CHARLOTTE COUNTY PLANNING AND ZONING BOARD
Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida
Minutes of Regular Meeting
August 9, 2010 @ 1:30 p.m.

Call to Order
Chair Hess called the meeting to order at 1:30 p.m. and it was noted a quorum was present.

Roll Call

PRESENT	**ABSENT**
Paula Hess	
Michael D. Brown	
Michael Gravesen	
James Marshall	
Brenda Bossman	

ATTENDING
Derek Rooney, Assistant County Attorney
Gayle Moore, Recording Secretary

APPROVAL OF MINUTES
The minutes of July 12, 2009 were approved as circulated.

ANNOUNCEMENTS
Agenda item 2 has been postponed by staff. Election for the post of the Board's secretary will be held at the end of the meeting; ***Chair Hess*** introduced Mr. Michael D. Brown, District 1 representative filling out the remainder of the term of Audrey Seay.

Principal Planner ***Inga Williams*** demonstrated where to find the Manasota Key Overlay Code Revisions on the County website, and how to add comments to the proposed changes.

The oath having been administered, the hearing proceeded.

PETITIONS
PP-07-02-04 **Quasi-Judicial** **Commission District II**
PG Holdings, LLC is requesting a two-year extension to the Preliminary Plat approval for Burnt Store 80 Acres. The Preliminary Plat was granted approval by the Board of County Commissioners on May 15, 2007, with four (4) conditions. A one-year extension was granted by the Planning and Zoning Board on July 13, 2009. The subdivision, consisting of one hundred eight (108) single family lots (a Planned Development) on 80.15 acres, more or less, is in Sections 29 and 32, Township 42, Range 23, located east of Burnt Store Road (off Harbor Side Boulevard), southeast of Harborside Woods Subdivision, and south of Punta Gorda Isles Section 16 subdivision in Commission District II.

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 June 23, 2010.

Questions for Staff
None.

Applicant's Presentation
Mr. Todd Rebol, Banks Engineering, applicant's agent, spoke in support of the project.

Public Input
Mr. Robert Mercier, a resident of the adjacent area, representing the Burnt Store Village Property Owners Association of the adjoining community, raised questions about the timing of the studies that were done prior to the acceptance of the preliminary plat documentation, nearly 5 years ago, including protected species studies. Conditions will likely have changed in the meantime, and will change more before the project is built; these studies which were the basis for the approval of the project should be revisited and updated. He asked if there was any guidance available on this issue. ***Chair Hess*** asked staff to comment on these matters; ***Mr. Ellis*** stated his understanding that once the Board of County Commissioners has approved a project and any conditions, no further conditions can be added until the final plat is received; therefore, the original studies would prevail. ***Mr. Rebol*** added that the situation was somewhat complicated because the matter involves different types of entitlements, the preliminary plat itself being just one – on the other hand, such things as water permits expire after a certain number of years and would have to be renewed; Charlotte County would require an updated species analysis. He pointed out that approval of the plat was not the same as permitting construction to proceed; it is a different type of entitlement. ***Mr. Mercier*** said that his question had been answered.

Ms. Dawn Carrier, a resident of the Burnt Store Village area, gave a short history of the subject property. She mentioned the original Home Dynamics request for a Planned Development on this property and the difference between their proposal for town homes and the current proposal for single-family homes. ***Ms. Carrier*** also spoke about the availability of water and sewer to the project, and the continuing difficult traffic conditions on Burnt Store Rd. She stated the residents of the area think additional development is inappropriate until existing issues have been addressed. ***Mr. Rebol*** addressed Ms. Carrier's issue about the change in the type of product that is intended to be built; he noted that the multi-family part of the project would continue as proposed, but noted that type of construction would not have to be platted—only the single-family residential structures would be subject to the plat process. He distinguished between a plat and a site plan, noting that nothing has been modified in the PD rezoning that was previously granted.

Ms. Nancy Fenwright, director on the Board of Burnt Store Village, noted that the original developer has dropped out of the project and conjectured that the current owner wants the permits just to increase the value of the land and has no intention of building. She asked Mr. Rebol to confirm or deny that; he responded he was not in a position to comment on her supposition. ***Ms. Fenwright*** continued to question the developer's approach to this request for an extension and further discussion ensued on this subject and Ms. Fenwright's contentions that decisions of the Board are made in advance of the meeting and that the County should buy the property for preservation.

