

BOARD OF COUNTY COMMISSIONERS - LAND USE HEARING

SEPTEMBER 18, 2007

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 Duffy, Commissioner D'Aprile, and Commissioner Moore. Also in attendance were County Administrator Loucks, Assistant County Attorney Derek Rooney, Executive Assistant Dillon, and Minutes Supervisor Nice. The following members were absent: Commissioner Cummings. The meeting was called to order at **9:00 AM** followed by the pledge of allegiance.

A. PLANNING AND ZONING AGENDA

1. Z-07-05-11 Quasi-Judicial Commission District III
An Ordinance approving an amendment to the Charlotte County Zoning Atlas from Residential Multi-family-5 (RMF5) to Residential Single-family-3.5 (RSF3.5), for property located south of Mobile Gardens Subdivision and north of Oyster Creek; in the Englewood area, Florida, containing 10.86± acres; Commission District III; Petition No. Z-07-05-11; applicant: Charlotte County Board of County Commissioners.

Recommendations: Community Development Department: Approval
Planning and Zoning Board: Approval

(Minutes Supervisor Nice administered the oath for all quasi-judicial hearings. Chairman Loftus polled the Board for ex-parte disclosures for Agenda Item No. 1 and there were none.)

Jie Shao explained this is the first public hearing to rezone a total of about 10.86 acres located south of Mobile Gardens Subdivision and north of Oyster Creek in the Englewood area from Residential Multi-family-5 (RMF-5) to Residential single-family-3.5 (RSF-3.5) to more accurately reflect the conditions of the Certified Sending Zone. Ms. Shao recalled the Board approved Petition CSZ-05-07-06 on November 15, 2005 that allowed the applicant to retain 19 units of density and certify 58 units of density and the Preliminary and Final site Plan Petition DRC-PF-05-13pp on the site was reviewed and approved by the Development Review Committee (DRC) to allow a residential development of 19

single-family units. Ms. Shao reported staff and the Planning and Zoning (P&Z) Board recommend approval of the RSF-3.5 rezoning.

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

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

COMMISSIONER D'APRILE MOVED TO APPROVE SETTING THE SECOND PUBLIC HEARING ON OCTOBER 16, 2007 AT 10:00 AM, OR AS SOON THEREAFTER AS MAY BE HEARD, AND ELECTING THE SECOND HEARING TO BE HEARD AT A TIME OTHER THAN AFTER 5:00 PM IN ACCORDANCE WITH FLORIDA STATUTE SECTION 125.66, SECONDED BY COMMISSIONER MOORE.

Motion Carried 4:0.

ABSENT: Commissioner Cummings.

2. Z-07-06-40-TDU Quasi-Judicial Commission District II
An Ordinance approving an amendment to the Charlotte County Zoning Atlas from Agriculture Estates (AE) to Planned Development (PD), for property located at 26901 or 27001 Zemel Road; in the Punta Gorda area, Florida, containing 338.02± acres; Commission District II; Petition No. Z-07-06-40-TDU; applicant: Mark Lindner, as Trustee of the Burnt Store East Land Trust.

Recommendations: Community Development Department: Approval
with conditions
Planning and Zoning Board: Approval with
conditions

(Commissioner Cummings was present for the remainder of the public hearings.)

(Chairman Loftus polled the Board for ex-parte disclosures and there were none.)

Ms. Shao presented the rezoning petition on approximately 338.02 vacant acres located at 26901 or 27001 Zemel Road in the Punta Gorda area that is designated as Village Residential pursuant to the Future Land Use Map (FLUM); the purpose of the petition is to allow a 894-unit residential development including single-family and multi-family units. Ms. Shao reported the site is located

within the Burnt Store Road Corridor targeted by the County for increased development and within the geographic boundary of the recently approved Burnt Store Area Plan (Plan) that serves to coordinate future improvements to transportation, utilities, environmental linkages, water management, and land use along the Burnt Store Road Corridor; the proposed development is compatible with surrounding land uses and consistent with the intent of the Plan and the Goals, Objectives, and Policies of the Comprehensive Plan; the DRC recommended that the Concept Plan associated with the PD rezoning be approved with conditions; the P&Z Board requested staff work with the applicant to address a specific DRC condition regarding possible reservation for Zemel Road expansion; and staff and the P&Z recommend approval of the PD with conditions "a" through "t."

Geri L. Waksler appeared on behalf of petitioner in support of approval with conditions "a" through "t" to develop 894 units and retain 57% of about 194 acres as open space; summarized the financing mechanisms being sought in conjunction with the Burnt Store Coalition, including developer contributions, to expedite the widening of Burnt Store Road and extend utilities; and final plan approval is necessary prior to commencement of construction.

Jim Brown, South County Coalition, stated he attended the P&Z hearing on August 13, 2007; the Coalition approved the Burnt Store Area Plan but two issues have come up regarding evacuation and delays in the Tern Bay development and contributions for the road widening; infrastructure improvements need to be simultaneous with development not after development; and commented on a subcommittee under the South County Coalition to obtain earmarked and special funding as suggested by Senator Nelson for US 17.

**COMMISSIONER CUMMINGS MOVED TO CLOSE THE PUBLIC HEARING,
SECONDED BY COMMISSIONER MOORE.**

Motion Carried 5:0.

