**MINUTES**
**CHARLOTTE COUNTY BOARD OF ZONING APPEALS**
**Wednesday, May 14, 2014 – 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**
Katherine Ariens, Chair
Steve Vieira, Vice-Chair
Joe Tiseo, Secretary
Blair McVety
Larry Fix

**Staff Present**
Shaun Cullinan, Zoning Official
Joshua Moye, Assistant Co. Attorney
Ken Quillen, AICP, Planner
Diane Clim, Recorder

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I. ***Call to Order***
*Chair Ariens* called the May 14, 2014 meeting of the Board of Zoning Appeals to order at 9:00 a.m.

II. ***Pledge of Allegiance***
*Chair Ariens* led the members and the audience in reciting the Pledge of Allegiance.

III. ***Roll Call***
Roll call was taken; a quorum was present.

IV. ***Swearing In of Those Giving Testimony***
*Diane Clim* swore in all persons who wished to provide testimony.

V. ***Approval of Minutes***
***ACTION: Mr. Tiseo asked about a time limit on petition SE-13-011 heard in April. There was some discussion about the motion they made back in April. Mr. Quillen said he did not recall a time limit for that motion. Staff will check the minutes from April and get back to the Board. A motion was presented by Mr. Tiseo and seconded by Mr. Fix to approve the minutes of the April 9, 2014 meeting of the Board of Zoning Appeals with staff checking on that petition. Motion passed with a unanimous vote.***

VI. ***Disclosure Statements***
Ex-parte forms indicating site visits concerning the petitions being presented before the May 14, 2014 Board of Zoning Appeals meeting were submitted.

VII. ***Introduction of Staff/Comments***
*Chair Ariens* introduced staff. *Shaun Cullinan, Zoning Official,* read the Zoning rules, *Attorney Josh Moye, and Chair Ariens* 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 April 29, 2014: SE-14-005, SE-14-006 and SE-14-007***

**SE-14-005**

Bruce Bullert, agent for Charlotte County Utilities, is requesting a special exception to allow an essential service, consisting of a lift station, in the Residential Single Family-3.5 (RSF-3.5) zoning district. The property address is 3450 Harbor Boulevard, Port Charlotte, and is described as lot 13, of block 25, of Port Charlotte Subdivision, Sub-section 2, located in Section 22, Township 40 South, Range 22 East.

**Applicant Presentation**

**Ruta Vardys, Engineer/agent with CCU, 25550 Harborview Rd.,** said she was sworn in. **Ms. Vardys** said they agree with the findings and staff report. They need to address central wastewater system within the East and West Spring Lakes area.

***Chair Ariens opened the meeting to Public Hearing.***

**Public Input**

**Richard Hulet, 138 Cousley Dr.,** said he was sworn in. **Mr. Hulet** had a few questions and handing them in to the Board. His questions were life stations average daily flow, size of collection tank, number of pumps at location, ground water infiltration, any chemicals stored on site, and safety protection from lightning and power failure.

The Board read in the record his questions and staff from CCU answered them.

There was discussion about the landscaping around the lift station.

***There being no further requests to speak for or against the petition, Mr. Vieira moved to close the public hearing, seconded by Mr. McVety. 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 Joe Tiseo and seconded by Blair McVety that Petition SE-14-005 be APPROVED based on the Community Development Staff Report dated May 6, 2014, 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 with the 5 conditions recommended by staff.***

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

1. This special exception is for an essential service, consisting of a sanitary sewer lift station, and extends only to the land included in the site plan and legal description submitted with this application.
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 sanitary sewer lift station.
3. A landscape plan that meets the minimum requirements for a type "A" landscape buffer shall be submitted to the Community Development Department for approval prior to construction of the lift station. All of the landscaping indicated on the approved landscape plan shall be installed prior to operation of the lift station and continuously maintained as long as the lift station is located on this site.
4. All necessary permits and approvals must be obtained, as applicable to this development, including but not limited to, right-of-way access, paving, electrical, plumbing, fencing, landscaping, and invasive plant species removal.
5. 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.

**SE-14-006**

Kevin Rainey, agent for Charlotte County Utilities, is requesting a special exception to allow an essential service, consisting of a lift station, in the Residential Single Family-3.5 (RSF-3.5) zoning district. The property address is 19412 Edgewater Drive, Port Charlotte, and is described as lot 01, of block 138, of Port Charlotte Subdivision, Sub-section 8, located in Section 20, Township 40 South, Range 22 East.