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

Discussion
Chair Hess spoke to the lawful issues before the Board, noting that nothing in the petition or the law would keep it from being approved.

Recommendation
Mr. Gravesen moved that application **PP-07-02-04** be *Approved* based on the findings and analysis in the staff report dated June 23, 2010 along with the evidence presented at today's meeting, second by ***Mr. Marshall*** and carried by a unanimous vote.

DO-10-02-01 **Legislative** **Commission District I**
A Resolution amending Resolution 92-62, as amended by Resolutions 93-66, 2004-071 and 2006-093, approving a Substantial Deviation to the Development Order for Harborview, a Development of Regional Impact; and providing for 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 July 30, 2010 and revised on August 9, 2010. She started her presentation by commenting on the revised staff report and other changes that she was handing out to the Board; she also gave a description of the changes that would result from this substantial deviation from the original Development Order ("DO") and a brief history of the proposed project. She emphasized the extensive work done by County staff and the applicant to meet the requirement that the project be reviewed under both the 1997-2010 Comprehensive Plan and the newly-adopted Smart Charlotte 2050 Comprehensive Plan. She indicated that staff continued to have concerns about the impacts of some parts of the project on natural resources, but felt it is reasonable to give the applicant an opportunity to present the project at the state and federal levels for further review.

Questions for Staff
Chair Hess asked to have clarified whether the Southwest Florida Regional Planning Council ("RPC") had approved the project and ***Ms. Shao*** responded that they had approved the project in May; ***Ms. Waksler*** noted the DO has changed substantially since that approval, however. ***Ms. Waksler*** also noted that the RPC had recommended dry storage adjacent to the DeSoto canal rather than the marina, and she indicated which characteristics of the canal had caused the applicant to decline that recommendation.

Applicant's Presentation
Geri Waksler, Esq., applicant's agent, spoke further in support of the project. She discussed some of the features of the original DO and the way in which the current DO proposal would be an improvement, emphasizing that there is a Development Order already in existence for this site, approved in 1992; therefore, regardless of whether the current revision to the DO is approved, the owner can still develop to the original approvals. ***Ms. Waksler*** said that some reviewers had apparently not considered this fact, approaching the matter as though a denial would result in no development at all, which would not be the case. The current proposal, she said, would create a more sustainable development under a far greater number of conditions designed to protect wetlands, water quality and adjacent residents.

Ms. Waksler next discussed various details of the proposal now before the Board. Among other improvements to the original concept plan would be: reductions in both office square footage and commercial square footage; the addition of hotel rooms, one set serving the interstate highway traveler and a second set of luxury accommodations near the proposed marina; also contemplated are the extension of Luther Rd., a realignment of Discovery Dr., and the proposed public marina. ***Ms. Waksler*** discussed the existence of the borrow pit and canal on the property that lent themselves to the creation of an upland marina which would

need less that two acres of wetlands dredging to be accomplished. In exchange for the right to do this, the applicant would create a new public marina on the site. She observed that the ultimate permitting for this part of the project was not at all a certainty, noting that these approvals would come from other agencies. ***Ms. Waksler*** stressed the very high bar the applicant would have to meet to achieve permitting for the proposed marina, noting that it was not at all certain they would be successful; however, she stated, it would be wrong to deny the applicant the opportunity to even try to meet the requirements, as some reviewers of the petition have done.

Ms. Waksler went on to discuss all the new conditions upon the DRI if this DO is approved, including a requirement for Low-Impact Development standards; creation of a 100-ft. wide green zone as well as bioswales; ongoing water quality monitoring; wildlife and marina management plans, and more. She stressed the work applicant has done with staff over the entire 3-year life of the application and in particular over past several months in order to reach an approvable document, and asked the Board to recognize that effort.

Chair Hess asked if Ms. Waksler would agree with the staff's statement that this would be an expansion of the project size; ***Ms. Waksler*** agreed with that evaluation, and also cited detail indicating that the entitlements existed on the added acreage. ***Chair Hess*** next focused on the uncertainty of the ultimate approval of the marina part of the project when it goes before the other agencies. ***Chair Hess*** then requested clarification that this update has just moved the elements around according to changes in market forces; ***Ms. Waksler*** answered that it was partly market forces and partly that Benderson is a much more experienced developer than the original applicant.

