

CHARLOTTE COUNTY PLANNING AND ZONING BOARD
Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida
Minutes of Regular Meeting
September 13, 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

Paula Hess
Michael D. Brown
Michael Gravesen
James Marshall

ABSENT

Brenda Bossman

ATTENDING

Derek Rooney, Assistant County Attorney
Gayle Moore, Recording Secretary

APPROVAL OF MINUTES

The minutes of August 9, 2009 were approved as circulated, with assistance given to the Recording Secretary regarding the correct spelling of the name of one of the public who commented.

ANNOUNCEMENTS

Chair Hess inquired regarding the timeline anticipated for the return of the Manasota Key Overlay Code revision project and received information from Principal Planner Inga Williams.

Regarding the day's single agenda item, the EAR process, **Chair Hess** asked if the presenter would prefer questions during or after the presentation; **Mr. Trepal** responded that he was prepared to take questions afterward, but the Board members should feel free to interrupt with any questions.

2010 Evaluation and Appraisal Report – Workshop

Countywide

A public workshop on the 2010 Evaluation and Appraisal Report to introduce the EAR document and discuss the process. (An information packet will be available for the October P&Z hearing.)

Matt Trepal, Planner III, commenced the presentation with reference to a PowerPoint slide show. He began by discussing the nature of the EAR and the law that requires it to be done on a specific seven-year schedule, with particular attention to the question of why the EAR would be needed at virtually the same time that the Comprehensive Plan has been rewritten and adopted; the answer is because the law and the Department of Community Affairs ("DCA") have said that the schedule must be adhered to. **Mr. Trepal** noted that the EAR, though it is meant to be adopted, makes no actual adjustments to the Comp Plan, although amendments arising out of the EAR may eventually come before the Board for consideration.

He next discussed what specific things are required to be included in the EAR by statute, which are as follows:

Minutes of Regular Meeting Continued

September 13, 2010 @ 1:30 P.M.

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

- Review of current conditions
 - Change in population since last EAR
 - Change in land area since last EAR
 - Vacant land available for development
 - Location of development since last EAR
- Review of each plan element
- Analysis of major issues
- Review of changes to State planning legislation

Chair Hess asked whether all of that had not also been done during the rewriting process for the Comp Plan; **Mr. Trepal** responded with reference to his PowerPoint presentation, in particular regarding the way in which the EAR and the Comp Plan processes interlock; he commented on the statutory assumptions behind the seven-year review cycle – in particular, the idea that this review intends to identify goals which have been met and which therefore can be removed from the Plan.

Mr. Trepal pointed out that the EAR does not allow for an in-depth analysis of the Plan, such as was undertaken for Smart Charlotte 2050 (“2050 Plan”), because so many other elements are required for the EAR; he also discussed the complications inherent in having the EAR and the Comp Plan process occur at virtually the same time, though he noted that having been through the Comp Plan process in some ways lessened the effort required for the EAR.

Next to be discussed were the nature of the review undertaken for 2050 and the core idea of the EAR, especially concerning major issues in the community. The 2050 Comp Plan identified six major issues and four additional issues were identified during preparation for the EAR.

Chair Hess referenced a letter from Growth Management Director Jeff Ruggieri to Mike McDonald, noting that these issues will receive only a brief identification and description of corrective action taken in the 2050 Plan, and won’t receive further study, and she asked whether that was accepted by DCA; **Mr. Trepal** said that it had been interpreted that way, but that in the preparation of the actual document, things played out somewhat differently, e.g., the review was not as brief as initially forecast and there were many tables included.

Mr. Trepal returned to the idea that more thinking has gone into the four issues which were not addressed in the 2050 Plan, and less into those issues that seemed to have been settled within the Plan. The six items addressed in Smart Charlotte 2050 are:

- Maintaining economic development lands for quality employment opportunities
- Creating and maintaining a sense of place
- Managing an overabundance of platted lots
- Allowing County residents to age in place
- Maintaining the rural character of eastern Charlotte County
- Reducing greenhouse gas emissions

The four items to be focused on in the EAR are:

- Creating regional partnerships
- Improving interdepartmental coordination in Capital Improvements Planning
- Balancing development interests with conservation interests
- Improving and maintaining access to the water and working waterfronts

Minutes of Regular Meeting ContinuedSeptember 13, 2010 @ 1:30 P.M.

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

All ten issues will be reviewed during the EAR; only the group of four will result in recommendations.

Chair Hess asked about the strategy for the platted lots; **Mr. Trepal** responded that one part of the solution is the neighborhood framework; another is to develop incentives for the transfer of density units, and to basically incentivize people to do something different with the land – e.g., to move the density units to some more appropriate place, as it is obviously not possible to “take” the lots or otherwise make them disappear.

