

**BOARD OF COUNTY COMMISSIONERS - LAND USE HEARINGS**

**FEBRUARY 19, 2008**

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

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

A. Planning and Zoning Agenda (**Proofs of Publication were in order.**)

1. PA-06-03-22-LS - Legislative - Commission District I

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Future Land Use Map Amendment to the Charlotte County Comprehensive Plan from Low Density Residential, Commercial Center and Preservation to Mixed Use Development of Regional Impact [DRI], for property located east of Interstate 75, south of Madras Court and Mauritania Road, west of DeSoto Canal, and north of Peace River, containing 106± acres, in the Punta Gorda area; Commission District I; Petition No. PA-06-03-22-LS; applicant David Baldauf, Benderson Development Company, LLC. - Recommendation: Growth Management Department: Approval - Planning and Zoning Board: Approval

**Ordinance # 2008-015**

Seann Smith explained the purpose of the petition was to amend the Comprehensive Plan and advised approval was recommended.

Attorney Geri Waksler appeared on behalf of petitioner; provided a history of the property; advised there would be no increase in density in the coastal high hazard areas; noted specific development standards for all properties within the DRI; and requested approval of the petition.

Joe Fleming of Harbor Heights said he had no objections to the DRI as proposed and requested Harborview Road be widened to accommodate additional traffic created by the proposed DRI.

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

**Motion Carried 5:0.**

Chairman D'Aprile mentioned the school and intersection in the proposed DRI area and asked for details on road and transportation improvements. Attorney Waksler advised meeting with the Harbor Heights community, stated transportation improvements were being addressed and would be taken into consideration.

Commissioner Moore asked if this had been heard before. Mr. Smith advised it had come before the Board several times related to other matters, commented this was the plan amendment and provided additional detail. Commissioner Moore asked how the marshlands would be effected. Mr. Smith noted it would put an annotation onto the Future Land Use Map (FLUM); explained it limited development in the area; and kept residential out of the high hazard area.

Inga Williams provided additional explanation. Ms. Waksler noted this land use change will not allow development within the marshland. Commissioner Moore asked why there was no companion rezoning at this time. Ms. Williams responded that the amendment of the development order had already stated what the uses would be.

**COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2008-015 PROVIDING AMENDMENTS TO THE LARGE SCALE FUTURE LAND USE MAP, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 5:0.**

Commissioner Cummings commented on the importance of protecting the environmentally sensitive lands with the best possible buffering; noted buffering in the residential areas present and future must also be addressed; and opined future commercial development would better serve the community than residential use.

2. PA-07-05-29-LS - Legislative - Commission District II

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Map Amendment to the Charlotte County Future Land Use Map from Agriculture (128.48± acres) and Commercial Center (8.53± acres) to Low Density Residential (137.01± acres), and from Agriculture (36.34± acres) to Commercial Center (36.34± acres), for property located northeast of Tamiami Trail (U.S. 41), southwest of I-75, and north of Tuckers Grade, in the Punta Gorda area, Florida, containing 173.35± acres more or less; Commission District II; Petition No. PA-07-05-29-LS; applicant Essex Cape Coral LLC.-Recommendation: Growth Management Department: Approval-Planning and Zoning Board: Approval

**Ordinance # 2008-016**

Jie Shao provided detail and reason for this adoption hearing, gave a brief presentation of furnished materials and explained what had already been completed to satisfy the concerns of the Department of Community Affairs (DCA).

Attorney Waksler appeared on behalf of the petitioner; described the parcel and location; explained the purpose of the plan amendment; pointed out two DCA concerns and advised their status; and requested approval on behalf of the petitioner.

**Commissioner Moore** wondered where the density came from and if additional access points were being considered. Ms. Waksler explained density would be transferred under a Transfer of Density Units (TDU) as part of the planned development rezoning and commented on the Planning Department already looking into multiple entrances.

