

**MINUTES**  
**CHARLOTTE COUNTY BOARD OF ZONING APPEALS**  
Wednesday, February 10, 2010 – 9 a.m. – Room 119  
Charlotte County Administration Center  
18500 Murdock Circle  
Port Charlotte, FL 33948-1094

*(These minutes are not official until they have been approved by the Charlotte County Board of Zoning Appeals)*

**Members Present**

Tom Thornberry, *Chairman (absent)*  
Ed Hittson, *Vice-Chair*  
Bob Stout, *Secretary*  
Audrey Seay  
Bill Truex

**Staff Present**

Derek Rooney, *Assistant County Attorney*  
Nicole C. E. Dozier, *Zoning Official*  
Ken Quillen, *AICP, Planner III*  
Diane Clim, *Recorder*

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**I. Call to Order**

*Vice-Chairman Hittson* called the February 10, 2010 meeting of the Board of Zoning Appeals to order at 9:00 a.m.

**II. Pledge of Allegiance**

*Vice-Chairman Hittson* led the members and the audience in reciting the Pledge of Allegiance.

**III. Roll Call**

Roll call was taken; Mr. Thornberry was absent. A quorum was present. Mr. Hittson told the audience with only 4 members, if there is a vote of 2 to 2, the petition would be denied. Saying this, if anyone would like to move their cases to the next hearing, they are entitled to do so.

**Robert Berntsson, Esq. for petition APL-09-1000 and SE-10-06 said he would respectfully request these two items be continued to the March hearing.**

*Mr. Hittson* said anyone wishes to leave may do so now.

*Mrs. Seay* moved that petition APL-09-1000 and petition SE-10-06 be continued to the next hearing, *Mr. Truex* seconded the motion. The motion was approved with a unanimous vote.

**IV. Swearing In of Those Giving Testimony**

*Diane Clim* swore in all persons who wished to provide testimony.

**V. Approval of Minutes**

***ACTION:*** *The Board decided not to make any motions to approve or change the January 13, 2010 BZA minutes since Chairman Thornberry was absent. They decided to wait until the March 10, 2010 meeting to make a motion on the January 13, 2010*

*minutes. Mr. Stout moved to postpone the motion to approve the January 13, 2010 minutes until they have a full board to review the minutes, second by Mr. Truex. Motion was approved unanimously.*

**VI. Disclosure Statements**

Ex-parte forms indicating site visits concerning the petitions being presented before the February 10, 2010 Board of Zoning Appeals meeting were submitted.

**VII. Introduction of Staff/Comments**

*Vice-Chairman Hittson* introduced staff. *Nicole Dozier, Zoning Official, Attorney Derek Rooney, and Vice-Chair Hittson* made introductory remarks regarding the types of requests that the Board of Zoning Appeals would be reviewing and the standards which must be met, the notification process and how the Board of Zoning Appeals makes its decision.

**VIII. New Business**

*The following petitions were advertised on January 26, 2010: APL-09-1000; SE-10-02; SE-10-03; SE-10-04; and SE-10-06.*

**Petition #APL-09-1000 (continued to March hearing)**

The Board of Zoning Appeals is reconsidering their granting of an appeal by Robert Berntsson, agent for MMS, LLC, of the Zoning Official's determination that an outdoor concert stage is not a permitted use in a Light Industrial (IL) zoning district. The property address is 3101 South McCall Road, Englewood, Florida and is described as Parcel P4, located in Section 04, Township 41 South, Range 20 East. The property contains +/- 4.7 acres. A complete legal description and additional information are on file.

**Petition #SE-10-02**

Lewis David Nash, agent for Port Charlotte Church of Christ, is requesting a special exception to allow a house of worship and associated uses, including a fellowship hall, offices and classrooms in a Residential single-family-3.5 (RSF-3.5) zoning district. The property address is 20484 Midway Boulevard, Port Charlotte, Florida and is described as part of Block 466 of Port Charlotte Subdivision, sub-section 18, located in Section 16, Township 40 South, Range 22 East. The property contains +/- 3.5 acres. A complete legal description and additional information are on file.

*Ken Quillen* presented general information and staff findings for the petition.

**Applicant Presentation**

*Lewis David Nash, agent for Port Charlotte Church of Christ*, said they would like to bring the existing structure into conformity with the Zoning code and we are asking for your approval.

*Mr. Hittson* asked if they agree with the staff conditions?

*Mr. Nash* replied yes they do.

***Vice-Chairman Hittson opened the meeting to Public Hearing.***

**Public Input**

No one spoke for or against this request.

***There being no further requests to speak for or against the petition, Mr. Truex moved to close the public hearing, seconded by Mr. Stout. The public hearing was closed with a unanimous vote.***

*Ken Quillen* presented the analysis, conclusion and recommended conditions for the petition.

