

BOARD OF COUNTY COMMISSIONERS

October 18, 2010

A meeting was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida.

Members present were: Chairman Starr, Commissioner Cummings, Commissioner Loftus, Commissioner Duffy, Commissioner Skidmore, Assistant County Administrator Shoemaker, Assistant County Attorney Rooney, and Deputy Clerk Lansing. The following members were absent: None

The meeting was called to Order at **1:00 P.M.**, followed by the Pledge of Allegiance.

Changes to the Agenda:

Change #1: Requested by: County Attorney's Office: A-3 - Revised Ordinance; A-4 - Revised Ordinance; A-6 - Revised Ordinance; A-9 - Revised Ordinance

COMMISSIONER LOFTUS MOVED TO APPROVE CHANGES TO THE AGENDA AS READ INTO THE RECORD, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

A. PLANNING AND ZONING PUBLIC HEARING

Attorney Rooney read the following Murdock Village Community Redevelopment Plan language changes into the record and advised no motion was required since the changes would be incorporated into the final plan:

1. Page 95, line 5 after redevelopment agreement: ,area reinvestment agreement,

2. Page 97, line 5 after the word CRA, strike from there until the first according and then add on line 6 after agreement: ,area reinvestment agreement,

(1) *RECOMMENDED ACTION*: Approve adoption of an amendment to the Murdock Village Community Redevelopment Plan providing for revised concept plan and other necessary changes. *BUDGETED ACTION*: None

Debra Forester, Redevelopment Manager, explained the Board will be acting as the Murdock Village Redevelopment Agency Board and as the Board of County Commissioners (BOCC), indicated only the BOCC is authorized to approve the Final Amendment to the Redevelopment Plan, and presented the revised concept plan and changes which paralleled packet information and visual slides.

COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

COMMISSIONER LOFTUS MOVED TO ADOPT RESOLUTION 2010-097 AMENDING THE MURDOCK VILLAGE COMMUNITY REDEVELOPMENT PLAN PROVIDING FOR REVISED CONCEPT PLAN AND OTHER NECESSARY CHANGES, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

(2) *RECOMMENDED ACTION*: Approve an ordinance adopting Petition # PA-10-04-13-LS to revise the text of Policy 2.2.28, Objective 2.7, Policies 2.7.1 to 2.7.15 of the Future Land Use Element of the 1997-2010 Comprehensive Plan regarding the Rural Community Mixed Use Future Land Use Map designation. Applicant: Charlotte County Board of County Commissioners; Commission District I & II. *BUDGETED ACTION*: None

Jie Shao presented the petition in detail and paralleled packet information and visual slides.

Attorney Waksler explained the amendment request and responded to Board inquiries.

COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

COMMISSIONER LOFTUS MOVED TO ENACT ORDINANCE 2010-063 ADOPTING PETITION # PA-10-04-13-LS, SECONDED BY COMMISSIONER DUFFY

Commissioner Cummings expressed his opposition to the adoption.

MOTION CARRIED 4:1. COMMISSIONER CUMMINGS OPPOSING.

(3) RECOMMENDED ACTION: Approve an ordinance adopting Petition # PA-10-01-09-LS, amending the Charlotte County 1997-2010 Future Land Use Map and the 2030 Future Land Use Map from Agriculture to Rural Community Mixed Use including adoption of a Master Development Plan into the Future Land Use Element, for property located north of the Lee County Line, south of Zemel Road, east of Tamiami Trail (US 41) and west of I-75, in the South County area, containing 1,554± acres; Applicants: Harper Property Holdings, LLC, and McNew Property Holdings, LLC.; Commission District II. BUDGETED ACTION: None

Ms. Shao distributed "Change to Note #2 on the Conceptual Development Plan" to the Board, presented the petition, paralleled packet information and visual slides, mentioned six (6) DCA objections in detail, and requested approval.

Attorney Waksler described the amendment, paralleled packet information and visual slides, noted amended language that should be included in the motion for the Conceptual Development Plan, said DCA requirements have been addressed, indicated staff recommendation to approve, and requested adoption.

COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

COMMISSIONER LOFTUS MOVED TO ENACT ORDINANCE 2010-064 WITH CHANGE TO NOTE #2 ON THE CONCEPTUAL DEVELOPMENT PLAN INCLUDED AND ADOPT PETITION PA-10-01-09-LS, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

(4) RECOMMENDED ACTION: Approve an ordinance adopting Petition #PA-10-08-26, amending the Charlotte County 1997-2010 Future Land Use Map from Low Density Residential (LDR) to Commercial Center and the 2030 FLUM to Commercial for property located northwest of Coral Ridge Drive and southwest of Taylor Road, in the Punta Gorda area; containing 1.78± acres; Applicant: ONMI LLC; Commission District II. BUDGETED ACTION: None

(Chairman Starr polled the Board for ex parte disclosures. All Commissioners except Commissioner Cummings and Commissioner Duffy acknowledged such disclosures.) (Deputy Clerk Lansing administered the oath to perspective Quasi-Judicial witnesses.)

Ms. Shao described Petitions PA-10-08-26 and Z-10-08-27 and paralleled packet information and visual slides.

Attorney Waksler described the amendment in detail while paralleling visual slides, requested approval.

COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

COMMISSIONER LOFTUS MOVED TO ENACT ORDINANCE 2010-065 ADOPTING PETITION PA-10-08-26, SECONDED BY COMMISSIONER SKIDMORE

Commissioner Duffy announced she may have acknowledged ex parte disclosures in error and said she would advise later.

