

**BOARD OF COUNTY COMMISSIONERS - REGULAR MEETING AND LAND USE
PUBLIC HEARINGS**

DECEMBER 19, 2006

A regular meeting of the Board of County Commissioners, and Land Use Public Hearings were held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman Loftus, Commissioner D'Aprile, Commissioner Moore, Commissioner Duffy, and Commissioner Cummings. Also in attendance were County Administrator Loucks, Assistant County Attorney Browne, Executive Assistant Dillon, and Deputy Clerk Manley. The following members were absent: None.

The meeting was called to order at 9:00 AM, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: Regular Agenda - RECOMMENDED ACTION: It is recommended that the applicant submit a Comprehensive Plan Amendment Application and that the development agreement be processed concurrently. A TDU appeal, if submitted, should also be processed concurrently.

Mr. Loucks advised that the addition to the agenda is for the agreement between Charlotte County and GSR Capital Group, LLC. Mr. Loucks announced on the record that the Board of County Commissioners (BCC) may need to take action on the BCC retreat for January 12, 2007, to begin at 8:30 AM to discuss BCC goals.

**COMMISSIONER MOORE MOVED TO APPROVE CHANGES TO THE AGENDA,
SECONDED BY COMMISSIONER D'APRILE.
Motion Carried 5:0.**

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Attorney Geri Waksler commented on Regular Agenda item 2 on behalf of GSR Capital Group, LLC.

Curtis Barker, President of Fiddler's Green Condominium Association II, presented handout material and copy of agreement made with developer, and commented in support of Regular Agenda item 2.

Frank MacTaggart, President of Fiddler's Green I Condominium Association, commented in support of Regular Agenda item 2.

Mary Dalton, Secretary of Golden T Condominium Association, commented in support of Regular Agenda item 2.

REGULAR AGENDA

1. RECOMMENDED ACTION: Utilities: Award File #06-148, East Port Water Reclamation Facility Expansion, Work Order #39, to Contract #05-042, Engineers of Record, with Jones Edmunds & Associates, Inc. in the amount of \$546,862. BUDGETED ACTION: Budgeted amount \$565,000 in CIP c350302 East Port Plant Expansion

Commissioner Loftus advised this was an item he requested be tabled from the December 12, 2006 meeting because of concerns he had; that he has since met with staff for further explanation, and that he is comfortable approving the item at this time.

COMMISSIONER D'APRILE MOVED TO APPROVE REGULAR AGENDA ITEM 1, SECONDED BY COMMISSIONER DUFFY.
Motion Carried 5:0.

2. RECOMMENDED ACTION: Community Development: It is recommended that the applicant submit a Comprehensive Plan Amendment Application and that the development agreement be processed concurrently. A TDU appeal, if submitted, should also be processed concurrently. BUDGETED ACTION: None

Michael Konefal explained that the Development Agreement deals with property located on the east side of County Road 775 (Placida Road), located south and west of Gasparilla Boulevard, north of Lemon Creek, and also referred to as the old Wildflowers Golf Course property. Mr. Konefal stated the total property is approximately 79.6 acres, of which the wetlands/conservation area is approximately 36.79 acres. Mr. Konefal reported that staff does not recommend approval of the

Development Agreement at this time; that staff recommends that the Development Agreement, the Comprehensive Plan Amendment Application, and a Transfer of Density Units (TDU) Appeal be done at the same time, sometime next year, as opposed to approving the Development Agreement today.

Mr. Konefal pointed out the Wildflowers project has been before the Board of County Commissioners (BCC) as a Comprehensive Plan Amendment Application twice before, and did not pass; that there has previously been considerable public input on this project, but at this time there has been no notice provided for public input; that there has been recent revisions, and items stated that staff has not yet been able to verify; that staff has not had sufficient time for a thorough review of the project, and does not recommend approval today.

Commissioner D'Aprile inquired if a public hearing is required. Attorney Browne said it is not normally required for a Development Agreement, but that typically the Development Agreement is in conjunction with a Large Scale Plan Amendment, and/or TDU Waiver, Rezoning, or whatever is required; that public hearing would be required with the other matters, but not for the Development Agreement. **Commissioner D'Aprile** requested input from the petitioner before further discussion.