**Board Member Comments and Questions**

None

***ACTION: A motion was presented by Audrey Seay and seconded by Bob Stout that Petition SE-10-02 be APPROVED based on the Growth Management Staff Report dated February 1, 2010, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the special exception modification with 3 conditions.***

***Motion was approved with a unanimous vote with the following conditions:***

1. This special exception is to bring the existing house of worship into conformity with the Zoning Code and to allow the construction of a new building for offices and classrooms.
2. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the construction and operation of the proposed new building.
3. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

**Petition #SE-10-03**

Lee Designs, agent for CDR of SW Florida, LLC, is requesting a special exception to allow a second primary class "A" free-standing sign exceeding the 150 square feet with a total of 342 square feet in a Commercial General (CG) zoning district. The property address is 950 Tamiami Trail, Port Charlotte, Florida and is described as Grand Oaks Plaza II Commercial Condominium, located in Sections 1 and 12, Township 40 South,

Range 22 East. The property contains +/- 5.6 acres. A complete legal description and additional information are on file.

*Ken Quillen* presented general information and staff findings for the petition.

**Applicant Presentation**

***Steve Calabro, Executive Vice-President and Chief Operating Officer of SW Florida College***, said this sign is being done at our request. Critical to the success of the college, we identify the greater Port Charlotte area and committed to Charlotte County in this location and it has served us well. In approximately 8 months, we have moved from zero students to about 300. The growth potential in this area is incredible. They discussed Exhibit A, a copy of the site. Key to success is the sign. Many people drive by because they did not see the sign. It is not our intent to build a buildboard, we just want people to see the sign.

*Mrs. Seay* asked when you discussed this matter with Growth Management, did you discuss any other options, other than creating a billboard setting?

*Mr. Calabro* said they did not. They contracted with Lee Design and 100% of the communication with the County has been through Lee Design.

***Elisha Severance, Lee Design Sign***, said we did not talk about other options as far as the size and everything.

*Nicole Dozier, Zoning Official*, said if the intention is to have the school's signage to be larger than it is currently showed, ideally it would seem that modifying the sign to allow them to have a larger portion of the number of signage that is already in there, that would do what they are asking for without necessarily requiring them to go to the size that they are currently requesting. The sign that is proposed in the presentation shows what they did was they actually made the Grand Oaks Plaza portion of that sign smaller as to enlarge the SW Florida College section in the signage itself which could be done within the height that they currently have now, which would accommodate for the greater visibility that the college is looking to do. I have not spoken to the representative from the sign company. Staff is willing to recommend that perhaps they go that route to obtain the visibility and they will remain within the required height and not exceed or get to the 400 square foot area which staff is stating will not be compliant with the signage in the surrounding area.

*Mr. Stout* asked when you were looking for sites in Charlotte County, did you consider signage and what was available?

*Mr. Calabro* said they did and they were lead to believe by the property owner/developer that a larger sign would be permitted in the area. We later learned the code had changed and we were working with information relative to a prior version of the code. Not the current code.

*Mrs. Seay* said we are in an area where we want to approve the appearance into Charlotte County, and we want to help you, but putting up a billboard type sign is not what we want. It would be unattractive. Staff is willing to work with you.

*Mr. Calabro* said that is a reasonable request.

There was some discussion about the height of the sign.

*Ken Quillen* said the current sign, SW Florida College sign, is only 2 feet by 8 feet, which is about 16 square feet. This entire sign is currently only 91 square feet in area. They are allowed by Code to have up to 150 square feet an area, so they have approximately 60 additional square feet they can work with before having to apply for a Special Exception. That is about 4 times the size of the current sign.

*Mrs. Dozier* said their option would be to go back and re-design the sign and work with staff in terms of developing something that would be acceptable for them.

*Mrs. Seay* suggested the applicant continue this request to the next hearing, while they are working out negotiations with staff to have the kind of sign they would like to have without exceeding the restrictions.

*Mr. Truex* said he would second that recommendation/motion that this be continued to see if they can work something out.

***Vice-Chairman Hittson opened the meeting to Public Hearing.***

**Public Input**

No one spoke for or against this request.

***There being no further requests to speak for or against the petition, Mr. Stout moved to close the public hearing, seconded by Mr. Truex. The public hearing was closed with a unanimous vote.***

***Derek Rooney, Asst. County Attorney,*** said he would add that if this comes back next month, you should continue it to a time certain, this way we do not have to re-advertise.

*Ken Quillen* presented the analysis, conclusion and recommended conditions for the petition.