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

**Motion Carried 5:0.**

**COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2008-016, ADOPTION OF A LARGE SCALE PLAN MAP AMENDMENT TO THE CHARLOTTE COUNTY FUTURE LAND USE MAP, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 5:0.**

3. PA-07-06-39-LS - Legislative - Commission District II

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Future Land Use Map Amendment to the Charlotte County Future Land Use Map from Agriculture to Enterprise Charlotte Airport Park, and to amend Map 9 of the Future Land Use Map Series, Enterprise Charlotte Airport Park, for property located at 27350 or 27360 Jones Loop Road, in the Punta Gorda area, containing 40.55 acres more or less; Commission District II; Petition No. PA-07-06-39-LS; applicant Jones Loop 40 LLC. - Recommendation: Growth Management Department: Approval - Planning and Zoning Board: Approval

**Ordinance # 2008-017**

Ms. Shao provided a presentation based upon the packet material; described the amendment to the Large Scale Future Land Use Map and the amendment of Map 9 of the FLUM Series; commented on DCA concerns that were satisfied; and advised staff recommended approval.

Attorney Waksler appeared on behalf of the petitioner; mentioned the history of the parcel at the time of transmittal; explained an application to rezone was already submitted to Enterprise Charlotte Airport Park (ECAP); advised approval would need to be secured prior to rezoning consideration; noted the parcel was in a flight path and inappropriate for residential use; noted the change was supported by the Airport Authority; indicated that transportation and utility impact issues had been addressed; stated an additional annotation had satisfied DCA; and requested Board approval.

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

**Motion Carried 5:0.**

**COMMISSIONER MOORE MOVED TO APPROVE ORDINANCE 2008-017, ADOPTION OF A LARGE SCALE FUTURE LAND USE MAP AMENDMENT TO THE CHARLOTTE COUNTY FUTURE LAND USE MAP, SECONDED BY COMMISSIONER LOFTUS.**

**Motion Carried 5:0.**

4. PA-07-05-34-LS - Legislative - Commission District IV

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Future Land Use Map Amendment to the Charlotte County Comprehensive Plan from Low Density Residential to Preservation, for property generally located west of Flamingo Boulevard, east of Pear Street, south of Carbon Avenue, and north of Como Street, in the Port Charlotte area; containing 150± acres; Commission District IV; Petition No. PA-07-05-34-LS; Applicant: Board of County Commissioners. - Recommendation: Growth Management Department: Approval - Planning and Zoning Board: Approval

**Ordinance # 2008-018**

(Deputy Clerk Manley administered the oath to prospective witnesses.) (Chairman D'Aprile polled the Board for ex-parte disclosures, and there was none.)

Jeffrey Crimer provided detail on the companion petitions; noted the purpose was to create a mitigation site for scrub jays; and requested a second public hearing to be set March 18, 2008 at 9:00 am or as soon thereafter.

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

**Motion Carried 5:0.**

**COMMISSIONER CUMMINGS MOVED TO APPROVE ORDINANCE 2008-018, ADOPTION OF A LARGE SCALE FUTURE LAND USE MAP AMENDMENT TO THE CHARLOTTE COUNTY COMPREHENSIVE PLAN, SECONDED BY COMMISSIONER LOFTUS.**

**Motion Carried 5:0.**

**COMMISSIONER MOORE MOVED TO APPROVE A SECOND PUBLIC HEARING TO BE SET FOR MARCH 18, 2008 AT 9:00 AM OR AS SOON THEREAFTER, SECONDED BY COMMISSIONER LOFTUS.**

**Motion Carried 5:0.**

5. Z-07-05-38 - Quasi-Judicial - Commission District IV

An Ordinance approving an amendment to the Charlotte County Zoning Atlas from Residential Single-Family-3.5 (RSF-3.5) to Environmentally Sensitive (ES), for property generally located

west of Flamingo Boulevard, east of Pear Street, south of Carbon Avenue, and north of Como Street, in the Port Charlotte area, containing 150± acres; Commission District IV; Petition No. Z-07-05-38; applicant: Board of County Commissioners. - Recommendation: Growth Management Department: Approval - Planning and Zoning Board: Approval