Attorney Geri Waksler spoke on behalf of the petitioner, and gave a brief history of the property and the Comprehensive Plan.

Attorney Waksler presented a diagram to the Board showing the expected development, the area to be preserved, locations of greenway and blueway, and stormwater ponds.

Attorney Waksler commented on the contents and purpose of the Development Agreement.

Commissioner D'Aprile indicated that in the past residents have been opposed, but that the developer has worked hard with the residents to reach a mutual agreement with the residents; and pointed out that the Development Agreement is not to put into effect TDU Ordinances at this time.

Attorney Waksler explained that the agreement for no TDU requirement is encapsulated in the Development Agreement today, and an application for a Large Scale Plan Amendment would come at a later date, together with the zoning change to allow for a Multi-family development, which would be Quasi Judicial.

Commissioner Cummings stated that the process is backwards, expressed his concerns of setting precedence, and indicated he does not support the Development Agreement.

Commissioner Moore asked what density the land carried prior to 1997. Attorney Waksler advised that the land had 5 units per acre prior to 1997. **Commissioner Moore** stated he does not believe this weakens the TDU Ordinance, that this deals with an inconsistency between the Future Land Use Map (FLUM) and zoning, that he believes the developer has been responsive, and that he would support the agreement.

Commissioner Duffy agreed with **Commissioner Moore**, and stated she would support the agreement.

Chairman Loftus indicated he would support the agreement.

Commissioner Cummings stated that this goes against the Comprehensive Plan (Comp Plan), that he has not been given sufficient reason for the developer not going through the normal process, and indicated that others would come back with this same argument if the variance is given at this time.

Commissioner Duffy indicated that some of the developments that have come before the Board had reduced their density, and she believes the County's goal to reduce density by 1% is being accomplished. **Commissioner Cummings** stated he believes the County is way behind.

COMMISSIONER D'APRILE MOVED TO APPROVE AGREEMENT 2006-073, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:1. Commissioner Cummings opposing.

PLANNING AND ZONING AGENDA

1. SV 06-09-13 Legislative Commission District IV
Heritage of Sarasota, Inc. has applied for a Street Vacation

to vacate the north forty feet of portion of River Beach Drive, (platted as Riverside Drive), located in the El Jobean Ward One subdivision as recorded in Plat Book 2, Page 30 of the Public Records of Charlotte County, Florida, lying between the east right of way of Sturkie Avenue and the west right of way of Warren Avenue. The site is located in Section 28, Township 40, Range 21. A complete legal description is on file.

James Dossett reviewed the goldenrod on petition SV 06-09-13, stated that the petition is based upon an exchange for the County vacating 40 feet of the 100 foot right-of-way, that the client would improve the remaining right-of-way and convey land to the County for a kayak/canoe launch. Mr. Dossett reviewed the offered Development Agreement, and advised that staff and the Planning and Zoning Board recommend approval with three conditions reflected on the goldenrod.

Attorney Robert Berntsson appeared on behalf of petitioner, and provided letters of approval.

Jim Edgar commented on agenda item 1 on behalf of his mother, a resident who is affected by the proposal.

Joe Derado commented on agenda item 1, and presented handouts and photographs.

**COMMISSIONER D'APRILE MOVED TO APPROVE CLOSING THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.**

Attorney Berntsson explained that the area being conveyed to the County is a separate parcel that is on the applicant's property, and stated that the concerns of the residents have been addressed in the Development Agreement.

Commissioner Moore requested clarification of the area that would remain with the County, and Mr. Dossett commented.

Commissioner Cummings indicated this is a net gain to the public, is improved access with value, and pointed out there are other such areas in the County that work nicely.

Commissioner Cummings indicated he would like to pursue changing an old court case regarding requirements of no parking signs.