Commissioner D'Aprile requested funding options. Mr. Loucks indicated monies have been budgeted and updated the Board about the Tern Bay development which is in Receivership and options to seek additional funding. **Commissioner D'Aprile** expressed concern about the timeline. Mr. Loucks stated the County is moving forward with the segment of Burnt Store Road that the

County is responsible for and offered to provide additional information. **Chairman Loftus** recalled \$400,000 being in the Legislative appropriation in Washington, D.C. for Burnt Store Road. Mr. Loucks explained the development agreements require road improvements once the level of service goes below a Level C. Ms. Shao stated the money will be ready prior to commencement of widening that road segment. **Commissioner Moore** requested verification of the definition for development e.g. housing and/or golf courses. Attorney Rooney recalled the golf course is to be installed first. Attorney Waksler advised some homes have been constructed and internal infrastructure has been done; the development runs with the land and the widening of Burnt Store Road will be required no matter the outcome of the Receivership. **Commissioner Cummings** stated Burnt Store Road widening has been one of the County's top priorities; reported 17% of gas taxes are going towards the Burnt Store Road project along with State and Federal grants and sales tax revenues; and the bottom line is there is more resources per capita going towards the Burnt Store Road project than anywhere else in the County.

Commissioner Cummings expressed a preference that the road extending to the south provide connection with the development west of this one but a lot will depend on the community between the two developments in order to provide connections through each development along Burnt Store Road. Attorney Waksler stated this development is on Zemel Road and adjacent land has been put into Preservation but there will be pedestrian walkways and lands to the west are under multiple ownership. **Commissioner Cummings** suggested more than one access for the future on this project. Attorney Waksler reiterated the pedestrian walkways will provide connectivity. **Commissioner Moore** agreed with **Commissioner Cummings** about providing connectivity for future developments. Attorney Waksler agreed to the addition of a condition to provide connectivity to the west. **Commissioner Cummings** reviewed the plan submitted by petitioner by pointing out future connections and suggested the southern road also provide connectivity. Attorney Waksler reiterated agreement to the additional condition.

COMMISSIONER MOORE MOVED TO APPROVE ORDINANCE 2007-063 AND PETITION Z-07-06-40-TDU, FILED BY MARK LINDER, BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORT DATED JULY 20, 2007 AND THE EVIDENCE

PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE.

Commissioner D'Aprile amended the motion to add conditions "a" through "t." Assistant County Attorney Rooney added condition "u" that signage be placed regarding future connections. Commissioner Moore accepted each amendment.

Motion Carried 5:0.

3. Z-07-06-44-TDU Quasi-Judicial Commission District II An Ordinance approving an amendment to the Charlotte County Zoning Atlas from Agriculture Estates (AE) to Planned Development (PD), for property located south of Shotgun Road, east of Burnt Store Road, and north of Zemel Road; in the Punta Gorda area, Florida, containing 265± acres; Commission District II; Petition No. Z-07-06-44-TDU; applicant: South Charlotte Properties, LLC.

Recommendations: Community Development Department: Approval with conditions
Planning and Zoning Board: Approval with conditions

(Chairman Loftus polled the Board for ex-parte disclosures and there were none.)

Ms. Shao presented the rezoning petition on approximately 265 vacant acres located south of Shotgun Road, east of Burnt Store Road, and north of Zemel Road in the Punta Gorda area that is designated as Village Residential pursuant to the FLUM; the purpose of the petition is to allow a 999-unit residential development including single-family and multi-family units. Ms. Shao reported the site is located within the Burnt Store Road Corridor targeted by the County for increased development and within the geographic boundary of the recently approved Burnt Store Area Plan (Plan) that serves to coordinate future improvements to transportation, utilities, environmental linkages, water management, and land use along the Burnt Store Road Corridor; the proposed development is compatible with surrounding land uses and consistent with the intent of the Plan and the Goals, Objectives, and Policies of the Comprehensive Plan; the DRC recommended the Concept Plan associated with the PD

rezoning not be approved due to unmet conditions; the applicant has been working with DRC to address all technical issues; and staff and the P&Z recommend approval of the PD with conditions "a" through "u."

Commissioner Moore questioned the technical issues being resolved at the DRC level. Ms. Shao stated the issues are to be resolved prior to final DRC approval and this rezoning is in the first step. **Commissioner Moore** requested Legal's position. Assistant County Attorney Rooney concurred with Ms. Shao's explanation.

Daniel DeLisi appeared on behalf of petitioner in support of approval with conditions "a" through "u"; explained the review did not reflect a 100% development pursuant to the development plan; pointed out P&Z's recommendation was not unanimous based on a technical DRC issue; commented on the efforts of petitioner regarding the wildlife corridor and the 60 feet right-of-way; and agreed with staff's report, recommendations, and conditions. **Commissioner Cummings** questioned development of lands across the canal. Mr. DeLisi stated some of those parcels are in Preservation. **Commissioner Cummings** requested verification if the green space denoted a right-of-way. Mr. DeLisi expressed uncertainty and opined it may be wetlands. **Commissioner Moore** thanked Mr. DeLisi for his and his client's cooperation.

Jim Brown stated the South Charlotte Coalition does not oppose development under the Burnt Store Area Plan but expressed concern about the funding for widening to the Lee County line and about 4.1 miles south of Tern Bay for which there is no funding and requested additional monies be sought at the Federal and State levels to complete the widening before 2020.