This is the first of two public hearings. Second public hearing scheduled for March 18, 2008 at 9:00 AM

6. PA-07-05-32-LS - Legislative - Countywide

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment, amending the text of Policy 2.2.25 of the Future Land Use Element; Petition No. PA-07-05-32-LS; applicant Charlotte County Board of County Commissioners. - Recommendation: Growth Management Department: Approval - Planning and Zoning Board: Approval

**Ordinance # 2008-019**

Ms. Williams furnished details related to the text amendment; commented on DCA objections and how they were addressed by staff; and noted the language "sparse residential development" had been added for both designations.

**Commissioner Duffy** asked if the provision for excavation was removed. Ms. Williams confirmed it had been removed from the resource conservation designation. **Commissioner Cummings** asked for more detail on the word "sparse" in the added language and questioned the preserve area of Babcock Ranch. Ms. Williams explained residential was always a permitted use; advised it had not been listed as an allowed use; and clarified the number of residential units allowed in rural and urban service areas. **Commissioner Moore** asked if the preserve was the state land. **Commissioner Cummings** explained the preserve was the state land they had retained 5,000 developable units on.

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

**Motion Carried 5:0.**

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2008-019, ADOPTION OF A LARGE SCALE PLAN AMENDMENT, SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.

7. PA-07-05-33-LS - Legislative

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment, amending the text of Policy 2.2.15 of the Future Land Use Element; Petition No. PA-07-05-33-LS; applicant Charlotte County Board of County Commissioners. - Recommendation: Growth Management Department: Approval - Planning and Zoning Board: Approval

Ordinance # 2008-020

Ms. Williams described the text amendment in detail; advised DCA had no objections; mentioned policies G and J were missing criteria when the original policy was transmitted; and noted they were added and had been approved prior to transmittal.

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

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2008-020, ADOPTION OF A LARGE SCALE PLAN AMENDMENT, SECONDED BY COMMISSIONER DUFFY.  
Motion Carried 5:0.

8. PA-07-11-89 - Legislative - Commission District IV

An Ordinance pursuant to Section 163.3187(1)(C), Florida Statutes, adopting a Small Scale Future Land Use Map Amendment to the Charlotte County Comprehensive Plan from Low Density Residential and Parks and Recreation to Parks and Recreation, for property located south of Sturkie Avenue, north of Gillot Boulevard, west of El Jobean Road, and east of Myakka River, in the Port Charlotte area; containing 3.33± acres; Commission District IV; Petition No. PA-07-11-89; applicant: Charlotte County Board of County Commissioners. - Recommendation: Growth Management Department: Approval - Planning and Zoning Board: Approval

**Ordinance # 2008-021**

Ms. Williams provided detail on the proposed amendment and asked for approval.

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

Motion Carried 5:0.

COMMISSIONER CUMMINGS MOVED TO APPROVE ORDINANCE 2008-021, ADOPTION OF A SMALL SCALE FUTURE LAND USE MAP AMENDMENT, SECONDED BY COMMISSIONER LOFTUS.

Motion Carried 5:0.

Commissioner Duffy asked about the location of the trestle discussed at an earlier meeting and was advised the trestle is on the opposite side of the road.

9. PA-07-11-90 - Legislative - Commission District IV

An Ordinance pursuant to Section 163.3187(1)(C), Florida Statutes, adopting a Small Scale Future Land Use Map Amendment to the Charlotte County Comprehensive Plan from Commercial Corridor to Parks and Recreation, for property located at 2050 Forrest Nelson Boulevard, in the Port Charlotte area; containing 5.17± acres; Commission District IV; Petition No. PA-07-11-90; applicant: Charlotte County Board of County Commissioners. - Recommendation: Growth Management Department: Approval - Planning and Zoning Board: Approval

**Ordinance # 2008-022**

Chairman D'Aprile advised Item 9 and 10 were companion petitions.