MOTION CARRIED 5:0.

(The following items were taken out of order in error: Item A-6 read into the record before Item A-5)

(6) RECOMMENDED ACTION: Approve an ordinance adopting Petition #PA-10-08-24, amending the Charlotte County Future Land Use Map from Low Density Residential (LDR) to Parks and Recreation (PKR) for property located southeast of Coral Ridge Drive and southwest of Taylor Road, in the Punta Gorda area; containing 8.7± acres; Applicant: ONMI LLC; Commission District II.
BUDGETED ACTION: None

Ms. Shao presented unified Petitions PA-10-08-24 and Z-10-08-25 and paralleled packet material and visual slides.

Attorney Waksler explained the proposed Petitions in great detail and requested approval. Commissioner Skidmore commented that these changes will create positive amenities for the County. Commissioner Duffy commented further and mentioned Amendment 4.

COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

(Attorney Rooney announced the need for a Motion to amend Item A-5 Rezoning. The Board moved approval of Item A-5 and then moved forward with a Motion to approve Item A-6.)

(5) RECOMMENDED ACTION: Approve an ordinance adopting Petition #Z-10-08-27, amending the Charlotte County Zoning Atlas from Agriculture Estates (AE) to Commercial General (CG) for property located northwest of Coral Ridge Drive and southwest of Taylor Road, in the Punta Gorda area; containing 1.78± acres; Applicant: ONMI LLC; Commission District II. **BUDGETED ACTION:** None

COMMISSIONER LOFTUS MOVED TO ENACT ORDINANCE 2010-066 ADOPTING Z-10-08-27, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

(6) RECOMMENDED ACTION: Approve an ordinance adopting Petition #PA-10-08-24, amending the Charlotte County Future Land Use Map from Low Density Residential (LDR) to Parks and Recreation (PKR) for property located southeast of Coral Ridge Drive and southwest of Taylor Road, in the Punta Gorda area; containing 8.7± acres; Applicant: ONMI LLC; Commission District II. **BUDGETED ACTION:** None

(Chairman Starr polled the Board for ex parte disclosures and he had one.) (The Board returned to Item A-6)

COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

COMMISSIONER LOFTUS MOVED TO ENACT ORDINANCE 2010-067 ADOPTING PETITION #PA-10-08-24, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

(7) **RECOMMENDED ACTION:** Approve an ordinance adopting Petition #Z-10-08-25, amending the Charlotte County Zoning Atlas from Agriculture Estates (AE) to Commercial Intensive (CI) for property located southeast of Coral Ridge Drive and southwest of Taylor Road, in the Punta Gorda area; containing 8.7± acres; Applicant: ONMI LLC; Commission District II.
BUDGETED ACTION: None

COMMISSIONER LOFTUS MOVED TO ENACT ORDINANCE 2010-068 ADOPTING Z-10-08-25, SECONDED BY COMMISSIONER SKIDMORE

Commissioner Skidmore announced the benefits related to this zoning amendment.

MOTION CARRIED 5:0.

(8) **RECOMMENDED ACTION:** Approve an ordinance adopting Petition #Z-10-08-29, amending the Charlotte County Zoning Atlas from Residential Multi-family 12 (RMF-12) to Commercial Neighborhood (CN); for property located at the north-east corner of the intersection of Carmalita Street and Cooper Street, in the Punta Gorda area; containing 1.05 +/- acres; Commission District II; Applicant: ONMI, LLC. **BUDGETED ACTION:** None

(Deputy Clerk Lansing administered the oath to perspective Quasi-Judicial witnesses.) (Chairman Starr polled the Board for ex parte disclosures and there were none.)

Matthew Trepal described the unified petitions in detail, paralleled packet materials and visual slides, mentioned three (3) City of Punta Gorda objections, and noted staff recommendation for approval. **Commissioner Skidmore** commented on the objections.

Attorney Waksler explained the proposed amendment in detail, noted its location and conditions, and requested approval.

COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

COMMISSIONER LOFTUS MOVED TO ENACT ORDINANCE 2010-069 ADOPTING PETITION #Z-10-08-29, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

(9) **RECOMMENDED ACTION:** Approve an ordinance adopting Petition #PA-10-08-28, amending the Charlotte County 1997-2010 Future Land Use Map from High Density Residential to Commercial Center and the 2030 FLUM to Commercial; for property located at the north-east corner of the intersection of Carmalita Street and Cooper Street, in the Punta Gorda area; containing 1.05± acres; Commission District II; applicant: ONMI, LLC.**BUDGETED ACTION:** None

COMMISSIONER LOFTUS MOVED TO ENACT ORDINANCE 2010-070 ADOPTING PETITION #PA-10-08-28, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

B. CITIZEN INPUT - ANY SUBJECT

Charlotte Ventula commented on attending County Hearings.

AA. County Administrator: None

BB. County Attorney: None

CC. Commissioner Comments:

Commissioner Skidmore commended Charlotte County Chamber of Commerce, thanked those involved with the Skate Park in West County, and said he is proud to have the Energy Showcase visit Charlotte County. **Commissioner Loftus** commended staff involved in the showcase. **Commissioner Duffy** said she is looking forward to learning more by working with the Department of Energy.

ADJOURNED: 2:02 PM

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**

j1