

CHARLOTTE COUNTY PLANNING AND ZONING BOARD
Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida
Minutes of Regular Meeting
May 10, 2010 @ 1:30 p.m.

Call to Order

Chair Hess called the meeting to order at 1:31 p.m. and it was noted a quorum was present.

Roll Call

PRESENT

Paula Hess

Michael Gravesen

James Marshall

Brenda Bossman

ABSENT

Audrey Seay

ATTENDING

Derek Rooney, Assistant County Attorney

Gayle Moore, Recording Secretary

APPROVAL OF MINUTES

The minutes of April 12, 2009 were approved as circulated.

ANNOUNCEMENTS

None.

PETITIONS

PA-10-03-11-TDU

Legislative

Commission District III

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 Public Lands and Facilities to Low Density Residential; for property located at 2925 Gillot Boulevard, in the West County area, containing 3.8± acres; Commission District III; Petition No. PA-10-03-11; Applicant: Sitti Engineering Group.

Staff Presentation

Steven Ellis, Planner II, presented the findings and analysis of the petition with a recommendation of *Approval*, based on the reasons stated in the staff report dated April 23, 2010. He explained that the applicant would need to transfer density onto the site upon approval of the amendment request, and gave brief details of that process.

Questions for Staff

Chair Hess asked how the Public Lands and Facilities designation got on the site originally, **Mr. Ellis** stated it was his conjecture that the designation was connected to the nearby water plant possibly owning the land which was then sold to the private buyer.

Ms. Bossman asked if this area had been intended as a regional park; the answer was that the regional park was located to the south of the subject site.

Applicant's Presentation

Mr. Amjad Sitti, applicant's agent, spoke in support of the project, emphasizing that the density would come from 14 acres of wetlands on adjacent property owned by the same ownerr.

Public Input

None.

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

Discussion

Chair Hess noting that the density would not be increased overall, said she saw no reason to deny. **Mr. Gravesen** asked staff whether density could be moved around within property of common ownership by right, as long as there was no net density gain/loss from doing so; **Chair Hess** asked if there was any cost to doing so, noting that the density is already entitled to the owner. **Principal Planner Inga Williams** responded, noting that the only way to transfer without going through the severance and transfer procedure would be if they were doing a Planned Development rezoning.

Recommendation

Ms. Bossman moved that application **PA-10-03-11-TDU** 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 23, 2010, along with the evidence presented at today's public hearing, second by **Mr. Gravesen** and carried by a unanimous vote.

PA-10-01-01-LS

Legislative

Commission Districts I & V

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 amendment request is to revise the text of Policy 2.3.2 of the Future Land Use Element of the 1997-2010 Comprehensive Plan regarding the Neighborhood Business/Residential Future Land Use Map designation; Petition No. PA-10-01-01-LS; Applicant: Charlotte Harbor Community Redevelopment Agency.

Staff Presentation

Seann Smith, Planner II, presented the findings and analysis of the petition with a recommendation of *Approval*, based on the reasons stated in the staff report dated April 27, 2010. He noted that the changes have been incorporated in the proposed new Comprehensive Plan but that the Advisory Committee went ahead with this request just to be safe; if the new Comprehensive Plan is implemented before the subject amendment is fully adopted, then this petition will be withdrawn.

Mr. Smith then discussed the notable changes proposed in the amendment, where the intent is to encourage development and redevelopment in the CHCRA area; some of the modifications include: replacing the planned development rezoning requirement for non-residential developments of a certain size with a Special Exception process; eliminating a requirement to be compatible with surrounding uses, which is already part of the Special Exception evaluation.

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Questions for Staff

Mr. Marshall asked for clarification of the point that this matter would be withdrawn once 2050 Comp Plan is adopted, wondering if there was a particular urgency to getting this done sooner. **Mr. Smith** called it simply prudent in order to be sure the changes are adopted in a timely manner, noting that the large scale amendment process is a lengthy one. **Chair Hess** noted it is a business-friendly move, so the sooner it is accomplished, the better.

Applicant's Presentation

Ms. Charlotte Ventola, CRA member, spoke in support of the project, noting this had been the subject of numerous Committee meetings and public hearings, and that the change has the support of the public

Public Input

None.

