers owners and this petitioner and meetings have been conducted with Charlotte County Utilities (CCU) on behalf of Real Mark Tuckers Grade to identify the proper route for water and sewer lines and interconnections, if required; at last Thursday's meeting with Utilities Director David Schlobohm it was confirmed that CCU's preference is for water and sewer lines to come up from the Burnt Store Road plant; specific conditions and demands have been identified as a result of these line extensions; she has been directed by CCU and her client to draft the development agreement to allow for extension of these lines; then water and sewer will be available to the Eighty One Hundred LLC project site; Eighty One Hundred LLC would also accept a condition to the PD that requires water and sewer prior to construction on the site; the parcel is located within the Urban Service Area and surrounded by properties with Low Density Residential, Commercial Corridor, or Commercial Center land uses; Agriculture designations are for agricultural activities located primarily within Rural Service Area; recent actions including approval of the Burnt Store Area

Plan and the Comprehensive Plan reflect the project area as a commercial node; the Tuckers Road Extension was identified in the Burnt Store Area Plan as a necessary and needed road improvement in 2010 although there is no funding in the CIP for that time period; the extension runs along the southern boundary of the Eighty One Hundred LLC project; the change to Mixed Uses require at least two land uses and her client intends to use the eastern portion of the site adjacent to US 41 for commercial use and the other portion for residential uses compatible with the five units per acre permitted on adjacent properties; the PD will establish a specific number of units and specific density; the PD rezoning and the proposed site plan will be submitted to run concurrently with the adoption hearing for the large scale plan amendment; Bonita Bay Group is looking at, as part of their discussions for impacting their proportionate share transportation mitigation, in addition to widening Burnt Store Road, to do design plans for the Tuckers Grade Extension; like the widening of Burnt Store Road, it is envisioned that the Tuckers Grade Extension will be accomplished by private property owners and Eighty One Hundred LLC would like to be a part of that process but assurances of land use on the project site are needed prior to site planning to identify placement of the Tuckers Grade Extension; the Agriculture land use is inconsistent with surrounding uses and future plans for the area and it inhibits the ability to move forward with planning for the Tuckers Grade Extension; approval of the amendment would allow for the continued implementation of improvements under the Burnt Store Area Plan and a commercial node at this intersection; and requested approval. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS (4:0).** Commissioner DeBoer pointed out housing absorption on available stock is decided by market conditions; the Tuckers Grade Extension and utility expansion need to be done; expressed concern about the Burnt Store Area not having the capacity to serve; and suggested language be included holding the County harmless in the event that the capacity to serve is lacking when development is ready. Attorney Waksler stated her client understands that risk and as a result of discussions with the Utilities advisory committee, expansion of the Burnt Store plant is on track to meet the anticipated demand in early 2008. Attorney Waksler indicated Tern Bay LLC, Lennar has authorized her to work with Attorney Richard Browne on a development agreement that would require

Tern Bay, LLC, Lennar to do permitting and construction of the Burnt Store plant expansion in return for connection fee credits. Attorney Waksler reiterated her client, with approval of this transmittal, understands the risk that the capacity might not be available at the time of development, they accept that risk, and it is not an obligation of Charlotte County. **Commissioner DeBoer** stated he has not had an opportunity to thoroughly review scheduling of the Burnt Store, CCU, and other plant expansions; a brief review indicated insufficient time lines based on necessary governmental processes; requested another plan from Attorney Waksler; and concluded the development would be ready for occupancy before service can be provided. Attorney Waksler reiterated her client's understanding. **Commissioner Cummings** expressed concern about creating another US 41 in this area; indicated commercial that would tie in with surrounding residential areas would be beneficial and reduce trip generations but it should be done consistent with a corridor management plan, similar to access points on Veterans Boulevard; pointed out the need to reserve large parcels to meet the new standards of development by future Boards; and stated the proposed change is premature and it is not in the public good. **Commissioner DeBoer** requested location of the commercial retail node in the Burnt Store Area Plan. Attorney Waksler pointed out it continues along the southern boundary of Eighty One Hundred LLC property and down to the southwest to the top of the Bonita Bay property with two commercial nodes one of which is on the Burnt Store Area Plan and the second at the site's intersection. **Commissioner DeBoer** expressed concern about numerous single-family driveways accessing the Tuckers Grade Extension and suggested picking up one or two of the lots on the north side for access onto Notre Dame. Attorney Waksler reported Eighty One Hundred has acquired several of the lots on the north side for that purpose. **COMMISSIONER DeBOER MOVED APPROVAL TO TRANSMIT PETITION PA-05-11-80-LS FILED BY EIGHTY ONE HUNDRED LLC TO THE DEPARTMENT OF COMMUNITY AFFAIRS BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORT DATED JANUARY 27, 2006 AND THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS.** **Commissioner Cummings** expressed opposition. **CALL ON THE MOTION: CHAIRMAN MOORE AND COMMISSIONERS DeBOER AND DEVOS VOTED "YES" AND COMMISSIONER CUMMINGS VOTED "NO." MOTION CARRIED: (3:1).**