10. Z-07-11-91 - Quasi-Judicial - Commission District IV

An Ordinance approving an amendment to the Charlotte County Zoning Atlas from Commercial General (CG) to Office, Medical, and Institutional (OMI), for property located at 2050 Forrest Nelson Boulevard, in the Port Charlotte area; containing 5.17± acres; Commission District IV; Petition No. Z-07-11-91; applicant:

Charlotte County Board of County Commissioners. Recommendation:  
Growth Management Department: Approval - Planning and Zoning  
Board: Approval

**Ordinance # 2008-023**

(Deputy Clerk Manley administered the oath to prospective witnesses.) (Chairman D'Aprile polled the Board for ex-parte disclosures, and there was none.)

Ms. Williams provided detail on the companion petitions located in the Mid County Library area, mentioned the area was already developed and advised the proposed amendments were recommended for approval.

**Commissioner Duffy** asked why this designation was not rezoned Government instead of Parks and Recreation. **Laura Kleiss-Hoeft** explained in addition to the library the land was developed with gazebo's and trails, is considered a Park site and is maintained by Parks and Recreation. **Commissioner Duffy** questioned if there was a Government designation. **Ms. Williams** noted there was a Public Lands and Facilities category.

**Commissioner Moore** agreed with **Commissioner Duffy**, mentioned his past complaints that parks still have density and noted zoning rules were being updated. **Ms. Williams** clarified Future Land Use designations did not have density and explained **Commissioner Moore** was discussing the zoning aspects not FLUM.

**Commissioner Cummings** asked if there was density associated with underlying parks and overlying zoning of residential land use. **Ms. Williams** confirmed there would be no density. **Commissioner Cummings** expressed concern that the property line went through the middle of the parking lot and asked for assurance that the County had not developed Non-County land. **Ms. Kleiss-Hoeft** stated it appeared to be an Accelerate Geographic Information System (GIS) error and noted she would follow up.

**COMMISSIONER MOORE MOVED TO CLOSE THE PUBLIC HEARING FOR ITEMS 9 & 10, SECONDED BY COMMISSIONER LOFTUS.**  
**Motion Carried 5:0.**

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2008-022 APPROVING AN AMENDMENT TO THE CHARLOTTE COUNTY ZONING ATLAS (ITEM 9), SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2008-023 APPROVING AN AMENDMENT TO THE CHARLOTTE COUNTY ZONING ATLAS (ITEM 10), SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.

11. PA-07-11-92 - Legislative - Commission District III

Pursuant to Section 163.3184 Florida Statutes, adopting a Small Scale Future Land Use Map Amendment to the Charlotte County Comprehensive Plan from Commercial Corridor to Parks and Recreation for property located on the west side of McCall Road (SR 776) at West Bay Heights Avenue, in the Englewood area; containing 2.46± acres; Commission District III; Petition No. PA-07-11-92; applicant: Charlotte County Board of County Commissioners. Recommendation: Growth Management Department: Approval - Planning and Zoning Board: Approval

**Ordinance # 2008-024**

Jeffrey Crimer provided detail on the companion parcels located off SR776 at the West County boat ramp, advised the purpose was to provide a future land use designation that was consistent with the development of the site as a park and to provide zoning that allows the use of the site as a park.

(Deputy Clerk Manley administered the oath to prospective witnesses.) (Chairman D'Aprile polled the Board for ex-parte disclosures, and there was none.)

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

COMMISSIONER MOORE MOVED TO APPROVE ORDINANCE 2008-024 AND ADOPTION OF A SMALL SCALE FUTURE LAND USE MAP AMENDMENT (ITEM 11), SECONDED BY COMMISSIONER LOFTUS.  
Motion Carried 5:0.