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

COMMISSIONER D'APRILE MOVED TO APPROVE ORDINANCE 2007-064 AND Z07-06-44-TDU, FILED BY SOUTH CHARLOTTE PROPERTIES, LLC C/O KEN SAUNDRY FOR SAUNDRY BURNT STORE, BASED ON THE FINDINGS AND ANALYSIS CONTAINED IN THE PLANNING AND ZONING DIVISION STAFF REPORTED DATED JULY 20, 2007 AND THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.

Commissioner Cummings stated a grant is being sought for 100's of thousands of dollars but it is smaller than in prior years and staff is doing everything possible including working with developers and State and Federal governments to secure more monies. **Chairman Loftus** agreed.

Motion Carried 5:0.

4. PP-07-05-11 Quasi Judicial Commission District I NB/85 Associates & Victoria Estates, Ltd. has applied for a Preliminary Plat for a subdivision consisting of 77 lots in Section 7, Township 40 South, Range 23 East. The site, consisting of 12.95 acres, more or less, is located north of Rampart Boulevard, west of Kings Highway, and east of I-75 in the former Victoria Estates area in Commission District I. A complete legal description is on file.

Recommendations: Community Development Department: Approval
with conditions
Planning and Zoning Board: Approval with
conditions

(Chairman Loftus polled the Board for ex-parte disclosures and there were none.)

Tom Scott presented the petition filed by NB/85 Associates & Victoria Estates, Ltd for a preliminary plat approval for Kings Gate Phase 7 consisting of 77 lots in Section 7, Township 40 South, Range 23 East of approximately 12.95 acres located north of Rampart Boulevard, east of Kings Highway, and west of I-75 in the former Victoria Estates; staff has reviewed the application and found that the proposed development is a major modification to replace a portion of the existing Victoria Estates Mobile Home Development with 77 platted single-family attached and detached residents units; the project is part of the Victoria Estates Development of Regional Impact (DRI) and PD 96-3 and PD 96-3(MM); all conditions of the DRI and PD must be met in this subdivision; the proposed development is consistent with the Comprehensive Plan and will not increase the allowable density. Mr. Scott reported Public Works reviewed the application and is recommending approval with the following conditions: (1) approval is conditional on finalizing the Developer's Agreement for Rampart Boulevard improvements prior to construction

beginning and (2) State plane coordinate values must be provided on the plat drawing and description and two permanent benchmarks and permanent reference monuments must be properly installed prior to final plat approval. Mr. Scott advised the project will be serviced by central water and sewer by Charlotte County Utilities; development standards for the single family attached homes and the single family detached homes must follow the approved standards for the PD; street names on plat drawings were not accepted by the Addressing Department; and the approved names of Knights Bridge Trail, Nottingham Trail, and Royal Court must be corrected on the final plat submittal. Mr. Scott explained staff has recommended denial based on the current Zoning Classification; the project was before the Board on July 24, 2007 for a major modification to allow this preliminary plat to be approved with 76 zero lot lines and one detached single family home; the major modification was approved; therefore, the project is now in compliance with the zoning issues; the Environmental Review Section reviewed this project; and recommended approval with the following conditions: the project must comply with Surface Water and Wetland Protection requirements and provide SWFWMD ERP; Upland Buffer Zone requirements must be identified on the final plat; and comply with Clearing, Filling and Soil Conservation requirements. Mr. Scott recommended approval with six conditions: (1) Must meet all conditions of the Victoria Estates DRI and PD; (2) Must finalize the Developer's Agreement for Rampart Boulevard improvements prior to commencing construction; (3) State Plane Coordinate Values and two benchmarks and permanent reference monuments must be properly installed prior to final plat approval; (4) Development standards for single family attached and single family detached homes must follow the approved standards for this PD; (5) Approved street names must be correct on the final plat; and (6) Must comply with the three environmental conditions of approval prior to final plat approval. Mr. Scott informed the Board that P&Z heard the petition on August 13, 2007 and recommended approval with the six conditions.

Michael P. Haymans appeared on behalf of petitioner and joined in staff's recommendation for approval with the six conditions.

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

COMMISSIONER D'APRILE MOVED TO APPROVE PP-07-05-11, FILED BY NB/85 ASSOCIATES AND VICTORIA ESTATES, LTD., FOR PRELIMINARY PLAT FOR KINGS GATE PHASE 7 WITH SIX CONDITIONS, SECONDED BY COMMISSIONER MOORE.

Motion Carried 5:0.

5. SV-07-05-07 Legislative Commission District II Cesna, LLC has applied to vacate a portion of Acacia Avenue, located in the Solona Subdivision in Punta Gorda, west of I-75, north of Poinciana Avenue, and west of Howard Street, in Section 33, Township 40 South, Range 23 East. The portion to be vacated is more specifically stated as the 66 foot wide right of way located between Block A, Parcel P2 and Block 6, Lot 7. The purpose of this vacation is the applicant owns the property on both sides of Acacia Avenue, as well as parcel P1-1 to the east. The site consisting of 0.24 acres, more or less, is in Commission District II. A complete legal description is on file.

