

**CHARLOTTE COUNTY PLANNING AND ZONING BOARD**  
**Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida**  
**Minutes of Regular Meeting**  
**July 12, 2010 @ 1:30 p.m.**

**Call to Order**

**Chair Hess** called the meeting to order at 1:32 p.m. and it was noted a quorum was present.

**Roll Call**

**PRESENT**

Paula Hess

Michael Gravesen

James Marshall

Brenda Bossman (arrived at 1:36 p.m.)

**ABSENT**

Audrey Seay

**ATTENDING**

Derek Rooney, Assistant County Attorney

Gayle Moore, Recording Secretary

**APPROVAL OF MINUTES**

The minutes of June 14, 2009 were approved as circulated.

**ANNOUNCEMENTS**

None.

The oath having been administered, the hearing proceeded.

**PETITIONS**

**Z-10-06-16**

**Quasi-Judicial**

**Commission District III**

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture Estates (AE) to Residential Multi-family 5 (RMF-5), for property located southeast of San Casa Boulevard and east of Tenth Street, in the Grove City area, containing 41.15± acres; Commission District III; Petition No. Z-10-06-16; Applicant: San Casa Holdings LLC; providing an effective date.

**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 June 25, 2010.

**Questions for Staff**

None.

**Applicant's Presentation**

**Geri Waksler, Esq.**, applicant's agent, spoke in support of the project, and provided to the Board a letter from Brian Knight, President of the Palm Lake Estates Homeowners Assoc., which was tendered in support of the petition, based on the outcome of the hearing under the Florida Land Use and Environmental Dispute Resolution Act and the conclusions of the Special Master who heard the dispute. **Ms. Waksler** provided detail regarding the history of this

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parcel and the prior application made by the property owner. She discussed the conditions which were part of the Settlement Agreement regarding the development of the property:

1. A one hundred foot restrictive zone along the northern property boundary, with setback, height and buffering requirements;
2. Recognition of 205 density units on the property.

**Public Input**

**Ms. Audrey Shinske**, representing The Grove City Planning Advisory Board, spoke in support of the project, noting she had been present during the hearing conducted by the Special Magistrate.

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

**Discussion**

None.

**Recommendation**

**Ms. Bossman** moved that application **Z-10-06-16** be forwarded to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated June 25, 2010 along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

**Chair Hess** announced that Mr. Marshall had requested the rehearing of a prior petition in which an error had occurred and that matter would be added to the end of the published agenda

**Z-10-04-14-TDU**

**Quasi-Judicial**

**Commission District II**

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture Estate (AE) to Planned Development (PD); for property located north of Minorca Drive, south of Zemel Road, east of Burnt Store Road and west of Charlotte County Landfill and Weigh Station, in the Burnt Store Planning District area; containing 96.99± acres; Commission District II; Petition No. Z-10-04-14-TDU; Applicant: Prince Ranch, LLC c/o Stephen Hagenbuckle; providing an effective date.

**Staff Presentation**

**Jie Shao, Planner III**, presented the findings and analysis of the petition with a recommendation of *Approval with conditions "a" through "w"*, based on the reasons stated in the staff report dated June 25, 2010.

**Questions for Staff**

None.

**Chair Hess** noted the amount of acreage in the project which would be dedicated to open space.

**Applicant's Presentation**

**Alexis Crespo of EnSite**, applicant's agent, spoke in support of the project, noting that the applicant was in agreement with the staff report and all conditions. She stated that she had an extensive PowerPoint presentation which she would show if it was the pleasure of the Board. **Chair Hess** established that the applicant accepted all of the conditions of the staff

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report, and polled the Board and asked if members would like to see it; the majority of the Board felt that the staff report and accompanying materials would be sufficient.

**Public Input**

*None.*

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

**Discussion**

**Chair Hess** noted that the project seemed to be appropriate for the location and the conditions and open-space balance all seemed adequate, and the proposal itself met with the requirements of the Comprehensive Plan.

**Recommendation**

**Mr. Gravesen** moved that application **Z-10-04-14** be forwarded to the Board of County Commissioners with a recommendation of *Approval with conditions "a" through "w" as revised*, based on the findings and analysis in the staff report dated June 25, 2010, along with the evidence presented at today's meeting, second by **Mr. Marshall** and carried by a unanimous vote.

**Mr. Marshall** introduced PV-10-04-01 to be reconsidered, saying that he understood there had been an error in what had been approved, and he received a request that he ask to reconsider the matter. **Chair Hess** established that Mr. Marshall had the right to recall it as he had voted in favor of it. Advice was sought from Assistant County Attorney Derek Rooney; **Mr. Rooney** said that there appeared to have been a mistake in the report or the presentation by the applicant, and Ms. Waksler was prepared to speak about it; he further noted that the usual way to handle such a situation is to reconsider the vote, nullify it and re-agenda it for a later time, depending on the pleasure of the Board.

**Ms. Waksler** made a presentation regarding this Plat Vacation matter in which the vacation of streets within the plat would have affected about five lots which were not owned by the applicant, addressing the question of access. She noted that staff originally recommended denial based on no joinder by the property owners affected by the vacation who would end up paying taxes on the unasked-for property. **Ms. Waksler** addressed her research showing that this would not have the impact anticipated and noting how it had been handled in other jurisdictions. She then indicated that at the original hearing, she had accepted *in error* the fall-back recommendation of staff that if the matter was approved, to eliminate those contested parts of the street. **Ms. Waksler** stated that this outcome would not be suitable for the applicant, since it was tantamount to a denial. She asked therefore that the matter be reconsidered and hopefully approved without that condition.

**Chair Hess**, who had not been at the original meeting, questioned Ms. Waksler more about the details of the matter, and further discussion ensued on these details.

**Ms. Bossman** stated that she voted against the petition originally and would have voted against it if it were heard again; **Chair Hess** stated that she would want to have it reheard; **Mr. Rooney** established what the procedures would be for that. **Ms. Waksler** declined to have the matter completely reheard, saying that the Commissioners were set to hear three related G2 petitions at the next hearing, at which time she will argue that the condition should be eliminated. It was agreed that the matter was moot, and **Mr. Marshall** with drew his motion.

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**Mr. Rooney** stated that Ms. Seay had resigned formally by letter, and would confirm whether it was for both the Planning & Zoning Board and the Board of Zoning Appeals, as soon as he could consult the letter again. **Chair Hess** stated that the Board would be in contact with Ms. Seay to offer their best wishes to her, and that she would personally send a letter from the Board thanking Ms. Seay for her service and wishing her well.

There being no further business to come before the Board, meeting was adjourned at 1:59 p.m.