

**CHARLOTTE COUNTY PLANNING AND ZONING BOARD**  
**Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida**  
**Minutes of Regular Meeting**  
**August 11, 2008 @ 1:30 p.m.**

**Call to Order**

**Chair Hess** called the meeting to order at 1:29:58 p.m. and it was noted a quorum was present.

**Roll Call**

**PRESENT**

Paula Hess  
Audrey Seay

James Marshall  
Brenda Bossman

**ABSENT**

Michael Gravesen

**ATTENDING**

Richard Browne, Assistant County Attorney  
Gayle Moore, Recording Secretary  
Donna Widemeyer, School Board,

**APPROVAL OF MINUTES**

The minutes of July 14, 2007 were approved as circulated.

**ANNOUNCEMENTS**

**Chair Hess** announced that the first petition on the agenda had been withdrawn by the applicant, and that the seventh petition had been continued at the applicant's request.

**Principal Planner Inga Williams** made an announcement regarding the large scale plan amendments which the Board originally heard in the spring, noting that because of time constraints imposed by the Department of Community Affairs, these matters would go directly to the Board of County Commissioners for their adoption hearings, without first coming to the Planning and Zoning Board as well.

There being only legislative items on the agenda, no oath was administered.

**PETITIONS**

**PA-08-05-30-LS**

**Legislative**

**Commission District III and IV**

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Community Affairs for an Objections, Recommendations, and Comments report; the request is to amend the Transportation Element of the 1997-2010 Charlotte County Comprehensive Plan, by the addition of a map identifying those roadways designated as the Lemon Bay/Myakka Trail Scenic Highway, as well as corresponding language adding discussion of this designation to Chapter 2 Section III, and a new Objective supporting the efforts of the Scenic Highway Corridor Management Entity; Commission District III and IV; Petition No. PA-08-05-30-LS; Applicant: Charlotte County Board of County Commissioners.

*Minutes of Regular Meeting* Continued

August 11, 2008 @ 1:30 P.M.

These minutes have been approved by the Charlotte County Planning and Zoning Board.

**Staff Presentation**

**Martina Kuche, Planner III**, presented the findings and analysis with a recommendation of *Approval for transmittal to the Department of Community Affairs*, based on the reasons stated in the staff report dated July 29, 2008. **Ms. Kuche** discussed the process of designation in general as well as the history of this particular designation, the land being designated and its value to the community, as well as some collateral advantages to the designation process. She noted that the approval of the Map Amendment is the final step in this process.

**Questions for Staff**

**Ms. Bossman** asked whether the Blueways project is part of the Scenic Highway project; **Ms. Kuche** answered that they were closely correlated, but are separate projects with separate committee memberships.

**Public Input**

**Mr. Bret Clark** of Englewood, Chairperson of the Lemon Bay-Myakka Trail Scenic Highway Committee, spoke on behalf of his group of volunteers and their participation in the Scenic Highway program, which he noted is a national program. **Chair Hess** asked the speaker to convey the Board's congratulations on their accomplishments.

**Ms. Sandy Slater**, Chair of the South Gulf Cove Advisory Committee, spoke about the participation of South Gulf Cove community members in the Scenic Highway project, the interest of the community in the project and their appreciation for all the work that Ms. Kuche has done.

- **Ms. Seay** moved to close the public hearing, second by **Mr. Marshall** with a unanimous vote.

**Discussion**

None.

**Recommendation**

**Mr. Marshall** moved that application **PA-08-05-30-LS** be forwarded to the Board of County Commissioners with a recommendation of *Approval for transmittal to the Department of Community Affairs*, based on the findings and analysis in the staff report dated July 29, 2008, along with the evidence presented at today's meeting, second by **Ms. Bossman** with a unanimous vote.