Commissioner D'Aprile asked Attorney Berntsson if he was considering pursuing the change on the no parking signs. Attorney Berntsson pointed out that only the County can do that through an Ordinance.

COMMISSIONER MOORE MOVED TO APPROVE RESOLUTION 2006-223 AND AGREEMENT 2006-074, SECONDED BY COMMISSIONER D'APRILE.
Motion Carried 5:0.

2. SV 06-09-15 Legislative Commission District III Gary and Mary Jo Hickman have applied for a Street Vacation to vacate a portion of Winchester Avenue (New Jersey Avenue per plat) located within the Grove City William Harwood Subdivision, as recorded in Plat Book 1, Page 4 of the Public Records of Charlotte County, Florida. The site is bounded on the east by Cindy Lane (Eighth Street per plat), on the west by County Road 775, aka Placida Road (Seventh Street per the plat), on the north by Aillon Subdivision as recorded in Plat Book 4, Page 17 of the Public Records of Charlotte County, Florida and bounded on the south by Block 165, Grove City William Harwood Subdivision. The site, consisting of 0.28 acres more or less (12,402 square feet), is located in Section 17, Township 41 South, Range 20 East, in Commission District III of Charlotte County, Florida.

James Dossett advised that petition SV 06-09-15 is a request by Gary and Mary Jo Hickman for a Street Vacation to vacate a portion of Winchester Avenue in Grove City, and clarified that this is not the Winchester that is a collector road. Mr. Dossett indicated that staff and Planning and Zoning recommend approval with conditions stated in the goldenrod. Mr. Dossett corrected a misprint on the goldenrod and stated that condition number 2 should read: that a fence shall be installed on the vacated area; that the fence must be of a type that cannot be seen through, not chain link fence.

Commissioner Cummings asked where Winchester South corridor would go through. **Commissioner Moore** advised it is not near the area in the petition.

Andy Dodd appeared for the petitioner, and stated that as long as it is understood that there is chain link fence, and the group is willing to accept some other form of fencing or other security barricade around the property, then applicant has no issue accepting that condition, as long as it is specific to chain link and non-see-through fence.

Audrey Shinske, representing the Grove City Planning Committee, provided handout material, read into the record a portion of a letter that was sent to staff from the Planning Committee, and requested that the Board recommend that the petitioner meet with the Planning Committee.

COMMISSIONER D'APRILE MOVED TO APPROVE CLOSING THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

Mr. Dodd addressed Ms. Shinske's comments, and requested approval of the petition.

Commissioner D'Aprile inquired as to who would benefit from the Street Vacation. Mr. Dodd explained that the property owners to the north and the south would benefit equally, stated that the applicant would work with Grove City Planning Committee to address its concerns, but that parking would not be discussed because it is not conducive to applicant's project.

COMMISSIONER D'APRILE MOVED TO APPROVE RESOLUTION 2006-224, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

RECESS: 10:30 AM - 10:42 AM

3. PV 06-09-14 Legislative Commission District II Tucker's Grade and US 41, LLC has applied for a Plat Vacation to vacate a portion of Tropical Gulf Acres Unit 8 subdivision, that portion being Block 147, Lots 1 and 2, Block 149, Lots 1 and 2 and a 50 foot right of way known as Gasparilla Avenue lying north of Tribune Boulevard and adjacent to Lots 1 and 2 of Block 147 and Lots 1 and 2 of Block 149 of Tropical Gulf Acres Unit 8, as recorded in Plat Book 4 at Page 40B of the Public Records of Charlotte

County, Florida. The site, consisting of 1.32 ± acres, is located in Section 2, Township 42, Range 23 East. A complete legal description is on file.

James Dossett gave a presentation of petition PV 06-09-14 that paralleled the goldenrod, explained that the adjacent property owned by the applicant is zoned Planned Development (PD), and summarized concerns had by staff. Mr. Dossett stated that an agreement has been made that a public access easement would be provided at this time, and terminated if the adjacent property is developed with a new PD, and indicated that if the adjacent property is developed with the old PD, the road would remain in place. Mr. Dossett explained that a plat vacation does not relieve a MSBU commitment, and stated that approval is recommended by staff and the Planning and Zoning Department with conditions reflected in the goldenrod.