Ms. Bossman asked if the residential roads would go under the I-75 bridge? ***Ms. Waksler*** responded that there's no connection there but she noted that Harborview Rd. will be widened there for pedestrian and bike traffic.

Mr. Olivo asked if staff had reviewed late arriving changes with applicant; ***Ms. Waksler*** confirmed that the applicant was aware of, and had no objections to, the new language.

Mr. Marshall asked whether the lake was fresh or salt water and whether it would be extended or connected to the Peace River; ***Ms. Waksler*** clarified that it was a fresh-water lake and that there would be a weir which would prevent commingling of fresh and salt water, and that weir will be a permanent feature, protected by a conservation easement.

Public Input

Mr. John Murray of Danforth Dr. stated that he had been told that everything east of Danforth was to be preserved but now it was being proposed for RMF5. He stated that he had two questions: Regarding the property east of Danforth Dr., this will apparently be multi-family and north of there, a portion would be RMF-15. Since that would be in his back yard, he would like to know the details of what can be built on RMF-15, and why such a high density is needed north of Harborview Rd. The second question is this: Currently there is one access going into the development on its west side, coming off of Harborview Rd. Is access off of Danforth Dr. also contemplated? It currently dead ends into the river, has minimal traffic, and children play there. ***Ms. Waksler*** responded that there was apparently some confusion, since RMF-15 is what is CURRENTLY zoned for that area, along with commercial intensive. This is not what is proposed, which will be part of a later planned development. There will not be any access proposed for Danforth, only from Harborview.

She noted that FDOT controls how far from an interchange you can put an access into a residential area. ***Mr. Murray*** expressed his thanks that the expansion of Harborview would include pedestrian and bikeways, since conditions now are dangerous for both.

Mr. Joe Fleming, chairman of the Harbour Heights Waterways MSBU Committee, spoke about the DeSoto Canal and the Balboa Canal. Both canals have just completed dredging as part of an ongoing program. The developer doesn't have to worry about the shallow draft of DeSoto Canal which will be maintained at a five-foot depth all along its length. ***Mr. Fleming*** also had a question about dry boat storage to west of the DeSoto Canal; ***Ms. Waksler*** clarified that dry storage suggestion was a recommendation of the RPC, which was rejected.

Ms. Margie Blackwell expressed concern about the marina and canal portion of the DO. She specifically addressed the content of the memo from Bill Byle which was revised by Department Director Ruggieri, containing the statement that environmental review concluded that the proposal conflicts with the Comprehensive Plan; she felt that was at odds with Ms. Shao's staff report. ***Ms. Blackwell*** went on to discuss other details of the environmental report; including the concerns expressed about impacts of dredging to wildlife, water quality and the salt marsh. ***Chair Hess*** responded by reminding the speaker that this is not an approval of the project but a necessary step for the applicant to have the opportunity to go forward for state and federal agency reviews. ***Ms. Blackwell*** expressed her feeling that the current recommendation was an opportunity for local officials to 'send a message', and stated that she did not trust that allowing this project to go forward and have the state and federal agencies give their review and approval is the right message to send.

Ms. Blackwell also questioned why the recommendation has been changed from the original "neither approve nor deny" in the short time since she first viewed the documents online. She also pointed out that there is public access to the river less than two miles away at Harbour Heights, and one quoted study noted that the project was not considered an appropriate location for a marina. ***Chair Hess*** put the question to staff, why there was a recommendation for approval in the face of Mr. Byle's report; ***Mr. Ruggieri*** responded for staff; he noted that in the case of Mr. Byle's staff report, it focused on differences in the 2010 and 2050 comp plan requirements. In response, the applicant made changes that are reflected in heightened environmental standards and controls in the resulting documents. Failure to meet the standards currently incorporated would be a violation of the Development Order and would halt development. Additionally, Charlotte County can really only work with its own ordinances and currently doesn't have a smalltooth sawfish ordinance. As for the marina siting study, it was done quite some time ago; the County is awaiting an update to that study, which has not been forthcoming. This project has been in process for a considerable time, and the County can't hold up a project indefinitely, waiting for a study to be updated. ***Mr. Ruggieri*** noted that Mr. Byle's concerns have been addressed through the DO, and he pointed out that when a staff report mentions "conflict" or "inconsistent" that doesn't mean the project should not be approved, it means there are issues to be worked out.