12. Z-07-11-93 - Quasi-Judicial - Commission District III

An Ordinance approving an amendment to the Charlotte County Zoning Atlas from Commercial General (CG) to Residential Single-family 1 (RSF-1), for property located on the west side of McCall Road (SR 776) adjoining Lemon Bay at West Bay Heights Avenue, in the Englewood area; containing 2.46± acres; Commission District III; Petition No. Z-07-11-93; applicant: Board of County Commissioners. Recommendation: Growth Management Department: Approval - Planning and Zoning Board: Approval

**Ordinance # 2008-025**

**COMMISSIONER MOORE MOVED TO APPROVE ORDINANCE 2008-025 AND APPROVE AN AMENDMENT TO THE CHARLOTTE COUNTY ZONING ATLAS (ITEM 12), SECONDED BY COMMISSIONER LOFTUS.**

**Motion Carried 5:0.**

13. PV-07-11-14 - Legislative - Commission District II

Cesna, LLC has applied for a Plat Vacation for a portion of Solona Subdivision, namely Parcel P2 of Block A, and Lots 1, 2 and 7 of Block 6 along with the 66' wide right of way between Lot 7 of Block 6 and Parcel P2 of Block A known as Acacia Street, as recorded in Plat Book 1, Page 5 of the Public Records of Charlotte County, Florida. The site is located in Section 33, Township 40, Range 23 and consists of 3.16 acres, more or less, in Commission District II. Recommendation: Growth Management Department: Approval - Planning and Zoning Board: Approval with one condition

**Resolution # 2008-015**

Barbara Jeffries provided an overview of the proposed plat vacation; explained the proposal included a connection to another parcel; advised it would come back later as a Planned Development (PD); and noted the Applicant Mr. Hayes was unable to be present.

**Commissioner Moore** expressed concern for making a decision without a guarantee for the future of the area. Ms. Jeffries commented this was a legislative hearing; noted both roads were presently narrow with light traffic; mentioned the parcel would become one large plat with associated future traffic impact; and

advised of the condition to develop a hammerhead to turn around once the street was vacated. **Commissioner Moore** asked about future access once the hammerhead was created. Ms. Jeffries stated the nature of these parcels would change significantly and asked Jeffrey Ruggieri to provide additional detail.

Mr. Ruggieri commented that the Applicant had asked for a Large Scale Plan Amendment on this property a year ago but pulled it at the podium because there were too many obstacles; advised no further conversations with the Applicant; and noted he was not aware of their future plans.

**Commissioner Moore** asked if by closing the one street, they could still develop shore in the future and opined the vacation would not hurt anyone. Mr. Ruggieri confirmed the comments; indicated Mr. Hayes had mentioned great planning issues at the Planning and Zoning hearing; opined he could be helpful at development time; and noted no knowledge of zoning intent at this time.

**Commissioner Duffy** pointed out an existing home on the property. Ms. Jeffries confirmed it was owned by the Hayes. Ms. Jeffries explained the purpose of the vacation and stated once joined, the buffer would be encroached. **Commissioner Duffy** asked if the smaller area could be built on and who owned the other parcel. Ms. Jeffries indicated homes could be built, but would now be part of the PD and advised both pieces of property had the same owner.

**Commissioner Cummings** understood if the parcels were joined and a PD was done there would be the potential for encroachment of development on the adjacent property; expressed concern that the lots equaled over three acres and were zoned RSF1; and asked if they would have the right to subdivide smaller and add units without a PD. Ms. Jeffries advised rezoning would be required; noted they would need to go through DRC; and asked for assistance to further explain. Mr. Ruggieri commented that a PD would be ideal and advised they could not put more than three units on the property including the existing unit.

**Commissioner Cummings** continued to discuss the vacation, zoning, shift in density, buffering and PD regulations. Mr.

Ruggieri responded. **Commissioner Cummings** opined the issue was not this vacation but what would be done afterward; commented on the risk if they proceeded with a PD; and noted the County would need to determine if development near those homes was in the best public interest.

