

**CHARLOTTE COUNTY PLANNING AND ZONING BOARD**  
**Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida**  
**Minutes of Regular Meeting**  
**May 11, 2009 @ 1:30 p.m.**

**Call to Order**

**Chair Hess** called the meeting to order at 01:31 p.m. and it was noted a quorum was present.

**Roll Call**

**PRESENT**

Paula Hess  
Audrey Seay

James Marshall

**ABSENT**

Michael Gravesen

Brenda Bossman

**ATTENDING**

Richard Browne, Assistant County Attorney  
Gayle Moore, Recording Secretary

**APPROVAL OF MINUTES**

The minutes of April 13, 2009 were approved as circulated.

**ANNOUNCEMENTS**

Upon the oath being administered, **Principal Planner Inga Williams** advised the Board that the vacations, plats and excavations part of the Land Development division had come back under Growth Management; that Ms. Jefferies had resigned and Mr. Ellis was being trained to take that position. **Chair Hess** inquired if that meant there were no longer be an engineer on staff to review the plats, which was the case.

The meeting then commenced.

**PETITIONS**

**PA-09-01-01**

**Legislative**

**Commission District IV**

An Ordinance pursuant to Section 163.3187(1)(C), Florida Statutes, for an amendment to the Future Land Use Map of the Charlotte County Comprehensive Plan from Medium Density Residential to Commercial Center for property located north of Environmental Way, south of South McCall Road (SR 776), east of Gulfstream Blvd, and west of the Sioux Waterway; in the West County Planning District, containing 3.76± acres; Commission District IV; Petition No. PA-09-01-01; applicant: Charlotte County Board of County Commissioners.

**Z-09-03-02**

**Quasi-Judicial**

**Commission District IV**

An Ordinance pursuant to Section 125.66 and 166.41, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Multi-family 10 (RMF-10) to Office, Medical, and Institutional (OMI), for property located north of Environmental Way, south of South McCall Road (SR 776), east of Gulfstream Blvd, and west of the Sioux Waterway; in the West County Planning District, containing 3.76± acres; Commission District IV; Petition No. Z-09-03-02; applicant: Charlotte County Board of County Commissioners.

*Minutes of Regular Meeting* Continued

May 11, 2009 @ 1:30 P.M.

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

**Staff Presentation**

**Jie Shao, Planner III**, presented the findings and analysis of the unified petition with a recommendation of *Approval*, based on the reasons stated in the staff report dated April 17, 2009. **Ms. Shao** gave a brief history of prior changes to the FLUM on this property, and the conditions which led to the current petition.

**Questions for Staff**

**Chair Hess** noted that the applicant was Charlotte County, and that there was no one here on behalf of the property owner, Dennis Fullenkamp.

**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-09-01-01** be forwarded to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated April 17, 2009, along with the evidence presented at today's meeting, second by **Ms. Seay** with a unanimous vote.

**Mr. Marshall** moved that application **Z-09-03-02** be forwarded to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated April 17, 2009, along with the evidence presented at today's meeting, second by **Ms. Seay** with a unanimous vote.

**PP-09-03-04                  Quasi-Judicial                  Commission District III**

Lemon Bay Partners, Ltd., along with all current property owners and Mortgage Holders within Placida Bay Estates, has applied for a re-plat of Placida Bay Estates. The site consisting of 16 lots, as well as Tract A and Tract B, is located in Sections 2 and 11, Township 42 South, Range 20 East. The purpose of this re-plat is to correct inaccuracies and defects in the original survey of the plat, which included the failure to place permanent control markers and reference monuments on the property at the time of the plat; faulty interior math of the plat, and failure to establish a tie-line system to address the inherent problems in platting property that contained so much wetlands. The site, containing 33.67 acres, more or less, is located on the southwest side of Placida Road, northeast of Placida Harbor, and southeast of Placida Harbour Condominiums, in Commission District III.

**Staff Presentation**

**Steven Ellis, Planner II**, presented the findings and analysis with a recommendation of *Approval with four conditions*, based on the reasons stated in the staff report dated April 22, 2009. He spoke briefly regarding the purpose of the replat, which was to correct inaccuracies and defects in the original survey of the plat; he also discussed the conditions.

**Questions for Staff**

**Mr. Marshall** had a question about errors in the names of some of the property owners, and tried to find the reference within the file material.

*Minutes of Regular Meeting* ContinuedMay 11, 2009 @ 1:30 P.M.