Ms. Blackwell questioned what changed between the two staff reports. ***Mr. Ruggieri*** responded that the "no recommendation" verbiage came as a result of DCA requiring staff to review the project under the newly-adopted Comprehensive Plan as well as the existing Plan; but at that time, there was insufficient information to make such a review, and that led to the "no recommendation" recommendation. Staff advised the applicant of what was needed and more information was subsequently made available which enabled staff to give an actual recommendation.

Ms. Blackwell further inquired why the revised staff report was not available earlier. ***Mr. Ruggieri*** explained that Growth Management staff has a policy to work on things with a willing applicant right up until the last minute if they are honestly trying to work things out. Some further discussion ensued.

Mr. Steve Vieira, resident of Harbour Heights and Chairman of the Harbour Heights Streets and Drainage MSBU Advisory Committee, expressed his concerns with a bridge that spans the canal leading into Harbour Heights. He said he had talked to former Director of Public Works Tom O'Kane three years ago, who said that the bridge was functionally obsolete. ***Mr. Vieira*** asked if there were any plans to repair that bridge? ***Ms. Waksler*** stated that traffic in that direction is estimated to be nominal and developer has no plans for work on that bridge and didn't include it in traffic study. ***Mr. Vieira*** stated that he still thinks the county should do something about the bridge; he was referred to the Public Works Department to further discuss the matter.

Mr. Ron Radentz, of Madras court, expressed his concerns about the land behind him which he had been told couldn't be developed because of scrub jays; he has talked to numerous people who have told him contradictory things with regard to the situation. He asked if there is residential going in the area behind his house or are there apartments going in that area? ***Ms. Waksler*** responded the area in question has been slated for development since 1992, and is still proposed for residential multi-family development. She also provided information about possible changes in scrub jay behavior which could affect where they nest.

Upon confirmation that "multi-family" referred to apartments or condominiums, ***Mr. Radentz*** stated he had a second issue which concerned the Luther Rd. apartments; he stated that there was "a situation" there which affects nearby residents, and he stated that the area doesn't need additional apartments in the area. Chair Hess noted that the zoning for multi-family appears to have been in place for quite some time, and is not something that the Board has the ability to change. Further discussion ensued on the subject.

Mr. Brown questioned whether any part of the proposed project would be a gated community; ***Ms. Waksler*** responded that the developer was not that far along in the planning process at this point, but she conjectured that parts of the project possibly could be but not the whole community, because there will commercial, and possibly the marina that the public will need access to; she stated that there will be a homeowners association for the project.

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

Discussion
Ms. Bossman asked for more details regarding the weir; ***Ms. Waksler*** introduce Melissa Green of Burken Environmental consultants to discuss the weir. ***Ms. Green*** described how the weir and boat lift would be designed to keep the fresh and salt waters separate, limit the number of boats that can access the area, and help control water quality via flushing. ***Ms. Bossman*** noted that her concern was with the canal water quality which is typically poor, affecting the Peace River; ***Ms. Green*** stated that tests which show the weir will protect the water quality, but ***Ms. Bossman*** indicated she would like to understand how, in detail. ***Ms. Waksler*** offered further detail. ***Ms. Bossman*** challenged the value of the weir as 'treatment' asking what kind of treatment was contemplated exactly; Ms. Waksler gave a more detailed response regarding these measures, and covered more of the most recent changes worked out with staff that will affect water quality including the bioswales.

Ms. Bossman next asked for further clarification about the scrub jays; ***Ms. Waksler*** responded that areas where they still are counted in high concentrations will have to be preserved, as is custom in the county, and additional mitigation will also be required. She confirmed that there will be an updated study for all species before any development permit will be issued. Further discussion ensued on the details of the scrub jay issues.

Ms. Bossman closed with the observation that many members of the public had said there would be extensive dredging along the canal; ***Ms. Waksler*** noted that the dredging of the Balboa Canal had already been accomplished, under an existing maintenance permit, and that the applicant proposed extension of the existing canal which would require some dredging in an area that, under the definitions of the new Comprehensive Plan, does not meet the standards for being a Category I wetland where the work would be prohibited.

Mr. Marshall asked for clarification on the widening and extension of the existing canal; ***Ms. Waksler*** responded that the existing canal is 70 feet so it will remain at least that width. Further discussion ensued on the results of studies on the impacts of this work on surrounding wetlands.