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

**Applicant Presentation**

**Kevin Rainey, SW Engineering and Design, and agent for Charlotte County Utilities,** said he was sworn in. **Mr. Rainey** said the reason he is presenting this one is this is part of the Edgewater Phase 2 design roadway improvement project. That is his company's project. They agree with the staff report and he will answer any questions.

**Mr. Vieira** asked Mr. Rainey if he saw the opposition letter from Ms. Arroyo?

**Mr. Rainey** replied yes.

**Mr. Vieira** asked if he would explain why these other lots/sites would not be considered.

**Mr. Rainey** said it is a gravity fed lift station, therefore, it needs to be centrally located. If we moved it by the boat ramp, it would be one ended. Everything would have to flow to it.

There was some discussion about this site, putting in the lift station, the location and landscaping.

**Bruce Bullert, CCU Engineering,** was sworn in and answered many of the questions.

***Chair Ariens 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. Vieira moved to close the public hearing, seconded by Mr. McVety. 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 Joe Tiseo and seconded by Blair McVety that Petition SE-14-006 be APPROVED based on the Community Development Staff Report dated May 6, 2014, 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 with the 5 conditions recommended by staff. Condition three will be amended to include enhanced landscaping over and above the current and minimum standard.***

**Mr. Quillen** said staff will not understand what enhanced landscaping will be. That would be an enforcement issue.

**Mr. Tiseo** said he kept it in general terms. He thought there was an understanding he could reference the previous one they talked about – a horse shoe.

**Mr. Quillen** said on the previous one, you just conditions a Type A buffer. You did not enhance that one either.

**Ms. Ariens** said she may be assuming, but she thought they liked what the first petition did and they assumed they are trying to stay consistent.

**Mr. Quillen** said previous months when you approved lift stations, every plan is different. Landscaping varies a great deal. That is why there are specific landscape buffers identified in the Code.

**Mr. Quillen** said the staff report includes the environmental memo and comments from the landscape review. This was for the first petition. This second petition also has an environmental memo and landscape review. The Type "A" landscaping buffer has been used in the past.

There was discussion about the different landscape buffers, plans and what was voted on for the first petition.

**Josh Moye, Asst. Co. Attorney**, said so for staff to clarify, they would have to include the conditions in the motion and then reference that Exhibit.

**Mr. Quillen** said yes, but he cannot stand here and say that meets the Type "A" landscape buffer.

There was discussion about what was used for a Sandhill lift station a few months ago and Exhibits that are handed in with the petitions.

**Mr. Rainey** said they are putting an additional strip of landscape (looks to be 10 foot wide), that is an addition. If we were to say we are providing an additional 10 foot strip of landscaping around the three sides that abut the residential lots, in addition to the Type "A" buffer, would that help clarify?

**Mr. Tiseo** said if he is saying they will do a three sided 10 foot buffer in addition to the Type "A" that works. Are we saying three sides or horseshoe?

**Ms. Ariens** said to mimic the perimeter that is already there, in entirety. Therefore, it's the driveway that is not landscaped. Three sides or horseshoe is fine.

**New Motion**

***ACTION: A motion was presented by Joe Tiseo and seconded by Blair McVety that Petition SE-14-006 be APPROVED based on the Community Development Staff Report dated May 6, 2014, 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 with the 5 conditions recommended by staff. Condition three will be amended to add an additional 10 foot landscape buffer on three sides with the driveway side open in addition to the required Type "A" buffer.***

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

1. This special exception is for an essential service, consisting of a sanitary sewer lift station, and extends only to the land included in the site plan and legal description submitted with this application.
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 sanitary sewer lift station.
3. A landscape plan that meets the minimum requirements for a type "A" landscape buffer plus a ten-foot wide landscape strip along the two sides and rear of the lift station shall be submitted to the Community Development Department for approval prior to construction of the lift station. All of the landscaping indicated on the approved landscape plan shall be installed prior to operation of the lift station and continuously maintained as long as the lift station is located on this site.
4. All necessary permits and approvals must be obtained, as applicable to this development, including but not limited to, right-of-way access, paving, electrical, plumbing, fencing, landscaping, and invasive plant species removal.
5. 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.

**Amending The First Petition**

**Mr. McVety** asked now do we need to go back and amend the first petition?

**Mr. Moye** said he is reading the first petition conditions now. Number 3 of the first case says "all the landscaping indicated on the approved landscape plan shall be installed". He does believe you would have to go back and amend it. He said the applicant is still here and the citizen who spoke is still here, so there is no problem to go back and amend the motion.