Agenda Item 4, Transfer of Density Units (TDU) Appeal to the Board (Quasi-Judicial)

(Minutes Supervisor Diane J. Nice administered the oath to prospective witnesses. Chairman Moore polled the Board for ex-parte communications and there were none.)

Inga Williams, Planner III, explained John Gentis submitted a petition to appeal Section 3-5-455(b), Exceptions of the Transfer of Density Units (TDU) ordinance pursuant to Section 3-5-451; Section 3-5-455(b) prohibits property zoned Coastal Residential (CR) within the Charlotte Harbor Community Redevelopment Area (CRA) from becoming a Receiving Zone for density; Mr. Gentis submitted a site plan that moves density from the Mixed Use portion of his property to the CR-3.5 zoned portion of the property, increasing density on property zoned CR-3.5 for multi-family uses, amending the Future Land Use Map on 8.89 acres, and rezoning the entire parcel to PD; the Mixed Use and CR-3.5 density would allow 183 units; the applicant has proposed to increase density by one unit; the Charlotte Harbor CRA Advisory Committee approved the site plan; an appeal to the Board must be approved prior to the applicant proceeding with the PD rezoning of the property; and recommended approval of the appeal. Attorney Waksler appeared on behalf of Mr. Gentis who is the owner of the 43-acre parcel; agreed existing zoning allows 183 units and one additional unit is proposed under the site plan; the issue is the location to which the density is being transferred since density increases further from the water; pointed out the location of two, three, and four-story units and six-story units within the Mixed Use area on the site plan; most of the density is staggered moving away from the waterfront; concurred with staff's analysis; and requested approval. **COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS (4:0).** (Chairman Moore polled the Board for ex-parte communications. Commissioner DeBoer stated discussions at prior public meetings with the Charlotte Harbor CRA.) **COMMISSIONER DeBOER MOVED APPROVAL OF RESOLUTION #2006-044, AN APPEAL FROM CERTAIN PROVISIONS OF THE TDU ORDINANCE FILED BY JOHN GENTIS, SECONDED BY COMMISSIONER DEVOS.** Commissioner Devos questioned the impact of the proposed development on paving roadways within the area including Pinnacle Road. Ms. Williams stated the issue may be addressed during the PD review process, indicated one of

the conditions is sidewalks along Harper Avenue, and stated Public Works may require conditions regarding road impacts.
CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).

Thomas Cookingham, Planning Services Manager, added anyone wishing to receive DCA comments regarding the next seven petitions should sign in at the side table with names and addresses.

Agenda Item 5, PA-05-11-76-LS (Legislative) District III

Mr. Utley reported J&J Homes submitted a large scale plan amendment from Recreational Vehicle Park to Low Density Residential on 170 acres located south of San Casa Drive, north of Cypress Road, and east of Placida Road (CR 775) in the Grove City area; on January 8, 2002 the parcel's FLUM designation was approved for a change from Low Density Residential to Recreational Vehicle Park under Petition PA-01-05-16-LS; the existing zoning as PD allocates 400 Recreational Vehicle Park dwelling units which will have to be changed if this petition is approved by the Board and DCA; the request is to return the FLUM designation to Low Density Residential; the parcel abuts Low Density Residential FLUM to the north and east; staff recommends approval of the transmittal; and on February 13, 2006 P&Z Board recommended approval of the transmittal. Robert H. Berntsson, of the McKinley Law Firm, appeared on behalf of J&J Homes; recalled the Board had concerns on the impact of three petitions for Recreational Vehicle Parks he represented in the early 2000's and all three of the projects are in some stage of changing to other uses primarily due to market conditions; he spoke with Audrey Shinski of the Grove City Community Advisory Committee and learned that the Committee supports this change; the PD will be brought back to the Board; density will be reduced because it is limited to 400 units as a result of the last change; and his client does not, at this stage, intend to utilize transfer of density units to go up to the full low density of 800 units; and requested approval of the transmittal.
COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS (4:0).
Commissioner Devos requested verification regarding the density on the property. Attorney Berntsson explained the Low Density Residential allowed 3.5 units per acre and the density would have been higher than 400; the Recreational Vehicle designation