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

Discussion

None.

Recommendation

Mr. Gravesen moved that application **PA-10-01-01-LS** be forwarded to the Board of County Commissioners with a recommendation of *Approval* for transmittal to the Department of Community Affairs for an Objections, Recommendations, and Comments Report, based on the findings and analysis in the staff report dated April 27, 2010, along with the evidence presented at today's public hearing, second by **Ms. Bossman** and carried by a unanimous vote.

PA-10-04-13-LS

Legislative

Commission Districts I & II

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 amendment request is to revise the text of Policy 2.2.28, Objective 2.7, Policies 2.7.1 to 2.7.15 of the Future Land Use Element of the 1997-2010 Comprehensive Plan regarding the Rural Community Mixed Use Future Land Use Map designation; Petition No. PA-10-04-13-LS; Applicant: Charlotte County Board of County Commissioners.

Staff Presentation

Jie Shao, Planner III, presented the findings and analysis of the petition with a recommendation of *Approval*, based on the reasons stated in the staff report dated April 23, 2010. **Ms. Shao** gave a review of the need for this amendment at this time, in view of the coming adoption of the 2050 Comprehensive Plan; she noted that any revisions to the identical language included in the 2050 Plan would be reflected in the subject amendment at the adoption hearing. **Ms. Shao** then reviewed the major changes in detail for the benefit of the Board, which included redefining the intent by eliminating references to "self supporting" rural communities; adding specific standards for Master Development Plans (Policy 2.7.2); adding policies specifically addressing residential development (Policy 2.7.6) and commercial / industrial development (Policy 2.7.7 and 2.7.8); adding phasing requirements to developments (Policy 2.7.10); requiring a cost-benefit analysis from the applicant; requiring use of Low Impact Design techniques for watershed protection (Policy 2.7.16) and adding

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protection for wetlands (Policy 2.7.18 and 2.7.19); finally, the definition of Rural Character was also refined in Policy 2.7.17.

Questions for Staff

Chair Hess noted that the proposed changes were not available online in strike-through/underline formatting; staff apologized for the oversight.

Public Input

None.

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

Discussion

Mr. Gravesen remarked on the exclusion in Policy 2.7.9 of golf courses as rural residential open space though they would be included in the recreational use percentage if developed. Referring to the Placida-area golf course that eventually closed down, he asked what impact there might be on the county if project ownership changes and a developed golf course is shut down; what does that do to the County's required totals of recreational open space -- he asked if staff had considered that outcome. **Ms. Shao** noted that if such a usage change was contemplated, the owners (whoever they might be at that time) would be obliged to request a new amendment for the site reflecting that change.

Recommendation

Mr. Gravesen moved that application **PA-10-04-13-LS** be forwarded to the Board of County Commissioners with a recommendation of *Approval* for transmittal to the Department of Community Affairs for an Objections, Recommendations, and Comments Report, based on the findings and analysis in the staff report dated April 23, 2010, along with the evidence presented at today's public hearing, second by **Ms. Bossman** and carried by a unanimous vote.

Ms. Shao revisited the subject of the two large-scale petitions concerning rural community mixed use projects, noting that they had been continued to next month.

SV-09-11-03

Legislative

Commission District I

John W. Littlejohn has applied for a Street Vacation to vacate that portion of Magnolia Avenue lying between Lots 9 and 24, Lots 10 and 23, and Lots 11 and 22, of the Plat of Section 15, Township 40 South, Range 24 East; as recorded in Plat Book 1, Page 44, of the Official Records of Charlotte County, Florida. The site is located east of the north/south stretch of Sandy Pine Drive, north of Washington Loop Road, south of the east/west stretch of Sandy Pine Drive, and west of Danabel Drive, in Commission District I.

Staff Presentation

Steven Ellis, Planner II, presented the findings and analysis of the petition with a recommendation of *Approval with one condition*, based on the reasons stated in the staff report dated April 22 2010. He noted that the vacation was being requested in conjunction with a stipulation for the settlement of a civil court action between some of the petitioners.

Questions for Staff

Ms. Bossman asked for a clarification as to the site, and asked about apparently land-locked parcels; **Mr. Ellis** responded that it turns out all lots actually do have access. Further discussion ensued on this matter.

