

CHARLOTTE COUNTY PLANNING AND ZONING BOARD
Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida
Minutes of Regular Meeting
February 8, 2010 @ 1:30 p.m.

Call to Order

Vice-Chair Gravesen called the meeting to order at 1:30 p.m. and it was noted a quorum was present.

Roll Call

PRESENT

Audrey Seay
Michael Gravesen
James Marshall
Brenda Bossman

ABSENT

Paula Hess

ATTENDING

Rich Browne, Assistant County Attorney
Gayle Moore, Recording Secretary

APPROVAL OF MINUTES

The minutes of January 11, 2009 were approved as circulated.

ANNOUNCEMENTS

None.

The oath having been administered, the staff presentations commenced.

PETITIONS

Z-09-12-20

Quasi-Judicial

Commission District II

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas. This is a major modification of an existing Planned Development (PD) to revise the site plan and conditions of approval. The rezoning is from PD to PD, for property located at 3500 Taylor Road, in the Punta Gorda area, containing 50± acres; Commission District II; Petition No. Z-09-12-20; Applicant: KB Home Fort Myers LLC.

Staff Presentation

Jie Shao, Planner III, presented the findings and analysis of the petition with a recommendation of *Approval with conditions*, based on the reasons stated in the staff report dated January 22, 2010. ***Ms. Shao*** noted that there had been a change in conditions, agreed to by the applicant, since the staff report was first circulated; one of these changes related to the proposed sidewalk on the south side of the central water feature of the site. This segment of the sidewalk will not be built. ***Ms. Shao*** also noted that the Site Plan Review process had made a recommendation for a second ingress/egress for the convenience of emergency vehicles; however, the nature of the site made such a feature impossible.

Questions for Staff

None.

Minutes of Regular Meeting Continued

February 8, 2010 @ 1:30 P.M.

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

Applicant's Presentation

Geri Waksler, Esq., applicant's agent, spoke in support of the project, giving a short history of the work on this project up to the present time. She noted that the applicant agreed with all conditions. She noted that both the format of the product and the form of ownership were changing, going from duplex condominiums to detached single-family residence.

Ms. Seay asked about the original approval, since she recalled there had been an issue raised about the lake at that time; **Ms. Waksler** noted that a former planning employee had expressed a concern with the slopes of the lake, but **Ms. Waksler** stated that the lake meets all applicable County standards which is why the original PD was approved. **Mr. Gravesen** asked about the changes in the site plan to allow for the additional units; **Ms. Waksler** noted the change in product format allowed for the additional units to be possible. Further discussion ensued regarding the differences between the original site plan and this new one. The discussion also included information as to why the additional units would not require a transfer of density units; **Ms. Waksler** explained that the density applicable to this site is already far greater than the density represented by the project but that because of the lake, such density could never be achieved. Further discussion ensued on the sidewalk placement.

Public Input

None.

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

Discussion

None.

Recommendation

Ms. Seay moved that application **Z-09-12-20** be forwarded to the Board of County Commissioners with a recommendation of *Approval with conditions "a"- "l"*, based on the findings and analysis in the staff report dated January 22, 2010, along with the evidence presented at today's meeting, second by **Mr. Marshall** and carried by a unanimous vote.

Z-09-12-21 Quasi-Judicial Commission District I

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture (AG) to Excavation and Mining (EM), for property located north of Bermont Road (CR 74), south of the DeSoto County line, east of Duncan Road (US 17), and west of SR 31, in the East County Planning District, containing 100.67± acres; Commission District I; Petition No. Z-09-12-21; Applicant: George and Christina Davis.

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 January 22, 2010. She reminded the Board that the rezoning was a necessary intermediate step between the prior large-scale plan amendment approval to Mineral Resource Extraction (MRE) and the eventual excavation permit hearing.

Questions for Staff

None.

Minutes of Regular Meeting ContinuedFebruary 8, 2010 @ 1:30 P.M.

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

Applicant's Presentation

Geri Waksler, Esq., applicant's agent, spoke in support of the project, citing the results of numerous studies completed for the applicant covering traffic, groundwater, air quality and the like, all of which found no anticipated impacts to adjacent areas or wetland resources.

Ms. Seay asked about the possible effect on the Babcock Ranch proposed development; **Ms. Waksler** stated that there would probably be no effect, as most traffic leaving the excavation site will be going in a different direction, and the traffic study had looked ten years out, considering potential growth in that time period.

Mr. Marshall asked if the traffic studies looked at all other previously-approved mines in the area; **Ms. Waksler** said that she would research that answer. **Mr. Marshall** asked who did the traffic study; **Ms. Waksler** noted that in addition to the study commissioned by the applicant, the County's own Traffic Planner had also reviewed the project. **Mr. Marshall** restated his concern over Levels of Service if all approved mines come online at the same time; **Ms. Shao** said she would check this detail with the planner.

Mr. Marshall asked about reclamation; **Ms. Waksler** pointed out that reclamation is required by law, but that the details of the reclamation plan are not considered until the excavation permitting hearing.

Ms. Bossman asked if it was because the project was a Group III mine that the current rezoning was required; **Ms. Waksler** replied affirmatively. **Ms. Bossman** asked to have the various Group mines defined for her; **Ms. Waksler** described the various mining group categories, of which Group III is a commercial mine operation, noting that the Davises own DM Construction and mine to meet their business needs. **Ms. Bossman** asked if the Davises had any other operational mines at this time; the answer was no. **Ms. Seay** asked for clarification on the term of a Group III mining permit, which is for ten years.

Public Input

None.

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

Discussion

None.

Recommendation

Ms. Seay moved that application **Z-09-12-21** be forwarded to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated January 22, 2010, along with the evidence presented at today's meeting, second by **Mr. Marshall** with a unanimous vote.

Further brief discussion then ensued about the balance of the permitting process, with **Ms. Waksler** responding to questions from **Ms. Seay**.

There being no further business to come before the Board, meeting was adjourned at 1:55 p.m.