Ms. Jeffries noted this was a Legislative decision to approve vacation of the parcels and give up a portion of the roadway. **Commissioner Cummings** asked additional questions related to road development, access, and land locking and voiced his concern for a future PD. Ms. Jeffries opined it would be a pickle if the County gave up this property. **Commissioner Cummings** continued to question the reason for the vacation and asked Attorney Browne for legal information related to PD's and land locking. Attorney Browne advised the parcel owner could not land lock themselves.

**Commissioner Moore** asked if staff was reconsidering their recommendation for approval. Mr. Ruggieri provided additional information related to the road issues. Ms. Jeffries said she was not reconsidering; advised their guidance was based upon meeting rules and ordinances; and believed her obligation was to provide all available information to the Board so they could make the best decision.

Theresa Hayes spoke in opposition to the approval of this PD; commented they could develop without the street vacation; expressed her concern that a portion of her property line would be affected; explained the newly paved roads were narrow; mentioned traffic volume; noted water and drainage issues; and opined the applicant's plan was to rezone later.

Steven Brown mentioned this road was recently paved by the County; asked why the County was now considering gifting part of it to the Applicant; noted compensation had not been addressed; and commented on the traffic issue. **Chairman D'Aprile** indicated compensation would be discussed later.

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

**Motion Carried 5:0.**

**Chairman D'Aprile** advised he was unhappy with this vacation; opined there was not enough information provided; expressed

concern for the residents and future of the area; and noted he would vote against it.

**COMMISSIONER MOORE MOVED TO DENY PV-07-11-14, SECONDED BY COMMISSIONER LOFTUS.**

**Commissioner Cummings** agreed with neighborhood concerns; mentioned he was aware of traffic and drainage issues; mentioned the law of unintended consequences; opined not granting the vacation would increase the chance that Acacia Avenue would be one of the primary access points to a PD should it develop in the future; commented the Board would need to be careful in approving a PD in the area without density being shifted; and indicated he did not agree the motion would achieve what the public wanted.

**Commissioner Loftus** asked for the size of the right away and indicated the County should be compensated. **Commissioner Duffy** noted in 2007 staff recommended denial and stated if approved it would have had three conditions; indicated the recent paving should not be given away and torn up; mentioned resident concerns, lack of adequate information, the uncertainty of future development; and stated she supported the motion to deny.

**Chairman D'Aprile** commented that **Commissioner Cummings** was correct in assuming possible future development and access issues; noted paving was recently completed and compensation would have been expected; indicated his support for residents and the current zoning; and stated he would not approve the vacation at this time.

**Commissioner Moore** understood **Commissioner Cummings** comment on unintended consequences and stated he still saw no purpose for the street vacation.

**Motion Carried 4:1. Commissioner Cummings opposing.**

14. PV-08-01-01 - Legislative - Commission District IV

Charlotte County Board of County Commissioners has applied for a plat vacation for portions of Port Charlotte Subdivision Section 35, Port Charlotte Subdivision Section 41, Port Charlotte Subdivision Section 46, and all of Port Charlotte Subdivision Section 42, less and except the O'Donnell Park Site, the FPL

Substation, Block 701 and Block 702, Sapphire Street, McAdam Avenue, all rights of way surrounding Blocks 701 and 702 which includes portions of Oakleaf Avenue, Kingsland Street, Odin Avenue, Carrol Street, Cumberland Avenue, Walenda Avenue and Como Street. The site is bounded on the west by the centerline of the Crestwood Waterway, on the north by Franklin Avenue and Seymour Avenue, on the east by the centerline of Auburn Waterway and the south by Jenks Drive and El Jobean Road. The site consists of 918.94 acres, more or less, located in Sections 10, 11, 12 and 14, Township 40, Range 21, in Commission District IV. Recommendation: Building Construction Services: Approval with conditions - Planning and Zoning Board: To be heard February 11, 2008

**Resolution # 2008-016**

Ms. Jeffries provided an overview of the proposed plat vacation within Murdock Village; advised staff recommendation was to approve with three conditions; indicated only two conditions were noted on the paperwork provided to the Board; proceeded to read the third condition for the record; and advised it would be included in the resolution.