Attorney Cody von Birch appeared on behalf of the applicant, and provided a brief history of the property.

Tom Strawson expressed concern with the radical changes being done in Tropical Gulf Acres (TGA), and indicated a Comprehensive Plan is needed for TGA.

COMMISSIONER MOORE MOVED TO APPROVE CLOSING THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 5:0.

Attorney von Birch explained that the area is properly zoned, and that approval of the request is appropriate.

Commissioner Moore requested an explanation as to how PD got into this area. Mr. Dossett stated there was access from Tamiami Trail into PD; that there was a rather large development here that was approved years ago for retail, or possibly a mix.

Mr. Dossett explained the reason for a plat vacation being done instead of a street vacation, and indicated that a new development may be brought back later.

Commissioner Cummings explained that the additional condition of providing the access easement guarantees the potential for the property to develop in the manner it was approved; agreed that a

neighborhood plan needs to be done; indicated this offers no negative impacts to the future potential of a neighborhood plan, and offers the opportunity for it to be a better development than without it, and stated he supports the plat vacation with conditions submitted by Mr. Dossett.

COMMISSIONER CUMMINGS MOVED TO APPROVE RESOLUTION 2006-225, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 5:0.

4. PV 06-08-11 Legislative Commission District I
Phyllis Hitchcock, Robert Daughtry, and Randy Williams have applied for a Plat Vacation for All of Bermont Villa Subdivision, Section A, Sheet 1, according to the plat recorded in Plat Book 1, Page 89 of the public records of Charlotte County, Florida, and all of Bermont Villa Subdivision Section A, Sheet 2, as recorded in the Plat Book 1, Page 91, of the public Records of Charlotte County, Florida, lying North of the South line of Section 3, Township 40 South, Range 26 East, being the entire Southeast quarter of said Section 3, LESS AND EXCEPT Lots 19 and 20 of Block 6, Lots 12 and 13 of Block 9, Lots 1 through 6 inclusive of Block 10, Lots 17 and 18 of Block 28, Lots 7 through 10 inclusive and Lots 15 through 20 inclusive of Block 30, Lots 21 through 23 inclusive of Block 33, Lots 15 through 20, inclusive of Block 34, Lots 1 through 6 inclusive of Block 36, Lots 1 through 6 of Block 37, Lots 33 and 34 of Block 38, Lots 15 through 20 inclusive of Block 40, Lots 1 through 3 inclusive and Lots 7 and 8, Block F, Lot 6 of Block M, all located in Bermont Villa Subdivision Section A, Sheet 1; also vacating All Rights of Way LESS AND EXCEPT Caroline Avenue from Broadway to Cavell Street, Cavell Street from Caroline Avenue to Jordan Avenue, Thompson Street from Caroline Avenue to the southeast corner of Lot 15 of Block 30/northeast corner of Lot 6 of Block 31, Stoll Street from Caroline Avenue to the southeast corner of Lot 33 of Block 38/northeast corner of Lot 2 of Block 43, Broadway from Caroline Avenue to Georgia Avenue, Florida Avenue from Broadway to Nolte, Nolte Street from Florida Avenue to the northeast corner of Lot 1 of Block 10/southeast corner of Lot 34 of Block 3 AND from Florida Avenue to the southeast corner of Lot 19, Block 6 & northeast corner of Lot 2, Block 7, Ermoye Street from

Florida Avenue to the northeast corner of Lot 17 of Block 38/southeast corner of Lot 8 of Block F AND from Florida Avenue to the southeast corner of Lot 15, Block 34 & northeast corner of Lot 6, Block 35, Unknown Road (adjacent to Park) from Sheldon Road up to Terrace Circle; Terrace Drive from Unknown Road north to Circle Drive; Circle Drive from Terrace Drive to the northwest corner of Lot 6, Block M 7 northeast corner of Lot 13, Block G, and Arcadis Avenue from Ermoye Street to the northwest corner of Lot 18 of Block 28. The site, consisting of 145 acres, more or less, is located in Commission District I, North of Farabee Road, bordered on the west by Caroline Street, on the east by Georgia Avenue, on the south by Broadway and on the north by McCarter Street. A complete legal description is on file.