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

**Applicant's Presentation**

**Mr. Eric Decker, Esq.**, applicant's agent, spoke in support of the project, observing that if three of the four stipulations were those offered by Environmental Specialist Jamie Scudera in her April 8<sup>th</sup> letter, he understood that they would be withdrawn. **Chair Hess** stated she wasn't sure that the conditions were predicated on that letter and asked if the applicant's agent would agree to accept the stipulations as stated in the staff report; **Mr. Decker** accepted the stipulations.

**Ms. Seay** asked about the meaning of the phrase "the plat fails to mathematically close." **Mr. Decker** called Surveyor Mike Singletary to the stand to comment on this technical matter. **Mr. Singletary** explained this term of art to the satisfaction of the Board.

**Public Input**

*None.*

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

**Discussion**

**Mr. Marshall** discussed a typo in the name of one of the owners of record that appears within the staff report, which he requested be corrected; staff acknowledged the error and said that a correction would be made.

**Recommendation**

**Ms. Seay** moved that the proposed **PP-09-03-04** be forwarded to the Board of County Commissioners with a recommendation of *Approval with four conditions*, based on the findings and analysis in the staff report dated April 22, 2009, along with the evidence presented at today's meeting, second by **Mr. Marshall** with a unanimous vote.

**PP-05-01-02****Quasi-Judicial****Commission District IV**

Mr. Richard W. Arnold, Flagship Builders & Developers, is requesting a one year extension of the Preliminary Plat approval for River Haven Estates Subdivision, Petition PP 05-01-02. This project had preliminary approval from the Planning and Zoning Board on March 5, 2005, and from the Board of County Commissioners on April 19, 2005. A one year extension was granted by the Planning and Zoning Board on April 9, 2007 and a second one year extension was granted on April 14, 2008. The site is in Section 8, township 40 South, Range 21, located north of Markham Avenue, east of Apollo Waterway, south of Hughes Avenue and west of Casper Street, in Commission District IV. The site consists of 22.5 acres, more or less, for 32 single family lots. Since the project construction has not yet been completed, the applicant is requesting a one year extension in order to complete the project.

**Staff Presentation**

**Steven Ellis, Planner II**, presented the findings and analysis with a recommendation of *Approval*, based on the reasons stated in the staff report dated April 17, 2009.

**Questions for Staff**

*None.*

**Applicant's Presentation**

**Mr. Richard Arnold** spoke in support of the request, apologizing for returning before the Board with the request for another extension on this project.

*Minutes of Regular Meeting* Continued

May 11, 2009 @ 1:30 P.M.

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**County Attorney Rich Browne** noted that newly-adopted Senate Bill 360 would allow for two-year extension periods on plats; he also noted that the date of the original petition coming before the P&Z Board was March 14, 2005, not March 5<sup>th</sup>.

**Mr. Arnold** remarked on his gratitude for the lenient approach and other efforts offered by Charlotte County to developers during these hard times, noting that it had not gone unremarked within the industry. He said that the County's efforts contrasted favorably with those of other jurisdictions, and that is making a big impression in the industry.

**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 the proposed extension request for **PP-05-01-02** be approved, based on the findings and analysis in the staff report dated April 17, 2009, along with the evidence presented at today's meeting, second by **Ms. Seay** with a unanimous vote.

**PP-06-10-07                      Quasi-Judicial                      Commission District III**

Charlotte Engineering & Surveying, Inc. has applied for a one year extension to the Preliminary Plat approval of PP 06-10-07 – West Charlotte Harbor Boat and Tennis Club. The project was approved for 135 single family residential lots in Section 9, 10, 15, and 16, Township 41 South, Range 21 East. The site, consisting of 99.6 acres, more or less, is located east of Gasparilla Road (CR 771, south of the Butterford Waterway, north of Abalone Road, in Commission District III.

**Staff Presentation**

**Steven Ellis, Planner II**, presented the findings and analysis with a recommendation of *Approval*, based on the reasons stated in the staff report dated April 17, 2009.

**Questions for Staff**

*None.*

**Applicant's Presentation**

**Eric Decker, Esq.**, applicant's agent, spoke briefly in support of the request.

**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

May 11, 2009 @ 1:30 P.M.

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

**Recommendation**

**Ms. Seay** moved that the proposed extension request for **PP-06-10-07** be approved, based on the findings and analysis in the staff report dated April 17, 2009, along with the evidence presented at today's meeting, second by **Mr. Marshall** with a unanimous vote.

There being no further business to come before the Board, meeting was adjourned at 1:58 p.m.