Chair Hess stated that she had same concern as Ms. Bossman on the need to avoid creating a dead lake, noting that she expected staff had the knowledge to review for this sort of issue. She felt confident that staff had done intensive research on the matters involved and had placed appropriate conditions, stating that it seemed the petition for deviation has resulted in a net improvement. ***Ms. Bossman*** stated that the applicant has allayed many fears that had been raised.

Recommendation
Mr. Brown that application **DO-10-02-01** be forwarded to the Board of County Commissioners with a recommendation of A*pproval*, based on the findings and analysis in the staff report dated August 9, 2010, along with the evidence presented at today's meeting, second by ***Mr. Gravesen*** and carried by a unanimous vote.

A brief recess was called, and the meeting reconvened at 3:06 p.m.

PA-10-06-19 **Legislative** **Commission District III**
An Ordinance pursuant to Section 163.3187(1)(C), Florida Statutes, for an amendment to the 1997-2010 Future Land Use Map of the Charlotte County Comprehensive Plan from High Density and Medium Density Residential to Commercial Center and to the 2030 Future Land Use Map from High Density and Medium Density Residential to Commercial; for property located at 1035, 1040 and 1060 Shore View Drive, and 935, 945, 950, and 985 Gulf Boulevard, on Manasota Key; containing 5.13± acres; Commission District III; Petition No. PA-10-06-19; Applicant: Harmonie Development Group, LLC; providing an effective date.

Z-10-06-20 **Quasi-Judicial** **Commission District III**
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Manasota Multi-family 12 (MMF-12) and Manasota Multi-family 7.5 (MMF-7.5) to Manasota Commercial Tourist (MCT), for property located at 1035, 1040 and 1060 Shore View Drive, and 935, 945, 950, and 985 Gulf Boulevard, on Manasota Key; containing 5.13± acres; Commission District III; Petition No. Z-10-06-20; Applicant: Harmonie Development Group, LLC; providing an effective date.

Staff Presentation
Roxann Read, 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 July 30, 2010. She provided a brief history and explanation of the need to bring a long-standing legally non-conforming use into conformance with the Code so that the applicants would be able to renovate the resort in future; it was also noted that the change to a Commercial land use and zoning category would result in the permanent reduction of 50 residential density units from the Coastal High Hazard Area.

Questions for Staff
None.

Applicant's Presentation
Geri Waksler, Esq., applicant's agent, spoke in support of the project; she also noted that the purpose of the petition was to make the current use legally conforming by rezoning and that the improvements planned can only be done after such a regularization. The change would also be necessary in order for the value of the property to remain in the event of a need to rebuild after any possible disaster. She stated that the contemplated improvements would not increase any impacts on the area, as they would not add more traffic or increase demand for utilities.

Chair Hess said she felt it was important to point out a salient point: 75% of units which now have kitchens will not have them in the future under the new zoning, kitchens being a feature that resulted in the multi-family zoning designation

Public Input
Mr. Kendall Jackson, resident of Manasota Key, stated he welcomes improvements to the property and simply hopes not to have a concrete wall cutting off the view of the beach. He pointed out that there is a dedicated easement to the 102 property owners of Englewood Shores subdivision for access to the beach across Weston's property, and this needs to be protected for those property owners. ***Ms. Waksler*** stated she was unaware of the easement but that any such easement, recorded in the public records, cannot be closed.

Ms. BJ Galberath, resident of Manasota Key, spoke of Weston's as a family-owned fishing resort with a high level of respect for surrounding residents, noting that they have been good neighbors over the years. She also noted that all of the resort is located in medium density, not high density, as approved by the Board in February of 2005. She wondered if that had any effect. She pointed out that there is single-family residential located in the middle of this proposed project, and that it didn't seem good to put commercial on both sides of single-family residential. ***Ms. Galberath*** expressed concern that the owners of the many other legally non-conforming structures on Manasota Key would find approval of this project to set a precedent for them to request changes for their own properties as well. She also spoke about the existing commercial area located in the center of the key.

Mr. Trixler who wasn't sworn before was first sworn in and then commented on Ms. Weston as a positive influence on the community, both socially and economically. He observed that she is at the point of wanting to hand off the baton to someone younger with a similar vision. He asked for leadership in making a decision that would positively affect the local economy, stating that he certainly would like to see a few more cars on the road, more visitors to the county and more tax revenue. This project could have that kind of positive impact on the County.