**Board Member Comments and Questions**

None

***ACTION:*** A motion was presented by Audrey Seay and seconded by Bill Truex that Petition SE-10-03 be CONTINUED to the next hearing in March, based on the Growth

***Management Staff Report dated February 1, 2010, and the evidence and testimony presented at the hearing.***

**Petition #SE-10-04**

Creighton Commercial Development, LLC, agent for Walgreen Company, is requesting a special exception to allow eight secondary class "A" wall signs for a total of 302 square feet in a Commercial General (CG) zoning district. The property address is 3001 Tamiami Trail, Port Charlotte, Florida and is described as Lots 5, 6, 7, 26, 27, 28, 29 and 30 of Block 56 of Port Charlotte Subdivision, Sub-section 05, located in Section 21, Township 40 South, Range 22 East. The property contains +/- 2.14 acres. A complete legal description and additional information are on file.

*Ken Quillen* presented general information and staff findings for the petition.

**Applicant Presentation**

***Brent Evans, Creighton Commercial Development***, Agent for Walgreens on this property, said we are in agreement with the findings of staff. There are 2 minor things to address. On the entrance and exit signs, initially staff proposed 9 to 12 inches. We have one that is a standard high of 10 inches, is that acceptable? The other item is the pylon sign. We are in agreement to reducing the LED – to 32 square feet. The monument style they are also in agreement with. The one thing they do request, staff asked that it be reduced to 15 feet in height. We would request it remain at 20 feet.

*Mr. Quillen* said the sign they are proposing (the 10 inch sign) is under 4 square feet. According to our code, it is exempt from the regulations. It will still need a permit but it will comply.

***Vice-Chairman Hittson opened the meeting to Public Hearing.***

**Public Input**

***James Panyan, who lives next door on Spruce Street***, said he was objecting to this petition. This property lies within the U.S. 41 overlay. He handed out copies of the overlay Ordinance and discussed some highlighted areas. He said it says in the Ordinance that you cannot request a special exception in the overlay. He discussed some of the items highlighted that says special exceptions should not be granted. He said Walgreens is all over the world, they do not need any special signage. The big scripted W – everyone knows it's Walgreens. He read some of the Site Plan Review zoning reviews that talk about buffering in the first phase of the site. He also discussed some of the back lighting for the sign. This is also against the U.S. 41 overlay district. He also said the Ordinance says signs cannot be put in the window for advertisement.

***There being no further requests to speak for or against the petition, Mr. Stout moved to close the public hearing, seconded by Mr. Truex. The public hearing was closed with a unanimous vote.***

*Mr. Quillen* read some of the Overlay Ordinance and Zoning Code. He said the overlay ordinance is hard to read. He said a lot of this refers to buildings facing U.S. 41.

There was some discussion about the property being platted or split up into different lots.

*Mrs. Seay* asked Mr. Panyan if his property was CG when he purchased it?

*Mr. Panyan* said no, it was residential. It was rezoned when the overlay became effective.

*Ken Quillen* presented the analysis, conclusion and recommended conditions for the petition.

**Board Member Comments and Questions**

None

***ACTION: A motion was presented by Bob Stout and seconded by Bill Truex that Petition SE-10-04 be APPROVED based on the Growth Management Staff Report dated February 1, 2010, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the special exception modification with 5 conditions with a change in condition # 3 to be modified the sign F shall not exceed 20 feet.***

*Mrs. Seay* asked about the overlay ordinance that says Special Exceptions are not allowed in the overlay district. She wanted an answer before voting.

*Mr. Quillen* read the Code and said he believes the intent was for land uses and a special exception would be allowed.

*Mrs. Dozier* said this particular provision as it relates to the statements stating that no special exception shall be granted within this overlay code is not applicable to signage. It is only applicable to use.

***The motion was voted on and was Approved with the 5 conditions with a unanimous vote.***

1. This special exception is to allow the wall signs identified in the staff report as Signs A, Signs B, Signs C and Sign D at the locations and the sizes specified in the drawings.
2. The directional signs which read "ENTRANCE" and "EXIT", located on the drive-through canopy, shall be permitted but shall be limited to letters not exceeding 10" in height.
3. Only one primary class "A" free-standing sign shall be permitted on this parcel. The primary class "A" free-standing pole sign, identified as **Sign F** in the staff report, shall be redesigned and constructed as a monument type sign not exceeding 20' in

- IX. Public Comments - None
- X. Staff Comments - None
- XI. Member Comments – None
- XII. Next Meeting

*The next meeting of the Board of Zoning Appeals is scheduled for Wednesday, March 10, 2010, at 9:00 a.m., in Room 119.*

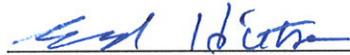
There being no further business, the meeting **ADJOURNED** at 10:45 a.m.

Respectfully submitted,

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Diane Clim, Recorder

/dlc



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Ed Hittson, Vice-Chairman/Board of Zoning Appeals

Approval Date: 3-19-10