**PA-08-05-29-LS**

**Legislative**

**Commission District IV**

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Community Affairs for an Objections, Recommendations, and Comments report; the request is to amend the Charlotte County 1997-2010 Comprehensive Plan to: 1) expand the Urban Service Area including approval of an increase in density per the Transfer of Density Units ordinance; 2) change the Future Land Use Map from Preservation, Public Lands & Facilities, Commercial Center, Commercial Corridor, Recreational Vehicle Park, and Low Density Residential to Compact Growth Mixed Use Type I; 3) add an appendix to the Future Land Use Element to declare both a maximum density and maximum FAR to which the desired project will be developed; 4) revise the Capital Improvement Element to update the CIP with improvements to surrounding roadways; for property located east of SR 776 and CR 771, north of Delamere Boulevard and Marathon Boulevard, west of Butterford Waterway, and south of the Myakka River, in the Englewood

area, containing 1,279± acres; Commission District IV; Petition No. PA-08-05-29-LS; applicant: Dennis Fullenkamp.

**Staff Presentation**

**Matt Trepal, Planner III**, presented the findings and analysis with a recommendation of *Approval for transmittal to the Department of Community Affairs*, based on the reasons stated in the staff report dated July 25, 2008. He noted that there were areas within the overall project boundaries that were not included in the requested land use change, among them the Charlotte County Westport Wastewater Treatment Facility.

With regard to the commercial density on the land, **Mr. Trepal** pointed out that the proposed plan would decrease density from what is currently allowed; the total allowable residential base density of 1,830 units would be recorded in the new appendix to the Future Land Use Element and any increase to the base density will require a Transfer of Density Units from sending zones within the West County Planning District. Within the CGMU designation, a Planned Development rezoning will be required and such density can be transferred subsequent to the PD approval. However, those areas currently designated Preservation and Public Land and Facilities would require 475 TDUs to be transferred onto the site no later than the time of adoption of the plan amendment.

**Questions for Staff**

**Ms. Bossman** asked how wide the commercial area would be (e.g., generally how deep from the road); **Mr. Trepal** hazarded a guess of about 600 feet deep, noting it would be both commercial and mixed use. He also noted that much of the site layout would not need to be firmed up until the time of the PD, and that such a plan could also include smaller commercial areas within the larger residential neighborhoods.

**Mr. Marshall** asked about evacuation times, noting that the study which is said to be required is not presently available. He felt the presentation was premature. **Chair Hess** suggested applicant's agent speak to that issue.

**Applicant's Presentation**

**Robert H. Bertsson, Esq.**, applicant's agent, spoke briefly in support of the petition, and specifically in response to Mr. Marshall's question, noting that the project would not be adding anything that's not there today, and would be taking into account current "shelter in place" policies that advise against evacuation. **Mr. Bertsson** noted the long timeline ahead for the project and emphasized the unique nature of a project that addresses this much land as a unified design. The development category for this project requires addressing evacuation concerns as part of the PD process, and for this reason it was appropriate to move the project forward despite the study not yet being available. By the time the project is out of the transmittal stage and onto addressing comments from the Department of Community Affairs, there will still be the opportunity to consider such a study.

He spoke to the ownership of the lands in preservation, noting that the proposed plan for the land situates preservation lands where it makes sense with regard to the actual land, rather than the ownership of the land. He next discussed the scaling-back of the commercial entitlement to better reflect the actual need for commercial building in this area. The issue of base density was also addressed, in terms of limiting the base Coastal High Hazard Area (CHHA) density, and said applicant does not anticipate a transfer of density at this point.

**Mr. Berntsson** suggested that the Board think of the advantages of considering this huge amount of property as a single development rather than a fragmented development of smaller parcels; he emphasized that a detailed site plan was still some time from completion.

**Ms. Seay** asked about the two spots not included in the plan; **Mr. Berntsson** noted applicant did not own those parcels and they would be developed separately; he emphasized that they have access roads and would not be landlocked parcels.

**Mr. Marshall** re-stated his question about evacuation study, indicating his understanding that the study is required before the County Commission hears the matter for transmittal. **Mr. Berntsson** said it was misleading to call the study "required" because the density isn't being increased within the CHHA (an assumption that had been made when the report was originally done.) **Mr. Berntsson** said applicant had no objection to doing the study, but that no study is required if there is no increase in CHHA density. **Mr. Marshall** was not responsive to **Mr. Berntsson's** comments that the study would not be required, suggesting that if there was eventually a study with "negative" results, the Commission would wonder why the Board had recommended approval for transmittal; further discussion about the issues ensued.