Ms. Betty Sue Carroll, resident of Manasota Key, stated that at first glance, the project seemed workable, assuming we all agree that Weston's has to be saved. She challenged the idea that Weston cannot be sold without these changes, saying it could be sold, just not for as much money, which she blamed on the generally bad economy. Ms. Carroll argued against the idea that anyone was obligated to help Ms. Weston become wealthy just because she had been a good neighbor, and said that if anyone else went in to Growth Management and asked to rezone their property in order to sell it for more money, they'd be laughed at. ***Ms. Carroll*** noted that the proposal seemed to be an example of 'spot zoning' which is generally frowned upon. She also questioned the FLU designation 'COM' in an area already well served by existing commercial and which is meant to be on an arterial road while the project location is on a little dead-end road. She questioned the density and intensity that would be enabled upon removal of 50 units of density. In closing, she stated there should be open, free beach access for the citizens of Charlotte County.

Mr. Doyle Seifer who has homes on both keys, expressed concerns about whether the infrastructure is adequate to support the proposed uses; he mentioned water pressure problems on Sandpiper Key. He felt that traffic would be a real problem if the property became a large hotel with lots of people coming and going. While noting that he was sympathetic with the owners, he just wanted to express concerns about traffic and infrastructure. ***Chair Hess*** agreed that traffic would be an issue if the project turned into such a hotel, but pointed out that all that is being spoken of now is a renovation effort. She asked the planner whether there had been a traffic study, and ***Ms. Read*** referred to the study in the project file which noted that no increase in traffic was anticipated because the uses would remain the same. ***Chair Hess*** mentioned the effect of the limitations within the Mansota Key Overlay Code. ***Mr. Seifer*** stated he will be back for the overlay hearings, because he doesn't agree with those changes either.

Mr. Andy Wike, spoke on behalf of the owners of the property in the middle of the Weston's development, his wife and her mother. He is experienced in zoning issues and has some concerns on the project based on difficulties understanding the reduction in density units. He stated he would like to see the property upgraded and maintained. He also asked about the height restrictions under commercial based on the FAR, but assumed it would mean having to go up several stories.

Chair Hess asked Ms. Read what the allowable density would be for such a hotel or resort, or whether there was any restriction on the number of rooms; ***Ms. Read*** stated that there were none, and that the project was limited to 35% lot coverage and 52 feet in height under Manasota Commercial Tourist, and noted there is no density associated with a commercial district.

Mr. Wike asked which would be the governing zoning code, the Manasota Key Overlay Code or the Charlotte County Code; ***Ms. Read*** responded that it would be the Manasota Overlay Code. Mr. Wike expressed the opinion that the zoning could be easily changed to the Charlotte County Code in the future.

Mr. Ruggieri noted that the site design questions belong to another process, while this meeting is about land uses. Further discussion ensued on the subject among Chair Hess, Assistant County Attorney Derek Rooney, Mr. Wike and Mr. Ruggieri, with ***Mr. Wike*** expressing concerns that the applicant could change their plans and put in a restaurant. ***Chair Hess*** explained the role of the kitchens in the determination of the zoning designation; ***Mr. Rooney*** agreed that there is the potential for uses more intensive than what is there now while ***Chair Hess*** sought to summarize the matter.

Ms. Becky Bovell, Charlotte County Tourism Director, stated she felt it was important to appear before the Board to remind that Weston's is a very valuable tourism amenity in the Englewood area, one which generates a significant portion of the room tax as well as sales tax. She stated that she has met with many small businesses in the area who would be happy to see the planned improvements take place because it will help them as well. The infrastructure improvement is desperately needed.

Mr. Ed Stricowsky, doesn't understand commercial tourist zoning or what it includes? ***Ms. Read*** responded with the list of allowable uses. Mr. Stricowsky asked if there can be Commercial Tourist with restrictions, such as restricting the use to a hotel or motel; Ms. Read responded that would not be possible. ***Chair Hess*** explained the nature of a resort, e.g., that it is commercial; ***Mr. Stricowsky*** stated that he is worried about creating a monster. He also wanted to know if there was a noise study done and what month of the year the travel study was done. Further discussion ensued.