James Dossett advised that petition PV 06-08-11 is a Plat Vacation request by Phyllis Hitchcock, Robert Daughtry, and Randy Williams to vacate a portion of Bermont Village Subdivision, and stated that this has been designated as a Sending Zone, and is essentially a housekeeping issue.

In response to **Commissioner Moore's** inquiry, Mr. Dossett summarized the portion of property presented in his slide which is not part of the Plat Vacation.

Mr. Dossett explained that the way the Ordinance is written, the County is the applicant.

Attorney Geri Waksler indicated she represented Mrs. Hitchcock, Mr. Daughtry, and Mr. Williams when they did the TDU, stated that in addition to lots that were owned by other individuals, they reserved a lot so they could ultimately break this up into one unit per ten acres, and retain zoning; they were required to actually retain a certain lot. Ms. Kleiss-Hoeft spoke from the audience (not audible). Attorney Waksler repeated her understanding from Ms. Kleiss-Hoeft is that they would retain the density so they will be able to create a lot and they have retained that number of units. Attorney Waksler stated she wanted to be certain they were not vacating lots that needed to remain in order to exercise the one unit per ten acre density that they retained, and stated that Inga indicated from the audience that would not be a problem. Commissioner Moore asked how future commissions would know that. Attorney Waksler said

when the TDU was done only a portion was transferred off so that they would retain one unit per ten acres of density, and I just wanted to confirm that there would not be any problem as long as they create a ten-acre tract that is consistent with the zoning and land use, that it is not a problem where that density ends up on the property. Attorney Baltz stated that at the time of the TDU you recorded a restrictive covenant indicating that the density was reduced to whatever it was, so that is recorded on the records.

COMMISSIONER MOORE MOVED TO APPROVE CLOSING THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 5:0.

COMMISSIONER CUMMINGS MOVED TO APPROVE RESOLUTION 2006-226, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 5:0.

5. PV 06-08-12 Legislative Commission District I Triple I Limited Partnership has applied for a Plat Vacation for a portion of Bermont Villa Subdivision, Section A, Sheet 2, as recorded in Plat Book 1, Page 91 of the Public Records of Charlotte County, Florida. The site is located in Section 10, Township 40 South, Range 26 East, in Commission District I, lying South of Farabee Road, east of Caroline Avenue, North of Pershing Street and west of Georgia Avenue, containing 77.45 acres more or less. The applicant is also requesting to vacate a portion of Bermont Villa Subdivision, Section B, Sheet 2, as recorded in Plat Book 1, Page 92, of the Public Records of Charlotte County, Florida, containing 80 acres, more or less. This site is located in Section 10, Township 40 South, Range 26 East, in Commission District I, lying south of Farabee Road, bordered on the west by Adeline Street, bordered on the east by Seminole Avenue, and on the south by Canal Street. All rights of way will be vacated except Broadway. A complete legal description is on file.

James Dossett explained that this agenda item is the same situation as petition PV 06-08-11 in agenda item 4, is a housekeeping issue, that the County is the applicant, and the staff and the Planning and Zoning Board recommend approval.

Andy Dodd congratulated the Board, indicating that over 9,000 lots had now been deplatted in eastern Charlotte County.

COMMISSIONER MOORE MOVED TO APPROVE CLOSING THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 5:0.

COMMISSIONER D'APRILE MOVED TO APPROVE RESOLUTION 2006-227, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 5:0.

Commissioner Cummings stated that this indicates the TDU plan is working, and explained that these are not being removed from the inventory of development units that we have, but are being pushed to a more appropriate location.