Recommendations: Community Development Department: Denial
Planning and Zoning Board: Denial

Mr. Scott presented the petition filed by Cesna, LLC to vacate a portion of Acacia Avenue, located in the Solona Subdivision in Punta Gorda, west of I-75, north of Poinciana Avenue, and west of Howard Street, in Section 33, Township 40 South, Range 23 East and the portion to be vacated is more specifically identified as the 66 foot wide right-of-way located between Block A, Parcel P2 and Block 6, Lot 7, consisting of about 0.24 acres. Mr. Scott indicated staff reviewed the application and recommends denial. Mr. Scott explained the purpose of the vacation is to allow the applicant, who owns property on both sides of Acacia Avenue and parcel P1-1 to the east, to develop a multi-family project; applicant had applied to transmit a Large Scale FLUM Amendment to the Department of Community Affairs (DCA) in June; and the application was denied. Mr. Scott stated the property on the north and south sides of Acacia Avenue are zoned RSF-1, that requires 40,000 square feet as a minimum lot size, and the property to the east is zoned RSF-3.5 that requires 10,000 square feet as a minimum lot size; these lots, could be transferred to a new owner at any time since they are still platted which would mean the new owner would have no access to their property because

the applicant has not vacated this portion of the plat and created one parcel. Mr. Scott reported all utilities have been notified and the only one affected is Florida Power and Light Company (FPL), an easement will be required, and the County has been notified by FPL that applicant is in the process of obtaining the easement. Mr. Scott indicated Public Works has reviewed the application and recommends denial but, if approved, the following conditions must be met prior to recording the resolution to vacate: (1) Construct either a cul-de-sac or "hammerhead" turnaround, built to County standards at the end of Acacia avenue; (2) Provide a detailed drawing showing improvements and necessary drainage modifications to construct the improvement; (3) Provide an "original" signed and sealed survey; and (4) Provide written proof from an engineer that the area in question does not currently convey storm water from offsite public or private lands through or across the property but, if so, an easement will be required to maintain historic flow. Mr. Scott informed the Board that staff recommends denial but, if the petition is approved, it should be subject to the following conditions: (1) Applicant must vacate the three adjoining parcels to make one parcel; (2) Provide an easement to FPL; (3) Construct either a cul-de-sac or "hammerhead" turnaround, built to County standards at the end of Acacia Avenue; (4) Provide an "original" signed and sealed survey; and (5) Provide written proof from an engineer that the area does not currently convey storm water from offsite public or private lands through or across the property but, if so, provide an easement to the County to maintain historic flow. Mr. Scott explained P&Z Board heard the petition on August 13, 2007 and recommended denial.

James W. Herston appeared on behalf of petitioner in support of approval with the five conditions outlined by staff, distributed site plans, and pointed out the remaining issue requires the plat vacation. Mr. Scott pointed out the three parcels and the lack of access. Mr. Herston concluded a vacation would be required for access to P2 and the lots above it on the map. Mr. Herston agreed to vacate the plat and making the vacation a condition for approval. Mr. Herston commented on the roadway improvements, water and sewer through the City of Punta Gorda, and off site improvements.

Commissioner Moore asked for clarification on the parcels to be vacated. Mr. Scott pointed out the parcels on the map, advised the petitioner will need to vacate the plat anyway in order to provide lawful access, advised staff will waive the fee for the plat vacation, and suggested denial of the petition to allow time for staff to work with petitioner on the plat vacation. Commissioner D'Aprile questioned the necessity for denial. Mr. Scott expressed a preference for denial to allow additional time for staff to work with petitioner on the plat vacation and address outstanding issues. Mr. Herston asked that a date certain be set for the hearing on the plat vacation. Mr. Scott indicated staff will work towards a positive resolution of the plat vacation and vacation of Casey Avenue. Assistant County Attorney Rooney pointed out the need to vacate several parcels. Mr. Herston opined that is sufficient justification to continue the public hearing. Mr. Scott reiterated staff's commitment to work with petitioner on the plat vacation.

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

Motion Carried 5:0.

COMMISSIONER D'APRILE MOVED TO DENY PETITION SV-07-05-07 FILED
BY CESNA, LLC TO VACATE A PORTION OF ACACIA AVENUE, SECONDED
BY COMMISSIONER MOORE.

Motion Carried 5:0.

6. NC-07-05-02 Legislative Commission District III
Charlotte County Community Development Department,
Addressing Section, has applied to re-name a portion of one
street in Aingers Unit 1 Subdivision. The street to be re-
named is more particularly described as a portion of
Broadway Street beginning at the intersection of Riverview
Avenue running southerly to S McCall Road to S Broadway
Street. The aforementioned street is located in Aingers
Unit 1 Subdivision, as recorded in Plat Book 1, Page 48, of
the Public Records of Charlotte County, Florida. These
streets are located in Section 06, Township 41 South, Range
20 East, in Commission District III.

Recommendations: Community Development Department: Approval
Planning and Zoning Board: Approval

Commissioner Moore acknowledged the more than 100 street name changes that are to be brought to the Board and suggested exercising better control on name changes because of the time and expense involved. **Chairman Loftus** agreed. **Commissioner Duffy** stated most citizens are opposed to street name changes and asked Ms. Bartley to update the Board on notifications made by staff after approval. Ms. Bartley outlined numerous agencies including but not limited to the Department of Transportation, U.S. Postal Service, Property Appraiser, and Tax Collector. **Commissioner Duffy** commented in support of changing street names that are absolutely necessary.