**Ms. Ariens** said at this time, we are going to reopen SE-14-005 to amend the motion for the landscaping.

**Mr. Moye** said they need a motion to reopen it and then a motion to amend.

**Mr. Tiseo** said he makes a motion to open SE-14-005, seconded by **Mr. McVety** with a unanimous vote.

The applicant and the citizen who spoke did not have any objections to having this reopen.

**Mr. Tiseo** said he can simply restate the motion and it is condition #3 of this petition and he can add the same language they just added for the second petition landscaping.

**Mr. Moye** said for the record, they legally reopened the first petition motion to reconsider because it was unanimous.

**New Motion for the First Petition SE-14-005**

***ACTION: A motion was presented by Joe Tiseo and seconded by Steve Vieira that Petition SE-14-005 be APPROVED based on the Community Development Staff Report dated May 6, 2014, 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 with the 5 conditions recommended by staff. With the amendment of Condition three to state as follows:***

***Motion was approved with a unanimous note for a new condition #3 as follows:***

3. A landscape plan that meets the minimum requirements for a type "A" landscape buffer *plus a ten-foot wide landscape strip along the two sides and rear of the lift station* shall be submitted to the Community Development Department for approval prior to construction of the lift station. All of the landscaping indicated on the approved landscape plan shall be installed prior to operation of the lift station and continuously maintained as long as the lift station is located on this site.

**Ms. Ariens** asked the applicant to step forward and indicate they will agree to this additional verbiage for the landscaping.

**Ms. Vardys** said they agree.

There was discussion about making a landscape buffer for lift stations.

***There was a 10 minute break.***

**SE-14-007**

Kevin Rainey, agent for Charlotte County Utilities, is requesting a special exception to allow an essential service, consisting of a lift station, in the Residential Single Family-3.5 (RSF-3.5) zoning district. The property address is 20499 Edgewater Drive, Port Charlotte, and is described as a part of Parcel P2, located in Section 28, Township 40 South, Range 22 East.

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

**Applicant Presentation**

**Kevin Rainey, SW Engineering and Design, and agent for Charlotte County Utilities,** said he was sworn in. **Mr. Rainey** said this lift station is part of the Edgewater Drive Phase II Roadway Improvement project. This one is on a site zoned RSF-3.5 which requires a Special Exception. This property is Sunrise Park. This site is bigger, not like the average 80 x 125 lot. He does not believe they would have a problem with the landscaping because there are no residential houses around this area.

There was some discussion about the fencing around the lift station.

***Chair Ariens opened the meeting to Public Hearing.***

**Public Input**

**Richard Hulet, 138 Cousley Dr.,** said he has been sworn in. **Mr. Hulet** just wanted to know how many pumps and where the effluent goes because this is close to watershed.

**Mr. Rainey** said it is a duplex station, meaning there are two pumps in the wet well and the force main goes down Edgewater Drive and manifolds into a forced main on Harbor Blvd. which goes on to the East Port Station treatment plant.

***There being no further requests to speak for or against the petition, Mr. Tiseo moved to close the public hearing, seconded by Mr. Vieira. 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 Joe Tiseo and seconded by Larry Fix that Petition SE-14-007 be APPROVED based on the Community Development Staff Report dated May 6, 2014, 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 with the 5 conditions recommended by staff.***

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

1. This special exception is for an essential service, consisting of a sanitary sewer lift station, and extends only to the land included in the site plan and legal description submitted with this application.
2. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes, including landscaping, are applicable to the construction and operation of the proposed sanitary sewer lift station.
3. A landscape plan that meets the minimum requirements for a type "A" landscape buffer, shall be submitted to Community Development Department for approval prior to construction of the lift station. All of the landscaping indicated on the approved landscape plan shall be installed prior to operation of the lift station and continuously maintained as long as the lift station is located on this site.
4. All necessary permits and approvals must be obtained, as applicable to this development, including but not limited to, right-of-way access, paving, electrical, plumbing, fencing, landscaping, and invasive plant species removal.
5. 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.

**IX. *Public Comments* - None**

**X. *Staff Comments* –**
**Mr. Quillen** said there are two special exceptions for next month.

**XI. *Member Comments* – None**

**XII. *Next Meeting***
*The next meeting of the Board of Zoning Appeals is scheduled for* ***Wednesday, June 11, 2014, at 9:00 a.m., in Room 119.***

There being no further business, the meeting ***ADJOURNED*** at 11:25 a.m.

Respectfully submitted,
Diane Clim, Recorder

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*Katherine Ariens, Chair/Board of Zoning Appeals*

*Approval Date:*_____