allows up to six units per acre but it was limited to 400 units through the PD process because going over 400 units would have created a DRI for a Recreational Vehicle Park; the current density is limited to 400 units; and staff's analysis is based on the Low Density Residential designation that allows five units per acre or the maximum of 800 units. **Chairman Moore** questioned the likelihood of this development utilizing reuse water. Attorney Berntsson stated if it were available, the development would probably utilize reuse water although there is a lot of lake water on site, and the first priority would be to not use potable water. **COMMISSIONER DeBOER MOVED APPROVAL TO TRANSMIT PETITION PA-05-11-76-LS FILED BY J&J HOMES TO THE DEPARTMENT OF COMMUNITY AFFAIRS BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORT DATED JANUARY 30, 2006 AND THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS. Commissioner Devos** expressed concern about land use changes on the same parcels coming back before the Board a second time. Attorney Berntsson expressed the belief that the other two petitions have already been back before the Board. **CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).**

Agenda Item 6, PA-05-05-31-LS (Legislative) District I

Ms. Rogers advised this petition was rescheduled to Tuesday, April 4, 2006 at 10:00 A.M. or as soon thereafter as may be heard, to allow transmittal to DCA within the required 10-day time period. **Commissioner DeBoer** requested the P&Z Board recommendation. Ms. Rogers reported the P&Z heard the petition on March 20, 2006 and the recommendation was approval.

Agenda Item 7, PA-05-11-75-LS (Legislative) District I

Mr. Utley presented the petition filed by Evans Properties, Inc. for a large scale plan amendment on about 10,517 acres, located south of Bermont Road (CR 74) and east of SR 31 in the Punta Gorda area, in Sections 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, Township 41 South, Range 27 East, to shift FLUM lines so that Resource Conservation covers land areas that are considered environmentally sensitive and the Agriculture FLUM covers lands that have been and are being used for agricultural purposes; the change will add one acre to Resource Conservation from 2,773 acres to 2,774 acres and reduce the

Agriculture designated lands by one acre; the parcels around the site are zoned Agriculture; staff recommends approval of the transmittal to DCA; and P&Z Board recommended approval of the transmittal on February 13, 2006. Jessica Christianson, a scientist with Environmental Affairs Consultants, Inc., appeared as agent for Evans Properties, Inc., stated the goal is to match the FLUM designations to actual uses on the property. **Commissioner DeBoer** questioned the identification of boundaries for enforcement purposes. Ms. Christianson explained most of the lines are surveyed on the ground and coordinated as part of the surface water management system and irrigation system for the entire agricultural designation. Attorney Berntsson commented in support of the proposed change since this is the same property the Omni Waste site is being considered for. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS (4:0).** **Commissioner DeBoer** questioned if the purpose of the change is to make more useable land for a regional landfill. Mr. Utley stated he does not have any information. Attorney Berntsson stated the Agriculture lands would be increased by one acre and it outlines the wetlands. **Commissioner DeBoer** opposed taking the first step in making this a regional landfill. Attorney Berntsson explained the petition is only in the transmittal stage and has nothing to do with ultimate approval. **Commissioner Cummings** requested the acreage of the landfill and the possibility of doing a resource reclassification for development. Attorney Berntsson reported 1,200 acres of 10,000 acres and the landfill can be done without approval of this change. **Commissioner Cummings** questioned if something larger than a landfill is in the works. Attorney Berntsson responded no. **Commissioner DeBoer** expressed concern about approving the transmittal if this is the first step in a regional landfill that might be approved by an entity other than this Board. Mr. Utley stated an application would have to be filed for either a PD or a Development of Regional Impact for a regional landfill. **Commissioner DeBoer** requested the threshold for a regional landfill. **Commissioner Devos** rationalized opposition to the transmittal would not impact the 1,200 acres for a landfill and assumed, after speaking with representatives for the landfill operation, that an application would be brought back to the Board. Mr. Cookingham stated the landfill application has been submitted to the Development Review Committee (DRC) for a technical review and the application will be brought to the