**Mr. Marshall** asked staff about information on page 12 which **Mr. Trepal** identified as a typo that had since been corrected.

**Public Input**

**Mr. Kenneth Pavel**, resident of the Village of Holiday Lake, read from letter he had already sent in and one that his wife had sent also; the substance of these letters was to advise against approval of the project on the basis that such a project is not needed in this part of Charlotte County, and also out of concern for wildlife in the area. **Mr. Pavel** noted that his property has been designated a National Wildlife Federation-certified Yard which assists in supporting wildlife population in the area. **Chair Hess** responded, noting the Charlotte Harbor Preserve would remain, and that the development rights already exist on this land. Further discussion ensued.

**Ms. Karen Price**, resident of South Gulf Cove and President of the South Gulf Cove HOA, noted she was not speaking for all SGC residents, and expressed a concern for the SGC waterways. She referred to the negative impact on the waterways which she felt might arise out of the proposed development. She noted she was not simply opposed to the type of development, which she noted had been successful in Lee County.

**Ms. Sandy Slater**, Chair, South Gulf Cove Advisory Committee ("SGCAC"), and closest resident to the proposed project, spoke on behalf of the SGCAC. She said she also had a concern for the waterway which she characterized as being very narrow; should docks be installed in the waterway, that would be a matter of concern to SGCAC. She noted there was only one lock, one way in and out via the waterway and expressed concern about an additional 4,000 units of people using the waterway.

**Mr. Wally Whitford**, resident of Village of Holiday Lake, wanted a definition of *Light Industrial*. **Mr. Berntsson** responded, stating that this designation involved small manufacturing/assembly businesses; a cabinet shop was given as an example. Commercial Intensive uses would also be appropriate. He mentioned expanding job opportunities.

**Minutes of Regular Meeting** Continued**August 11, 2008 @ 1:30 P.M.**

These minutes have been approved by the Charlotte County Planning and Zoning Board.

- **Ms. Seay** moved to close the public hearing, second by **Mr. Marshall** with a unanimous vote.

**Applicant's Rebuttal**

**Mr. Bertsson** presented closing remarks, emphasizing the fact that the plan will be changing in response to issues encountered during the approval and review process. He characterized Light Industrial development as being only a remote possible outcome.

**Ms. Seay** asked him to direct comments to the issue of waterways; **Mr. Bertson** noted the long process still to be undertaken and he emphasized the notification of residents before any changes could occur, and the fact that many other agencies join in the decision to permit docks in a waterway.

**Ms. Bossman** spoke to the wetlands / preservation issue; she noted that these areas weren't actually included in the space showing preservation on the plan graphic. **Mr. Bertsson** said this is a very preliminary site plan sketch, and the intent is to keep the connected wetlands system. **Ms. Bossman** also asked about the small portion indicated on the map as commercial which was separated from the other planned commercial; **Mr. Bertsson** responded that was likely already zoned commercial.

**Discussion**

*None.*

**Recommendation**

**Mr. Marshall** moved that application **PA-08-05-29-LS** be forwarded to the Board of County Commissioners with a recommendation of *Approval for transmittal to the Department of Community Affairs*, based on the findings and analysis in the staff report dated July 25, 2008, along with the evidence presented at today's meeting, second by **Ms. Seay** with a unanimous vote.

There was a brief recess while the room emptied of those members of the public who were present for the previous petition.

**Revisions to U.S. 41 Zoning District****Overlay (Boundary only) Legislative****Commission District IV and V**

An ordinance amending Charlotte County Code, Section 3-9-52, U.S. 41 Zoning District Overlay, extending the existing U.S. 41 Zoning District Overlay boundary to include property located at 525 Bowman Terrace, and properties located south of Brinson Avenue, northeast of Tamiami Trail (U.S. 41), east of Sunrise waterway and west of Elkcam Waterway, in the Port Charlotte area; Commission District IV and V; applicant: the Charlotte County Board of County Commissioners.

**Staff Presentation**

**Jie Shao, Planner III**, presented the findings and analysis with a recommendation of *Approval*, based on the reasons stated in the staff report dated July 24, 2008. She gave an overview of the history and intention of the Overlay, and noted where the changes were intended.