Commissioner Cummings expressed concern about liability to the County. Assistant County Attorney Rooney related the liability would be governed by Board policies. **Commissioner Cummings** requested verification that the County would face potential liability if streets are renamed outside of the policy. Assistant County Attorney Rooney suggested changing the policy. **Commissioner Cummings** considered this analogous to working on a ship by the use of technology and GPS systems to reduce uncertainty; the renaming will address public safety issues; and the Board might as well get it done because there is no good time to do. **Commissioner Moore** expressed understanding as to safety issues but the renaming is a bad program and over zealous. **Commissioner D'Aprile** opined name changing is important where it is needed and referenced an incident that he had to call 911 for an emergency situation on a road way in the Deep Creek area that continued into the Charlotte Harbor area and caused delay. Ms. Bartley stated that street name clean-up changes were initiated by staff and the emergency changes were requested by E-911.

Ms. Bartley advised staff has filed a petition to rename Broadway Street to South Broadway Street in Aingers Unit 1 Subdivision, as recorded in Plat Book 1, Page 48 of the Public Records of Charlotte County, described as a portion of Broadway Street beginning at the intersection of Riverview Avenue running southerly to South McCall Road to South Broadway Street and located in Section 6, Township 41 South, Range 20 East. Ms. Bartley advised the street was originally platted in 1925 as Broadway Street; no resolution can be found that authorized the change picked up by residents and a street sign that was posted; Broadway Street is on the Sarasota/Charlotte County line and continues into Sarasota County as South Broadway Street; it is

imperative to maintain current and official records; requested the change to eliminate the impact of address changes on residents; all affected property owners will be notified by mail and street signs will be replaced at a cost of \$300.00; and informed the Board that P&Z heard the petition on August 13, 2007 and recommended approval.

Jack Donkel stated inaccurate information has been given regarding Broadway versus South Broadway and played an audio recording confirming that South Broadway is already utilized by the U.S. Postal Service; he has spoken to staff about changing signage on non-signalized roadways; indicated this should have been done years ago; and expressed support for the change in the name and signage to South Broadway.

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

COMMISSIONER D'APRILE MOVED TO APPROVE RESOLUTION 2007-128 AND
PETITION NC-07-05-02 RENAMING BROADWAY STREET TO SOUTH BROADWAY,
SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

RECESS: 10:28 AM -10:40 AM

7. NC-07-05-03 Legislative Commission District I
Charlotte County Community Development Department, Addressing
Section, has applied to re-name a portion of one street in
Decosters Subdivision. The street to be re-named is a
portion of of Lemon Street (29/40/23) with cross streets of
Date Street, Coconut Street Drance Street, Guava Street and
Sapodilla Street to Osage Street. The aforementioned streets
are located in Decosters Addition Subdivision, as recorded in
Plat Book 1, Page 24, of the Public Records of Charlotte
County, Florida. These streets are located in Section 29,
Township 40 South, Range 23 East, in Commission District I.

Recommendations: Community Development Department: Approval
Planning and Zoning Board: Approval

Ms. Bartley explained staff has filed a petition to rename a portion of Lemon Street with cross streets of Date Street, Coconut Street, Drance Street, Guava Street, and Sapodilla Street to Osage Street, located in Decosters Addition Subdivision, as recorded in Plat Book 1, Page 24, of the Public Records of Charlotte County; the street was originally platted in 1891 as Lemon Street; it is not apparent as to when the street was changed from Lemon Street to Osage Street since no resolution can be found authorizing the change; it is imperative to keep records current and official; therefore, staff is requesting that Lemon Street be changed to Osage Street in order to eliminate the impact of address changes on residents; all affective property owners will be notified by mail; street signs will be replaced at a cost of \$750.00; and P&Z recommended approval of the petition on August 13, 2007.

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

Commissioner Duffy suggested using the existing street sign at no cost. Ms. Bartley stated the golden rod was incorrect and there will not be any cost for a new street sign.

COMMISSIONER D'APRILE MOVED TO APPROVE RESOLUTION 2007-129 AND PETITION NC-07-05-03 RENAMING LEMON STREET, WITH CROSS STREETS OF DATE STREET, COCONUT STREET, DRANCE STREET, GUAVA STREET, AND SAPODILLA STREET TO OSAGE STREET, SECONDED BY COMMISSIONER MOORE.
Motion Carried 5:0.

8. NC-07-05-04 Legislative Commission District IV Charlotte County Community Development Department, Addressing Section, has applied to re-name a portion of eight streets in Port Charlotte Subdivision. The streets to be re-named are more particularly described as that portion of Mensh Terrace commencing at the intersection of Riviera Lane, running southwesterly to Chevy Chase Street to Triton Avenue; a portion of Kennwood Terrace commencing at the intersection of Riviera Lane, running southwesterly to Chevy Chase Street to Kennwood Avenue; a portion of Linnaen Terrace commencing at the intersection of Riviera Lane, running southwesterly to Chevy Chase Street to Widrig