Ms. Debbie Weston, owner of the property, spoke regarding her 30 years of experience on Manasota Key and serving on the Tourism Committee. The resort is the draw that feeds every other business. The community needs this place and the tax revenue it provides, as well as the social aspect. The whole road from the Captain's Club to the resort is primarily commercial, in that 90% of the homes there are rented out for most of the year; this includes Mr. Wike's property.

Mr. Troy Gills, resident of the Key, stated he was originally alarmed by the proposal but agrees that Weston's needs to be fixed up; he understands that residents can't have conditional zoning. He felt that this is the best proposal to date for this property; condos would not be an improvement and would likely generate more traffic than the resort is likely to create. He argued that the improvement would be an economic benefit for all the county and would provide better business opportunities. ***Mr. Bossman*** questioned where he lived; ***Mr. Gills*** described his property as a former tri-plex which he converted to a single-family residence. ***Ms. Bossman*** argued that the area is residential, while ***Mr. Gills*** countered that everyone rents out their residence to some degree. Further discussion ensued on the realities of life on a barrier island with public beaches.

Mr. Bob Carroll, resident of the Key, stated that it seems the project hinges on the intentions of the buyer and asked who the buyer is and what are their plans? ***Chair Hess*** stated that the decision needs to be made based on the facts before us, on the merits of the application and the argument it makes about the zoning code. ***Ms. Waksler*** identified the buyer again and she described their intentions to upgrade the resort and to continue the business.

Applicant's Rebuttal

Ms. Waksler spoke in response to the many issues raised, stating that she wanted to concentrate on the unusual nature of the request, which is not asking to put a new use on the property, but to acknowledge the use which exists and has existed for many years, and to have the zoning reflect that use. The property never should have been zoned to multi-family; it was and is a successful resort and wants to remain that. The small amount of the property square footage limits what could be done there. As a result of the rezoning, the looks will change, but the use won't change, and therefore the impact on the island won't change.

Ms. Bossman had some questions. The first concerned the 50-unit density reduction; ***Ms. Waksler*** explained that "density" refers to residential density and noted that commercial

uses like hotel rooms do not have density. By changing the property to a commercial land use and zoning, the potential for multi-family development and therefore those currently-available 50 residential units of density goes away, and this is eliminated, it is not transferred to somewhere else on the island or off the island. ***Ms. Bossman*** said she thought citizens were under the misunderstanding that a hotel room equaled one unit of density. ***Ms. Waksler*** elaborated that the total number of resort rooms may actually be reduced, as some units are combined to make larger accommodations, and certainly the number of kitchens would be reduced in order to be in conformity with code which dictates the percentage of rooms that may have kitchens. It was also clarified that the entire property would be changed to Commercial Tourist. ***Ms. Bossman*** then noted that someone had brought up the question of beach access as a possible mitigation. ***Ms. Waksler*** noted that there was already an easement that provided dedicated beach access, but there is no intent to open up the resort to people wandering through to access the beach; she pointed out that there is no limitation on the public's right to walk upon the beach, having accessed it elsewhere. ***Ms. Bossman*** noted that there is a public beach (Stump Pass) immediately south of the resort. She pointed out that road is very narrow and shouldn't have an increase in traffic.

Mr. Gravesen asked whether the Manasota overlay had a PD component? ***Ms. Waksler*** responded that it did but the property would still be non-conforming because PD is actually more restrictive; but that was first thing the applicant considered. ***Mr. Gravesen*** asked Ms. Waksler to speculate, based on her experience, how it would be to strip the property clean and start over—could the existing resort be replicated under the current code, taking into account coastal set-backs, stormwater retention requirements, buffering and the like? ***Ms. Waksler*** offered the opinion that the results would look very different from Weston's. Anything built there would have to comply with all codes, which would work against replicating the intensity. Further discussion ensued.

Discussion
Chair Hess spoke in favor of change; ***Mr. Brown*** indicated he was also in favor; ***Mr. Gravesen*** stated that while he was not sure how it got this zoning originally, but was generally in favor of the change; ***Mr. Marshall*** said that he had concerns about traffic, esp. if accessory uses such as a restaurant were added but even with that concern, he was still in favor of the change; ***Ms. Bossman*** sympathizes with Mr. Wike and suggests he get to be part of the discussions on the changes to the Manasota Key Overlay Code to allay his concerns; she stated she also was not happy with traffic report.