**Commissioner Cummings** asked Richard Browne for clarification of contract conditions with Mr. Kitson; stated he was not aware the County would be responsible to remove existing infrastructure; mentioned over \$90,000 paid to FPL; asked if the County was removing the roads; and questioned why the County was paying for this particular infrastructure.

Attorney Browne clarified conditions; noted the County Administrator and Mr. Kitson negotiated the cost of road removal; referenced the Disposition Agreement as related to this and stated the exact wording was "the County will coordinate the removal with FPL". **Commissioner Cummings** commented that it sounded like the County was paying for it now and asked if the County would be removing the roads later. Mr. Browne advised that Kitson would be responsible for the roads. **Commissioner Cummings** asked why the County was being asked to pay for half of this particular infrastructure since the developer was overseeing the others. Attorney Browne indicated it was his understanding that this was included in prior negotiations.

**Commissioner Moore** asked questions about buildings on the visual map; mentioned vacating to the center of waterways; and asked for comments. Ms. Jeffries and Paul Payette answered.

**Commissioner Duffy** asked for detail on purchasing the FPL infrastructure and if the Board approval included acceptance to pay half the cost. Mr. Payette spoke of discussions with FPL. Attorney Browne explained the condition was recently added; advised the County's estimated cost was \$97,000; and confirmed approval would include acceptance. Mr. Payette asked if the Board had the right to withdraw the condition and move forward. Attorney Browne advised they could. **Chairman D'Aprile** and **Commissioner Duffy** agreed the County should not have to pay half and noted the condition was attached at the last minute. **Commissioner Moore** stated he was offended by the addition being added without any prior notification.

FPL Area Manager Charlotte Miller stated she was unaware that the addition was being put on the agenda; noted the willingness for further discussions; commented on proposed costs; and advised FPL was governed by the Public Service Commission.

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

**Motion Carried 5:0.**

**Commissioner Cummings** commented he did not have an issue with FPL being paid for their lines; stated his issue was with who was doing the paying; noted if the County was to be involved in payment in the future, he would expect more than an estimate; and mentioned possible environmental clean up issues related to the age of the infrastructure.

**COMMISSIONER MOORE MOVED TO APPROVE PV-08-01-01 WITH TWO CONDITIONS - EXCLUDING THE THIRD PROVISION AS READ INTO THE RECORD EARLIER, SECONDED BY COMMISSIONER LOFTUS.**

**Motion Carried 5:0.**

**Chairman D'Aprile** asked for Board comments. **Commissioner Duffy** again expressed her dissatisfaction in not receiving prior notification of the added condition to Agenda Item 14. **Commissioner Loftus** agreed the Board required information prior to their meetings.

**Chairman D'Aprile** announced a message from Mr. Loucks advising the Board of a meeting on April 30, 2008 with Sarasota, Charlotte County, the City of North Port and West Villages to discuss the River Road project and asked who could attend.

**Chairman D'Aprile** commented on the future situation related to tax dollars; mentioned looking at a possible transaction fee on community sales to bring in additional revenues and opined the importance of being creative. Attorney Browne advised he believed that would require state approval. **Commissioner Duffy** opined people might think it was just another tax. **Chairman D'Aprile** noted he was looking for suggestions to avoid raising taxes.

**Commissioner Loftus** advised this issue had come up in the past and mentioned it would need to be done through the State Legislature and opined the Board should not be criticized for looking at options and solutions. **Commissioner Moore** suggested the Board forward a letter to the State Legislators and was advised a letter was in process. **Commissioner Cummings** mentioned he would require additional information and was skeptical. **Chairman D'Aprile** noted only investigating ideas at this time. **Commissioner Duffy** opined the value of looking into all forms of revenue.

ADJOURNED: 11:08 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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