Board after DRC approval. Attorney Berntsson explained that every landfill in the County requires a PD; the application is currently being reviewed by staff as part of the DRC process; existing lines are being used as part of the application; modifications to the application would be recognized during the PD process between preliminary and final approval stages; this change is strictly for the current land owner to field verify the lines. Ms. Christianson recalled a lot of time was spent in the field reviewing the lines with the County's Environmental Scientist William Bile; stated the applicant's intent is to maximize Agriculture and maintain Resource Conservation; and it was determined, after numerous reconfigurations, the lines closely match the most environmentally sensitive sectors. **COMMISSIONER DEVOS MOVED APPROVAL TO TRANSMIT PETITION PA-05-11-75-LS FILED BY EVANS PROPERTIES, INC. TO THE DEPARTMENT OF COMMUNITY AFFAIRS BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORT DATED JANUARY 30, 2006 AND THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS.** Commissioner Cummings pointed out moving forward with the transmittal does not ensure specific development in the area since applications will be brought back to the Board, pointed out a landfill would be a major trucking operation, and caution should be exercised in the future regarding any resource reclassification in this area. **Commissioner Devos** concluded the transmittal would not impact the future of a landfill in that area. **Commissioner DeBoer** expressed support for the motion and suggested a workshop be scheduled this summer to discuss changing development regulations for future development and growth especially in South County. **Commissioner Devos** agreed. **Commissioner Cummings** agreed a 2050 development plan needs to be done, commented on the importance of building community consensus, and workshops this summer will only be the first in a lengthy process. **Commissioner DeBoer** agreed a workshop would only be the beginning of the process to change the Comprehensive Plan. **CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).**

RECESS: 10:47 A.M. - 10:55 A.M.

Agenda Item 8, PA-05-10-67-LS (Legislative) District IV

Ms. Shao presented the petition initiated by staff on behalf of the Board for a large scale plan amendment from Low Density

Residential and Commercial Corridor to US 41 Overlay Mixed Use; on July 19, 2005, during the adoption hearing for Gwendolyn Johnson's petition on lots located adjacent to Toledo Blade Boulevard, the Board directed staff to investigate and analyze the potential future commercial development opportunities in the residential area; the area is located southeast of Murdock Circle, southwest of US 41 (Tamiami Trail), and northwest of Toledo Blade Boulevard in the Port Charlotte area; staff investigated and concluded that the subject area is surrounded by commercial uses, except some residential homes located to the south, across from Toledo Blade Boulevard; less intensive commercial uses such as Office, Medical, and Institutional (OMI) types of development as well as mixed uses will be appropriate in this area; during the second adoption hearing, staff will concurrently rezone Gwendolyn Johnson's lots from Residential Single Family-3.5 (RSF-3.5) to Commercial General (CG); the site contains an existing residential neighborhood; 68 of the 74 lots are developed with single-family residences; staff also requests the Board's further direction on rezoning the other account numbers associated with this petition from residential to commercial; staff recommends approval of the transmittal to DCA; and P&Z Board recommended denial since the proposed change is premature. (**Assistant County Administrator Roger Baltz replaced County Administrator Bruce D. Loucks for the remainder of the meeting.**) Ray Cowen, of 1250 Hillcrest Avenue, commented in support of the proposed change because it will increase property values, allow more flexibility for uses, and it seems inevitable that the change will take place due to its location. Wendy Finley and Gwendolyn Johnson commented in support of the rezoning and putting them back in business. **COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS (4:0).** Commissioner Devos stated this is a good change and a small business success story from Hurricane Charley. **Commissioner DeBoer** agreed and stated the change would allow more transitional uses. **COMMISSIONER DeBOER MOVED APPROVAL TO TRANSMIT PETITION PA-05-10-67-LS INITIATED BY STAFF TO THE DEPARTMENT OF COMMUNITY AFFAIRS BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORT DATED JANUARY 31, 2006, REVISED ON FEBRUARY 27, 2006, AND THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0).**

Agenda Item 9, PA-05-09-62-LS (Legislative) District II

Ms. Williams advised the petition was initiated by Community Development Department staff for a large scale plan amendment on approximately 69.8 acres located northeast of Taylor Road and west of I-75; staff considers this a use-inconsistency on 15 platted parcels in the Scenic View Estates Subdivision and 7 parcels located to the south ranging in size from 1.8 acres to 6.2 acres; 13 of the parcels contain a single-family home, one parcel contains a church, and the remainder is vacant; the zoning designation is Agricultural Estates that allows one residence per acre and the FLUM designation is High Density Residential; creation of the parcels was consistent with the Zoning designation for estate homesites; over half of the sites have developed as estate residential homesites; the developed use is inconsistent with the density implied by the FLUM designation; staff is requesting a change of the FLUM designation to better reflect development of estate homesites and remove the implied ability to place high density development within the area; letters were sent to adjacent property owners with a request to return affidavits in support or opposition of the change; most of the affidavits indicated support; and staff and P&Z Board recommend approval of the transmittal. **SEEING NO ONE WISHING TO SPEAK, COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS (4:0). COMMISSIONER DEVOS MOVED APPROVAL TO TRANSMIT PETITION PA-05-09-62-LS TO THE DEPARTMENT OF COMMUNITY AFFAIRS BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORT DATED FEBRUARY 2, 2006 AND THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER DeBOER. Commissioner DeBoer** questioned the existence of plan amendments or zoning changes adjacent to property owners. Ms. Williams recalled a change to Industrial across the street, Mr. Haymans has sold property on which an application has been filed for an Industrial zoning change, and Tuscany Isles PD to the north was approved last year. **CALL ON THE MOTION: DECLARED UNANIMOUS (4:0).**