6. *EAR Comprehensive Plan Amendments* Legislative Pursuant to 163.3181(1), Florida Statutes, providing for public participation in the comprehensive planning process for the proposed Evaluation and Appraisal Report (EAR) changes and pursuant to Section 163.3184(3), Florida Statutes, transmit to the Department of Community Affairs et al, a Large Scale Plan Amendment to amend the 1997-2010 Comprehensive Plan to update text, maps, diagrams, and policies otherwise reflecting the changes that were the result of the 2003 Evaluation and Appraisal Report (EAR) process; Specifically, amended elements or sections of elements shall include: Future Land Use, Transportation, Natural Resources and Coastal Planning, Infrastructure: Potable Water and Sanitary Sewer, Recreation and Open Space, Housing, Intergovernmental Coordination, Capital Improvements. The following elements or sections of elements have been previously approved or do not need approval: Stormwater, Solid Waste, Aquifer Recharge, Historic Preservation, Community Facilities and Services.

1. PA-05-12-89-LS Future Land Use Element
2. PA-06-10-60-LS Transportation Element
3. PA-05-12-90-LS Natural Resources and Coastal Planning Element

4. PA-06-10-61-LS Potable Water and Sanitary Sewer
5. PA-05-05-34-LS Parks and Recreation Element
6. PA-05-12-86-LS Housing Element
7. PA-05-12-88-LS Intergovernmental Coordination Element
8. PA-05-12-87-LS Capital Improvements Element

Tom Scott advised that the Evaluation and Appraisal Report (EAR) Comprehensive Plan Amendments is being re-submitted to the Board for transmission to the Department of Community Affairs (DCA); summarized previous reviews, workshops, and public meetings held in preparation of the modified document; advised that electronic copies are available on the website, and that there is a signup sheet in the back of the room for anyone who wants to receive a courtesy information statement from DCA regarding the ongoing process.

Mr. Scott reviewed the changes, and stated that most major issues have been completed, but that there may be some minor issues remaining; indicated that because this is a transmittal hearing there is an opportunity for changes and modifications between what is before the Board today and the anticipated adoption hearing sometime in the spring, 2007; and advised that transmittal would be to DCA before the end of the year if all sections are approved. Mr. Scott reported that DCA would have 60 days to respond to what is transmitted, which would be in the form of an Objections, Recommendations and Comments (ORC) Report; that additional changes are required at that time based upon the ORC Report, and the amendments would then be adopted in the spring of 2007; and pointed out that once the amendments are adopted, the current hold on large and small scale comprehensive plan amendments would no longer apply to Charlotte County.

Mr. Scott recommended allowing for public comment on any, or all of the sections together. Mr. Scott advised issues that remained open from the workshop was the Transportation Level of Service, and clarifying some language in the Future Land Element section.

Thomas Cookingham explained the clarification language on objective 1.4 of the platted land strategy.

Percy Medintz presented letters, and spoke on behalf of herself and the Cape Haze Property Owners Association regarding reduction in the level of service standard for transportation, and changes in the transfer of density process, and requested that additional public discussions be provided before changes are made.

Lynn Sebert commented on agenda item 6 on behalf of the Gasparilla Island Conservation and Improvement Association.

Marvin Medintz expressed concern with the lack of public knowledge and availability to hearings and workshops, and indicated the Wildflower agenda item should not have been approved.

Tom Smith stated there are already regulations for wetland development, and that people should not be rewarded for saving wetlands with extra density; indicated there is no reason to transfer density into coastal high hazard areas; and stated that the proposal for level of service change should not be done. Mr. Smith indicated that many residents around the Wildflower Golf Course were not aware of the item on today's agenda, and stated that many residents are not in favor of this development.

Attorney Robert Berntsson thanked the Board for allowing the practitioners to participate, and for directions given to the staff; reported that all meetings were advertised in the newspapers, televised, and open to the public.

Attorney Berntsson said the plan is not perfect, but it is miles ahead of what has previously been before the Board; pointed out the plan can be amended; and urged the Board to transmit the plan to DCA.