Avenue; a portion of Fairfax Terrace commencing at the intersection of Riviera Lane, running southwesterly to Edgemere Street to Maypole Avenue; a portion of Roseway Terrace commencing at the intersection of Riviera Lane, running southwesterly to Edgemere Street to Vitano Avenue; and a portion of Sidney Terrace commencing at the intersection of Broad Ranch Drive, running southwesterly to Forest Hill Lane to Marie Avenue. The aforementioned streets are located in Port Charlotte Subdivision 023, as recorded in Plat Book 5, Page 14-E of the Public Records of Charlotte County, Florida. These streets are located in Section 17, Township 40 South, Range 22 East in Commission District IV. The street to be renamed is more particularly described as that portion of Riviera Lane commencing at the intersection of Midway Boulevard, running southeasterly to Lake View Boulevard to Eastlook Drive. The aforementioned street is partially located in Port Charlotte Subdivision 023 as recorded in Plat Book 5, Page 14-E and partially located in Port Charlotte Subdivision 008 as recorded in Plat Book 4, Page 16-Z-3 of the Public Records of Charlotte County, Florida. This street is located in Section 17, Township 40 South, Range 22 East and Section 20, Township 40 South, Range 22, East, in Commission District IV. The street to be renamed is more particularly described as that portion of Forest Hill Lane commencing at the intersection of Midway Boulevard, running southeasterly to Broad Ranch Drive to Kite Lane. The aforementioned street is located in Port Charlotte Subdivision 023 as recorded in Plat Book 5, Page 14-E of the Public Records of Charlotte County, Florida. This street is located partially in Section 17, Township 40 South, Range 22 East and partially in Section 16, Township 40 South, Range 22 East in Commission District IV.

Recommendations: Community Development Department: Approval
Planning and Zoning Board: Denial

Ms. Bartley explained E-911 requested the renaming of a portion of eight streets in Port Charlotte Subdivision Section 23 and Section 8 as follows: a portion of Mensh Terrace commencing at the intersection of Riviera Lane, running southwesterly to Chevy Chase Street to Triton Avenue; that portion of Kennwood Terrace commencing at the intersection of Riviera Lane running

southwesterly to Chevy Chase Street to Kennwood Avenue; that portion of Linnaen Terrace commencing at the intersection of Riviera Lane running southwesterly to Chevy Chase to Widrig Avenue; that portion of Fairfax Terrace commencing at the intersection of Riviera Lane running southwesterly to Edgemere Street to Maypole Avenue; a portion of Roseway Terrace commencing at the intersection of Riviera Lane running southwesterly to Edgemere Street to Vitano Avenue; that portion of Sidney Terrace commencing at the intersection of Broad Ranch Drive running southwesterly to Forest Hill Lane to Marie Avenue; that portion of Riviera Lane commencing at the intersection of Midway Boulevard running southeasterly to Lake View Boulevard to Eastlook Drive; and that portion of Forest Hill Lane commencing at the intersection of Midway Boulevard running southeasterly to Broad Ranch Drive to Kite Lane. Ms. Bartley pointed out there are various streets throughout Charlotte County that are not continuous that cause confusion and delays in emergency responses; most of these streets were named when the areas were platted or when the County was re-addressed in the 1970's and 1980's; at the time, it did not appear to be a problem but as the County grows and more homes and businesses develop, it is imperative that emergency vehicles and U.S. Postal services be able to locate every address without delay; currently E-911 uses the address system maintained by Community Development's LIS Section in their routing program; because all ambulance units are not equipped with GPS units, staff has been asked by E-911 to rename one of the segments in order to protect the health, safety, and welfare of the public; and the portions of the streets selected are the ones that would cause the least amount of houses impact. Ms. Bartley stated all property owners affected will be notified by mail and all street signs will be replaced at a cost of \$2,700.00; the petition was heard by the P&Z on August 13, 2007 and recommended denial for changing the street names but recommended adding directionals such as N.E. to existing names.

Dolores Harrison, a long-time resident on NW Roseway Terrace, stated she does not want the street name changed; emergency vehicles have not had any trouble finding the homes on NW Roseway Terrace; she has a petition with over 100 names in opposition to the change; and commented on the time, inconvenience, and cost to residents to make sure that name

changes are made on driver's licenses, registration, wills, deeds, and mortgages.

Thyra Lawrence, an almost 20-year resident on Riviera Lane between Midway and Lakeview Boulevards, stated only 8 houses are located on that segment, and it would not be time or cost effective to make the name change.

Jack Donkel stood in support of Ms. Harrison's position by stating he has ascertained that the County Tax Collector already addresses bills to residents on Roseway Terrace NW although it is not listed this way in the Community Development addressing system, played an audio recording of a conversation with a U.S. Postal employee that the street name is already Roseway Terrace NW, and commented on changes relative to East and West Tarpon and Taylor Lane.

Pauletta Hilton, a resident on Riviera Lane NW, stated she had no problem with emergency vehicles when she called for her husband's passing because they arrived in about three minutes.