Mr. Marshall asked how the original Comp Plan didn't get things right the first time? **Mr. Trepal** responded that, as someone who recently relocated to Florida, he has noticed that the land use plan was based on the zoning map which reflected existing land uses, rather than uses being based on the planning maps, because our planning maps came late in the process after a great deal of development had already occurred. That situation is a result of history, and is not limited to Charlotte County. The existence of the resulting multitude of platted lots makes it difficult to develop to anything other than low-density residential, and based on population projections, the County has a supply of residential land sufficient for the next 100 years. From a planning perspective that allocation of land was not necessarily the best choice, which we can see now as we try to implement different development forms that conflict with development rights already granted to people. To say it was ‘done wrong’ might be an overstatement, but it is fair to say that from the present perspective, different choices would have been more helpful.

Chair Hess then commented on what “future land use” meant to the people who worked on the original Comp Plan – a vision of the future – whereas, now it seems that the zoning and land use have to agree right now; **Mr. Trepal** responded that as the rules in Florida are so strict, they cause this requirement. He noted that this was a result of the Growth Management act which states that counties are not supposed to have more land allocated than is needed for a specific purpose; unfortunately, those allocations were made before there were rules in place. As a result, some counties have between 40 and 1,000 years of over-allocated residential lands in inventory, according to a Florida Senate white paper.

Chair Hess asked why the process aims for 2050, which seems like such a long time out. **Mr. Trepal** responded that the law has both short and long-term planning horizons (five and ten years), but it was felt that those timelines are too short to solve the issues existing in Charlotte County. Setting the horizon out that far gives ‘gentler’ policies time to actually get conditions to where people feel the community should be. **Chair Hess** countered that business plans are set to 2-5 years, and **Mr. Trepal** responded that shorter time-frames result in just ‘putting out fires’ and a collection of little changes that won't give you a cohesive outcome. It was noted that regardless of the long-term time horizon, the Plan is re-evaluated on a regular basis during that time-frame.

Mr. Marshall asks if we are supposed to ‘lay out the county how we want it to look in 40 years?’ **Mr. Trepal** responded that was not necessary, but that there are broad questions to be considered such as: “should rural lands remain rural”, “what about a ‘downtown’ in Charlotte County”, or “how do we develop to entice high-paying employment or do we let land just be available for low-paying service employment”. These are big general-direction questions, not concerned with what we want to do on each individual lot; this is about goal-setting, which is necessary to achieve something in the future.

Chair Hess asked about the goal of more incorporated cities and whether there is implementation written into the policies or if it is just a vision. **Mr. Trepal** clarified that his

Minutes of Regular Meeting ContinuedSeptember 13, 2010 @ 1:30 P.M.

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

reference was to having a 'downtown' within Port Charlotte, for instance by allowing different densities and intensities, or different road patterns.

Mr. Marshall indicated that he didn't really appreciate why it isn't possible to project the possible future use of property (the example he used was a possible widening of US 41) and just change the zoning now so that a buyer of property would know 'what they were getting.' **Assistant County Attorney Derek Rooney** offered an insight on this subject, noting that the original intention of the Growth Management Act was to control what was seen as 'out of control growth' and the approach was to simply map out what existed at that time without benefit of any future planning. To give the act teeth, the requirement was made that if you include something in your Comp Plan, you can't issue a development permit that is inconsistent with the Plan. This is why zoning has to match the plan; failure to do this leads to serious problems with the entitlements on the existing land. In the example of a corridor, if the land isn't developed when it goes into the Plan, then the rights of the existing property owners are impacted immediately and so that leads to a possible 'takings' argument and challenge. The places where you can actually adopt a Plan which is different than the facts on the ground with the least impact of that type is on built-out lands. But in the majority of Charlotte County, there is a great deal of undeveloped land, so by being projective, you may run into property rights issues.

Further discussion ensued regarding "future" land use issues.

There was also a brief review of the time frame for hearings on the upcoming EAR which must be adopted by Dec. 1st of this year.

Chair Hess asked generally whether and when the County will provide information to citizens about Amendment 4, which she expressed some concern about; **Mr. Rooney** responded that the law says the County can only instruct, but not take a side. There are no specific plans for outreach; the County has just passed a resolution against it. **Chair Hess** stated she would like to see more effort and she referenced PAC literature she has seen in various public places. **Mr. Brown** said the construction industry has a presentation about it; he also said there's a recommendation within the Party to vote "no" where you don't know what the substance of a question really is.

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