Applicant’s Presentation

Mike McKinley, Esq., applicant’s agent, spoke in support of the project, and also reiterated that the vacation request was in pursuit of settling disagreements among some neighbors.

Public Input

None.

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

Discussion

Mr. Gravesen questioned staff regarding the condition, which is unclear; this was a typo which would change the meaning. **Mr. Ellis** clarified the matter.

Recommendation

Mr. Gravesen moved that application **SV-09-11-03** be forwarded to the Board of County Commissioners with a recommendation of *Approval with one condition*, based on the findings and analysis in the staff report dated April 22, 2010, along with the evidence presented at today’s public hearing, second by **Mr. Marshall** and carried by a unanimous vote.

PP-10-03-02

Quasi Judicial

Commission District IV

Centex Homes has applied for a re-plat of Sawgrass Pointe at Riverwood Unit 4. The site, consisting of 50 lots, is located in Section 17, Township 40 South, Range 21 East. The purpose of this re-plat is to modify the existing plat of Tracts F-1, F-2, L-3, and portions of Tracts F-3 and R-1. The site, containing 17.55 acres, more or less, is located north of Cedar Creek Drive, west of Creekside Lane, south of Eleanor Avenue, and east of the Myakka River, in Commission District IV.

Staff Presentation

Steven Ellis, Planner II, presented the findings and analysis of the petition with a recommendation of *Approval with two conditions*, based on the reasons stated in the staff report dated April 22, 2010. He noted that the purpose of the replat is to modify a portion of Sawgrass Pointe from the original intent of 104 multi-family units to 50 single-family units on the same footprint.

Questions for Staff

Ms. Bossman asked what the wetland violation was; Mr. Ellis clarified with reference to the GIS map graphic, noting that small portion had been infringed on during clearing activities.

Applicant’s Presentation

Mr. Mike Woolery, Centex Homes, applicant’s agent, spoke in support of the project, which is an attempt to better match the current market, noting that applicant accepted the proposed conditions.

Public Input

None.

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

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Discussion

None.

Recommendation

Mr. Marshall moved that application **PP-10-03-02** be forwarded to the Board of County Commissioners with a recommendation of *Approval with two conditions*, based on the findings and analysis in the staff report dated April 22, 2010, along with the evidence presented at today's public hearing, second by **Mr. Gravesen** and carried by 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, a second one year extension was granted on April 14, 2008, and a third one year extension was granted on May 11, 2009. 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 of the petition with a recommendation of *Approval with conditions*, based on the reasons stated in the staff report dated March 23, 2010.

Questions for Staff

None.

Applicant's Presentation

Mr. Richard Arnold, Flagship Builders, applicant's agent, spoke in support of the extension request, noting that market conditions continue to be difficult.

Public Input

None.

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

Discussion

None.

Recommendation

Mr. Marshall moved that application **PP-05-01-02** be *Approved*, based on the findings and analysis in the staff report dated March 23, 2010 along with the evidence presented at today's public hearing, second by **Ms. Bossman** and carried by a unanimous vote.

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PP-07-07-12

Quasi Judicial

Commission District II

Banks Engineering, on behalf of their client, Punta Gorda I-75, LLC has applied for a two year extension for a Preliminary Plat for Charlotte Regional Trade Center, a subdivision consisting of 6 lots located within the Enterprise Charlotte Airport Park in Section 22, Township 41 South, Range 23 East. The site, consisting of 128.95 acres, more or less, is located east of I-75, west of Piper Road, north of N. Jones Loop Road, and south of Airport Road, in Commission District II. The original Preliminary Plat was approved on October 16, 2007.

Staff Presentation

Steven Ellis, Planner II, 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 March 23, 2010.

Questions for Staff

None.

Applicant's Presentation

Mr. Todd Rebol, Banks Engineering, applicant's agent, spoke in support of the request for extension .

Public Input

None.

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

Discussion

None.

Recommendation

Mr. Gravesen moved that application **PP-07-07-12** be Approved based on the findings and analysis in the staff report dated March 23, 2010, along with the evidence presented at today's public hearing, second by **Mr. Marshall** and carried by a unanimous vote.

There being no further business to come before the Board, meeting was adjourned at 2:12 p.m.