Recommendation
Ms. Bossman moved that application **PA-10-06-19** be forwarded to the Board of County Commissioners with a recommendation of A*pproval*, based on the findings and analysis in the staff report dated July 30, 2010 along with the evidence presented at today's meeting, second by ***Mr. Marshall*** and carried by a unanimous vote.

Ms. Bossman moved that application **Z-10-06-20** be forwarded to the Board of County Commissioners with a recommendation of A*pproval*, based on the findings and analysis in the staff report dated July 30, 2010, along with the evidence presented at today's meeting, second by ***Mr. Marshall*** and carried by a unanimous vote.

PA-10-06-17 **Legislative** **Commission District I & V**
An Ordinance pursuant to Section 163.3187(1)(C), Florida Statutes, for an amendment to the 1997-2010 Future Land Use Map of the Charlotte County Comprehensive Plan from Coastal Residential to Neighborhood Business Residential and to the 2030 Future Land Use Map from

Charlotte Harbor Coastal Residential to Charlotte Harbor Neighborhood Business/Residential; applying an annotation to both Future Land Use Maps stating base density of these properties remains at 3.5 units per acre; for property located north of Seneca Avenue, south of Harper Avenue, east of Jackson Street and west of Oakley Street, in the Charlotte Harbor area; containing 4.86± acres; Commission District I & V; Petition No. PA-10-06-17; applicant: Charlotte County Board of County Commissioners; providing an effective date.

Z-10-06-18 Quasi-Judicial Commission District I & V
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Coastal Residential (CR-3.5) to Neighborhood Business Residential (NBR); for property located north of Seneca Avenue, south of Harper Avenue, east of Jackson Street and west of Oakley Street, in the Charlotte Harbor area; containing 4.86± acres; Commission District I & V; Petition No. Z-10-06-18; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Staff Presentation
Roxann Read, 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 July 30, 2010. She provided some history of the application and noted that the intent of the change was to encourage retail and promote mixed use development, attracting appropriate businesses and possibly creating an artists' community, in line with the vision of the Charlotte Harbor Community Redevelopment Association Advisory Committee ("CHCRAAC") which was the subject of a number of public workshops.

Questions for Staff
Chair Hess asked if there was anyone from the CRA present; there was not.

Public Input
None.

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

Discussion
Chair Hess noted that the project seemed to be appropriate for the location and in keeping with the goals of the CHCRAAC.

Mr. Gravesen asked if it impacted the current ownership of the properties, e.g., does it increase the tax rate; ***Ms. Read*** responded that she didn't know. ***Mr. Gravesen*** asked if any property owners objected to it; ***Ms. Read*** responded that of the 15 letters sent to affected property owners to explain the project and get their feedback, only 7 responded (with yes) and 8 did not respond at all. ***Mr. Brown*** commented that if the property values increased, it would certainly affect their taxes; ***Chair Hess*** responded that any increase would depend on how the Property Appraiser handled things, since the structures would still be residential.

Recommendation
Mr. Gravesen moved that application **PA-10-06-17** be forwarded to the Board of County Commissioners with a recommendation of A*pproval*, with an annotation to the FLUM stating that the base density of the properties remain at 3.5 units per acre, based on the findings and analysis in the staff report dated July 30, 2010 along with the evidence presented at today's meeting, second by ***Mr. Brown*** and carried by a unanimous vote.

Mr. Gravesen moved that application **Z-10-06-18** be forwarded to the Board of County Commissioners with a recommendation of A*pproval*, based on the findings and analysis in the staff report dated July 30, 2010, along with the evidence presented at today's meeting, second by ***Mr. Brown*** and carried by a unanimous vote.

Election of Secretary of the Planning and Zoning Board.

Chair Hess opened the nominations for the position of Secretary of the Planning and Zoning Board. ***Mr. Gravesen*** offered a nomination for Ms. Bossman; Ms. Bossman was thereupon elected by acclamation.

Chair Hess also provided the Board members with information about an article in HarborStyle magazine on the upcoming Amendment 4; she handed out copies of the article to the Board members. Some discussion ensued on the possible effects to the community and to the budget should this Amendment be approved.

There being no further business to come before the Board, meeting was adjourned at 4:26 p.m.