Joan Cole stated her street name was changed in June from Columbia Street NW to Columbia Terrace and it has been a nightmare regardless of staff's efforts; she has had to call creditors, utilities, companies for automobiles, home, health care, and life insurance on numerous occasions and still the companies have incorrect addresses; her recent annual Social Security statement was sent to 931 Columbia Terrace but she had not made the change with Social Security Administration; she receives mail directed to four different addresses e.g. 931 Columbia Street, 943 Columbia Street, 931 Columbia Terrace, and 943 Columbia Terrace which is supposed to be the correct address; 931 Columbia Street no longer exists, 943 Columbia Street never existed, and 931 Columbia Terrace is a vacant lot; if someone builds a home two lots away at 931 Columbia Terrace, the homeowners would receive her mail; she is missing the August 24, 2007 statement from Bank of America; the proposed property tax document for 2007 shows the property address as 943 Columbia Terrace and the mailing address as 943 Columbia Street; her and her husband have owned and resided in the same house; the most recent homeowners policy declaration page and bill were addressed to 943 Columbia Street (which does not exist) instead of 943 Columbia Terrace; these are important documents

not junk mail; and if this situation continues after expiration of the forwarding address through the U.S. Postal service, the mail will be returned to senders due to insufficient information. Mrs. Cole indicated additional concerns because the correct information is not on new maps, GPS systems, or map quest; they have not had any problems with emergency vehicles finding her house but they will now; and commented on continued costs to change the street names, make and install new street signs, and notifications by staff; questioned if a study has been conducted to ascertain the cost of each of the name changes; and suggested consideration be given to these changes due to budgetary restraints.

David Gydrich, a resident at 780 Sidney Terrace and 30-year County resident, commented in opposition because changes to his homeowner's policies have taken over six months and there will be fees to change mortgage documents and wills; he has had no problems with deliveries, emergency vehicles finding his home, map quest or GPS systems; suggested the renaming program but put on the back burner because there are more pressing issues; and recalled promises that taxes would go down but they went up again.

Robert Cole suggested a check of records be conducted to ascertain the County's liability in the last 25 years and consider, if streets are renamed, the liability if there is a problem.

(Assistant County Administrator Kelly Shoemaker replaced County Administrator Bruce Loucks for the remainder of the public hearings.)

Irene Phillips, a resident on NW Fairfax, suggested putting directionals on signs as they were prior to Hurricane Charley and stated she has not had any problems, why make problems.

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

Motion Carried 5:0.

Commissioner Moore acknowledged citizens' concerns and comments and cautioned against abusing staff.

COMMISSIONER D'APRILE MOVED TO DENY NC-07-05-04 RENAMING PORTIONS OF MENSCH TERRACE TO TRITON AVENUE, KENNWOOD AVENUE, LINNAEN TERRACE TO WIDRIG AVENUE, FAIRFAX TERRACE TO MAYPOLE AVENUE, ROSEWAY TERRACE TO VITANO AVENUE, SIDNEY TERRACE TO MARIE AVENUE, RIVIERA LANE TO EASTLOOK DRIVE, AND FOREST HILL LANE TO KITE LANE, SECONDED BY COMMISSIONER DUFFY.

Commissioner Cummings pointed out there is no accurate description of Fairfax Terrace as NW, stated the directional indicators are not accurate, and he will not support the motion. Commissioner Duffy stated the changes for Riveria Lane jumps over U.S. 41 and Fairfax Terrace jumps over Lakeview; citizens do not want Roseway Terrace, Riveria Lane, and Sidney Terrace names changed. Chairman Loftus commented in support of the motion.

Commissioner Duffy indicated she does not want to see another Cape Coral with NW, SE, NE, and SW on street names.

Motion Carried 4:1. Commissioner Cummings opposing.

9. NC-07-05-05 Legislative Commission District III Charlotte County Community Development Department, Addressing Section, has applied to re-name portions of one street in Rock Creek Park Subdivision. The street to be re-named is more particularly described as a portion of Manor Road commencing at the intersection of E 8th Street, running south to E 7th Street to Palen Lane; a portion of Manor Road commencing at the intersection of E 6th Street, running south to E 5th Street to Westrich Lane and a portion of Manor Road commencing at the intersection of E 4th Street, running south to E 3rd Street to Erna Lane. The aforementioned streets are located in Rock Creek Subdivision, as recorded in Plat Book 4, Page 29 and Plat Book 6, Page 1 of the Public Records of Charlotte County, Florida. These streets are located in Section 05, Township 41 South, Range 20 East, in Commission District III.

Recommendations: Community Development Department: Approval
Planning and Zoning Board: Approval with
condition

Ms. Bartley explained the petition is to rename three of four segments of Manor Road; north of South McCall Road near the Sarasota County line; the P&Z recommended approval with the condition that citizens in the area provide staff with names other than proposed by staff; one citizen suggested Erna to Verna between 4th and 3rd; and staff agreed.

Bob Segur, a resident at 1081 Manor Road, advised six homes will be impacted in his area; expressed opposition because he has not received any complaints or heard any issues regarding dispatch of emergency vehicles to his area; stated the citizens will have to bear the cost of the name changes; he resides with only one other house between 5th and 6th Streets on Manor Road; and expressed a willingness to sign a waiver for the County's liability.

Victor Emmelkamp, who resides at 1181 Manor Road, stated he contacted five of the nine residents on Manor Road, exclusive of Mr. Segur; everyone is opposed to the change; stated the Board and staff are wasting their time and taxpayers' time and money; and asked that the name not be changed.

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

Motion Carried 5:0.

Commissioner Moore asked if E-911 requested the name change, if a representative is present, and if E-911 has had any critical instances of locating homes on Manor Road. Ms. Bartley explained E-911 requested the change on the basis that the road is non-continuous and no representative is present. Commissioner Moore stated he cannot disagree with the testimony and it is more effective to use a street name that has been used for years.