**Questions for Staff**

**Ms. Bossman** asked for clarification of the meanings of the colors on the map graphic.

## *Minutes of Regular Meeting* Continued

**August 11, 2008 @ 1:30 P.M.**

These minutes have been approved by the Charlotte County Planning and Zoning Board.

### **Public Input**

***Geri Waksler, Esq.***, on behalf of Southwest Florida Commercial Properties LLC, spoke in favor of the expansion of these overlay boundaries.

***Robert H. Bertsson, Esq.***, likewise spoke in support of the project on behalf of his client 2500 Aaron LLC.

- ***Ms. Seay*** moved to close the public hearing, second by ***Mr. Marshall*** with a unanimous vote.

### **Discussion**

The change was considered to be an improvement.

### **Recommendation**

***Ms. Seay*** moved that the petition requesting revision of the U.S. 41 Zoning District Overlay, Sec. 3-9-52, be forwarded to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated July 24, 2008 along with the evidence presented at today's meeting, second by ***Mr. Marshall*** with a unanimous vote.

### **PA-08-07-32**

### **Legislative**

### **Commission District V**

An Ordinance pursuant to Section 163.3187(1)(C), Florida Statutes, adopting a Small Scale Plan Amendment to the Charlotte County Future Land Use Map from Commercial Corridor to US 41 Overlay Mixed Use, for property located at 2500 Aaron Street, in the Port Charlotte area, Florida, containing 3.24± acres; Commission District V; Petition No. PA-08-07-32; Applicant: 2500 Aaron, LLC.

### **Staff Presentation**

***Jie Shao, Planner III***, presented the findings and analysis with a recommendation of *Approval*, based on the reasons stated in the staff report dated July 16, 2008. ***Ms. Shao*** noted that this request ties into the expansion request for the U.S. 41 Overlay boundary.

### **Questions for Staff**

*None.*

### **Applicant's Presentation**

***Robert H. Bertsson, Esq.***, applicant's agent, spoke briefly in support of the petition, giving some history of the Royal Palm Retirement Center and its current need to expand in order to add an 18-bed Alzheimer's facility. Because this is the hospital area, the project is highly appropriate, and he noted that such a facility would have very little traffic impact on the area.

### **Public Input**

*None.*

- ***Ms. Seay*** moved to close the public hearing, second by ***Mr. Marshall*** with a unanimous vote.

### **Discussion**

*None.*

## *Minutes of Regular Meeting* Continued

**August 11, 2008 @ 1:30 P.M.**

These minutes have been approved by the Charlotte County Planning and Zoning Board.

### **Recommendation**

**Ms. Seay** moved that application **PA-08-07-32** be forwarded to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated July 16, 2008, along with the evidence presented at today's meeting, second by **Mr. Marshall** with a unanimous vote.

**Mr. Berntsson** asked for the opportunity to thank staff for their effort on this project and in working closely with applicant to overcome objections generated during the DRC process.

### **PA-07-11-88**

### **Legislative**

### **Commission District V**

An Ordinance pursuant to Section 163.3187(1)(C), Florida Statutes, adopting a Small Scale Plan Amendment to the Charlotte County Future Land Use Map from Medium Density Residential to Parks and Recreation, for property located at 4368 and 4336 Lister Street, or 4399 and 4331 Willow Street, in the Port Charlotte area, Florida, containing 6.3± acres; Commission District V; Petition No. PA-07-11-88; Applicant: Charlotte County Board of County Commissioners.

### **Staff Presentation**

**Jie Shao, Planner III**, presented the findings and analysis with a recommendation of *Approval*, based on the reasons stated in the staff report dated July 18, 2008.

### **Questions for Staff**

*None.*

### **Public Input**

*None.*

- **Ms. Seay** moved to close the public hearing, second by **Mr. Marshall** with a unanimous vote.

### **Discussion**

*None.*

### **Recommendation**

**Mr. Marshall** moved that application **PA-07-11-88** be forwarded to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated July 18, 2008, along with the evidence presented at today's meeting, second by **Ms. Seay** with a unanimous vote.

There being no further business to come before the Board, the meeting was adjourned at 2:52 p.m.