Attorney Geri Waksler agreed with Attorney Berntsson; stated there are no proposed changes to the language of the TDU Ordinance in what is before the Board today, that it retains the language that has been in the Comprehensive Plan with regard to the TDU, and under which the TDU Ordinance has been functioning. Attorney Waksler stated that it is a common misperception that

what happens here today would allow transfers into the coastal high hazard area; pointed out that has never been the case in the TDU Ordinance, that there has never been permission to transfer density into the coastal high hazard area, that it is simply a transfer within the coastal high hazard areas with no net increase, and would not change with the retention of the existing Comprehensive Plan language that is before the Board today. Attorney Waksler advised that the vast majority of the Wildflower Golf Course is not located inside the coastal high hazard area, that the portion of the property that would now be preserved as a result of the Development Agreement is coastal high hazard area property would not otherwise have been, and stated that 4 of the 27 or so buildings that can fit in the remaining area lie within the coastal high hazard area, and that there would be nowhere near 290 units added to the coastal high hazard area.

COMMISSIONER MOORE MOVED TO APPROVE CLOSING THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS.

Motion Carried 5:0.

Commissioner Moore stated there was proper and adequate notice, and opportunity for the public to be part of the meetings and workshops, and pointed out that density in the high hazard and classification of zone can be moved around within its own category, but density cannot be brought in. **Commissioner Moore** commented on the level of service rating for roads, and explained that there is a deficit in doing the roads.

Commissioner Duffy stated that the Board specifically held this matter up for a month to allow additional input from the public, that the meetings were televised and the programs repeated for additional viewing, and that the Commissioners are available for communication in several different ways.

Commissioner Cummings agreed that maintaining the language on the number of units is important and stated that after the New Year the process will be more in line of what people are accustomed to when participating in their community comprehensive planning.

Commissioner D'Aprile pointed out this is just a transmittal, and it will come back at final approval for additional changes.

Chairman Loftus complimented staff, the practitioners, and the public, for their efforts, stated he understands transmittal would be with a drop in the level of service, and inquired if level of service is kept the same, would there be the opportunity prior to final adoption, that certain streets could be done rather than all the streets in the county being done.

Mr. Scott said that could be done, and explained that if level service of C remains it would require making changes to the Transportation Element and Capital Improvements Element prior to transmittal. Mr. Scott commented on consequences of staying at level service C, and unknown consequences of going to level D, and indicated changes could be made now and still transmit timely.

Commissioner Duffy expressed concern in funding roads, suggested leaving the level of service at C, but reduce some roads to D, and indicated she is not comfortable lowering the level of service for all roads.

Commissioner Moore stated he is not comfortable lowering the level of service at all, but understands the need, and believes there is little choice because of what the state requires in concurrency.

Commissioner Cummings said modifications can be done by dropping base level to D and raising certain roads to C, or maintaining roads at C and dropping certain areas to D; agreed with **Commissioner Moore's** comments about what the state mandates; and suggested continuing with transmittal at this time and bringing the fine details back after the first of the year.

COMMISSIONER CUMMINGS MOVED TO APPROVE TRANSMITTAL OF THE EVALUATION AND APPRAISAL REPORT (EAR) COMPREHENSIVE PLAN BASE AMENDMENTS TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA), SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

Commissioner Cummings advised this is a transmittal, not final adoption; that it goes to DCA, and DCA issues comments back. **Commissioner Cummings** indicated comments on the TDU issue are anticipated, which might make a difference on what gets adopted at the end.

Commissioner Duffy recommended the Board review various roads that may be considered for raising to level service C.

County Administrator:

Mr. Loucks announced the retreat would be January 12, 2006, to begin at 8:30 AM, would continue until all issues have been covered, and each Commissioner would be contacted for items they wish to be included.

COMMISSIONER MOORE MOVED TO APPROVE SETTING THE BOARD OF COUNTY COMMISSIONER RETREAT FOR JANUARY 12, 2007, AT 8:30 AM, SECONDED BY COMMISSIONER D'APRILE.
Motion Carried 5:0.

ADJOURNED: 11:55 AM

Signature on file in Commission Minutes
Chairman Loftus

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

/gm