COMMISSIONER MOORE MOVED TO NOT RE-NAME PORTIONS OF MANOR ROAD TO PALEN LANE, WESTRICK LANE, AND ERNA LANE, SECONDED BY COMMISSIONER DUFFY.

Commissioner Cummings pointed out Commissioner D'Aprile related an emergency incident that should have required a name change and stated a dispatcher and/or driver may not be familiar with old street names. Commissioner Duffy commented on technology in fire engines that locate emergency locations.

Motion Carried 3:2. Commissioner D'Aprile and Commissioner Cummings opposing.

10. NC-07-05-06 Legislative Commission District II
Charlotte County Community Development Department,
Addressing Section, has applied to name a portion of one
street in La Villa Subdivision. The street to be named is a
portion of an un-named platted street commencing at the
intersection of Cooper Street and E Charlotte Avenue running
easterly to Elliott Street to E Charlotte Avenue. The
aforementioned street is located in La Villa Subdivision, as
recorded in Plat Book 1, Page 6, of the Public Records of
Charlotte County, Florida. This street is located in Section
05, Township 41 South, Range 23 East, in Commission District
II.

Recommendations: Community Development Department: Approval
Planning and Zoning Board: Approval

Ms. Bartley presented the petition to name a portion of an
unnamed platted street commencing at the intersection of Cooper
Street and East Charlotte Avenue running easterly to Elliott
Street to East Charlotte Avenue located in La Villa Subdivision,
as recorded in Plat Book 1, Page 6 of the Public Records of
Charlotte County, Florida and within Section 5, Township 41
South, Range 23 East; when the street was platted in 1895, it was
left unnamed; staff is requesting the street be named East
Charlotte Avenue since it directly connects to the existing
street in the City of Punta Gorda with the same name; residents
are already using East Charlotte Avenue in their address for this
segment so the citizen impact would be minimal; all affected
property owners will be notified by mail and all street signs
will be replaced at a cost of \$450.00; and P&Z heard the petition
on August 13, 2007 and recommended approval.

**COMMISSIONER MOORE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED
BY COMMISSIONER DUFFY.**

Motion Carried 5:0.

**CHAIRMAN MOORE MOVED TO APPROVE RESOLUTION 2007-131 NAMING A
PORTION OF AN UNNAMED STREET IN THE LA VILLA SUBDIVISION TO EAST
CHARLOTTE AVENUE, SECONDED BY COMMISSIONER D'APRILE.**

Motion Carried 5:0.

11. NC-07-05-07 Legislative Commission District III Charlotte County Community Development Department, Addressing Section, has applied to re-name a portion of one street in Breezewood Subdivision, Mariner's Landing Subdivision and Merchants Crossing Subdivision. The street to be re-named is that portion of New Point Comfort Road beginning at the intersection of S McCall Road running southerly to Lemon Bay Road to MaKenna Avenue. The aforementioned street is located in Breezewood Subdivision, Mariner's Landing Subdivision, and Merchants Crossing Subdivision, as recorded in Plat Book 2, Page 68, Plat Book 16, Page 79 and Plat Book 20, Page 11 of the Public Records of Charlotte County, Florida. This street is located in Section 06, Township 41 South, Range 20 East, in Commission District III.

Recommendations: Community Development Department: Approval
Planning and Zoning Board: Denial

Ms. Bartley summarized the petition to rename a portion of New Point Comfort Road beginning at the intersection of South McCall Road running southerly to Lemon Bay Road to MaKenna Avenue located in the Breezewood Subdivision, Mariner's Landing Subdivision and Merchants Crossing Subdivision as recorded in Plat Book 2, Page 68, Plat book 16, Page 79 and Plat Book 20, Page 11 of the Public Records of Charlotte County, Florida and within Section 6, Township 41 South, Range 20 East; various streets throughout the County are not continuous causing confusion and delays in emergency responses; in this instance there are two segments separated by Lemon Bay Road and a 340' jog in the road; most of these streets were named when the areas were platted or when the County was re-addressing in the 1970's to 1980's; as the County has continued to grow and businesses develop, it is imperative that emergency vehicles and the U.S. Postal Service be able to locate every address without delay; E-911 uses the address system maintained by LIS Section in their routing program; because all ambulance units are not equipped with GPS units, staff has been asked by E-911 to rename one of the segments in order to protect the health, safety, and welfare of the public; the selected portion was chosen because it will have the least amount of houses on it and reduce the overall

impact on citizens; all affected property owners will be notified by mail and all street signs will be replaced at a cost of \$300.00; and P&Z heard the petition on August 13, 2007 and recommended denial based on the historical nature of the road and consideration be given to renaming the portion of Lemon Bay Road between the two segments to New Point Comfort Road instead.

Jack Donkel advised the interpretation of "continuous streets" might be different and a jog or an irregularity in a road does not justify a street renaming and opposed changing the name on both segments.

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

COMMISSIONER MOORE MOVED TO APPROVE RESOLUTION 2007-132 RENAMING ONLY A SEGMENT OF LEMON BAY ROAD TO NEW POINT COMFORT ROAD AS IDENTIFIED, SECONDED BY COMMISSIONER D'APRILE.
Motion Carried 5:0.

ADJOURNED: 11:30 AM.

Signature on file in Commission Minutes
Chairman

ATTEST:

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

By: Signature on file in Commission Minutes
Deputy Clerk

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