Agenda Item 10, PA-05-11-72-LS (Legislative) District II

Ms. Williams presented the petition initiated by staff for transmittal on approximately 10.48 acres consisting of three parcels that are a portion of the Pineapple Centre Subdivision,

Sections 4 and 5, Township 41 South, Range 23 East, located north of US 17 (Duncan Road), east of Florida Street, west of I-75, and south of Marion Avenue; the site and surrounding lands are designated Commercial Center on the FLUM; the zoning designation of the site is Industrial Light while surrounding properties contain Commercial Intensive and Commercial Highway designations; staff previously brought this property forward as a rezoning to Commercial Intensive but the Board requested staff amend the Future Land Use to Industrial; staff recommends approval; and the P&Z Board recommended approval of the transmittal. **Commissioner Devos** questioned if this is the property that residents expressed concern about two months ago. Ms. Williams stated that was concerning a change on Florida Street. **Commissioner Cummings** recalled the property was across US 17 but there was another change that he opposed. Ms. Williams indicated the previous vote was unanimous in support. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS (4:0). COMMISSIONER DEVOS MOVED APPROVAL TO TRANSMIT PETITION PA-05-11-72-LS TO THE DEPARTMENT OF COMMUNITY AFFAIRS BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORT DATED FEBRUARY 2, 2006 AND THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS (4:0).**

Agenda Item 11, PA-06-02-07-LS (Legislative)

Ms. Williams explained the request initiated by staff is for a text amendment to the Future Land Use Element of the 1997-2010 Comprehensive Plan; staff is amending Policy 2.2.32 of the Burnt Store Overlay Plan; at the time the Burnt Store Overlay was adopted, the Urban Service Area was extended and some of the lands remained as Agriculture FLUM with no restrictions on density remaining at one unit per 10 acres; staff recommends approval of the transmittal to DCA; and P&Z Board heard the petition on March 13, 2006 and recommended approval of the transmittal. **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST, COMMISSIONER DeBOER MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS (4:0). Commissioner Cummings** requested verification of an increased development potential in the Charlotte Harbor Flatwoods area or the area identified for acquisition as a result of the Burnt

Store Area Plan adoption. Mr. Cookingham stated the original Objections, Recommendations and Comments (ORC) from DCA on the Burnt Store Area Plan required map revisions due to inclusion of some State owned land; a map of possible acquisitions listed the Greg Eagle property on the west side of SR 15 and that might be one of the properties; and staff looked at the Charlotte Harbor Environmental Campus (CHEC) map and Charlotte Harbor Flatwoods on the State map and revisions were made. **Commissioner Cummings** questioned the inclusion of Yucca Slough as part of the Charlotte Harbor Flatwoods acquisition. Mr. Cookingham stated it might be, remnants of some sloughs going through private properties were shown as portions of greenways, owners are aware of the intent to preserve these areas, and actions taken do not preclude State acquisition of any of those lands. **Commissioner Cummings** questioned if it would make acquisition more expensive. Mr. Cookingham reported the property owners supported the Burnt Store Area Plan. **COMMISSIONER CUMMINGS MOVED APPROVAL TO TRANSMIT PETITION PA-06-02-07-LS TO THE DEPARTMENT OF COMMUNITY AFFAIRS BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORT DATED FEBRUARY 27, 2006 AND THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER DeBOER AND DECLARED UNANIMOUS (4:0).**

Chairman Moore announced Attorney Browne has additions to the Schedule of Future Closures/Hearings/Workshops. Attorney Browne advised the Tuesday, April 4, 2006 Public Hearings at 10:00 A.M. on non-Babcock Ranch large scale plan amendments and 1:00 P.M. on the Babcock Ranch plan amendment and development agreement. **Commissioner DeBoer** questioned the scheduling at 10:00 A.M. instead of 9:00 A.M. Attorney Browne expressed uncertainty on why the Public Hearings are to start at 10:00 A.M. and as to how long the Babcock Public Hearings will last but notice has already been published.

MEETING ADJOURNED: 11:25 A.M.

Signature on file in Commission Minutes

Thomas G. Moore

Chairman

Book 64, Page 244
March 21, 2006

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**

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