

CHARLOTTE COUNTY PLANNING AND ZONING BOARD
Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida
Minutes of Regular Meeting
December 13, 2010 @ 1:30 p.m.

Call to Order

Chair Hess called the meeting to order at 1:29 p.m. and upon the Secretary calling the roll, it was noted a quorum was present.

Roll Call

PRESENT

Paula Hess
Michael Gravesen
Michael Brown
James Marshall
Brenda Bossman (arrived after roll call)

ABSENT

ATTENDING

Derek Rooney, Assistant County Attorney
Gayle Moore, Recording Secretary

APPROVAL OF MINUTES

The minutes of November 8, 2009 were approved as circulated.

ANNOUNCEMENTS

The oath was administered and the meeting commenced.

PETITIONS

Z-10-09-30

Quasi-Judicial

Commission District IV

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Commercial General (CG), Commercial Intensive (CI), Office, Medical, and Institutional (OMI), Residential Multi-Family 10 (RMF-10), and Residential Single-Family 3.5 (RSF-3.5) to Planned Development (PD), for property located northwest of El Jobean Road (SR 776), west of Collingswood Boulevard, south of U.S. 41, and east of Crestwood Waterway; in the Murdock Village Community Redevelopment Area; containing 1,027± acres; Commission District IV; Petition No. Z-10-09-30; applicant: Charlotte County Board of County Commissioners; providing an effective date.

Staff Presentation

Matt Trepal, Planner III, presented the findings and analysis of the petition with a recommendation of *Approval with conditions "a" through "tt"*, based on the reasons stated in the staff report dated October 27, 2010. He gave particular attention to discussing the phases anticipated and the conditions pertaining to these phases, additional to the conditions pertaining to the overall Planned Development. He made reference to the concept plans available for the first two phases which are currently contemplated, and noted that while staff is still working with the potential buyers of Phase II to finalize the conditions and design standards for that Phase, there is general agreement on them and they are close to being completed.

Questions for Staff

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

Chair Hess asked about the new zoning regulations expected for this area and when they were anticipated to be completed. **Mr. Trepal** responded that upon the adoption of the present PD, the next task would be to work on the new zoning district for the entire CRA, including issues such as the tracking of entitlements within the CRA. He indicated that there was some discussion whether major modifications to a PD would turn out to be a better approach than creating a zoning district there. The present rezoning request is primarily to facilitate the mixed use contemplated.

Ms. Bossman arrived at 1:37.

Mr. Marshall asked about the three blocks marked "Murdock Village CRA"; **Mr. Trepal** responded with reference to the PowerPoint graphics showing ownership of the various sections of the Murdock Village area. **Mr. Marshall** indicated he wasn't previously aware of the church and asked if development would have to be done around it, which would be the case.

Public Input

Geri Waksler, Esq., representing Southwest Land Developers, the entity involved in negotiations with the County for a land swap that would result in their ownership of the area marked as Phase II on the presentation graphics. **Ms. Waksler** noted that she had been working closely with staff but that there were some issues that would be raised for the first time today, though she stated she had no concern that they would prove to be insoluble. She then touched on the conditions which still posed issues for her:

- In Phase 2, additional uses are allowed that might support such things as the water park or entertainment district; one use not listed that she suggests should be included would be a golf-driving range.
- Condition O indicates that each phase shall be developed with complete streets; further definition is needed since not every street in Murdock Village will be complete with landscaped medians, etc., so there needs to be a more detailed definition of what is required for the different types of streets (e.g. local roads, collector roads, etc.)
- Condition Q which refers to different types of parking (e.g., parking in rights-of-way) and where it may be encouraged or discouraged. She gave the example of the nose-in parking along the sidewalk in the Sarasota downtown area.
- Condition S regarding an on-site parking limit of 110% of the minimum allowed by Charlotte County Codes, got a strong objection; **Ms. Waksler** argued that different businesses will need more flexibility than 110% of the minimum allowed, and suggested that County staff does not know the parking requirements of different businesses. She referenced Outback being the type of business that might not become a tenant in such limiting circumstances; she also discussed options for mitigating a larger upper limit. **Chair Hess** asked if there should be no limit; **Ms. Waksler** said she'd be happy to hear from County Staff about mitigation possibilities. Pervious vs. impervious surfaces were also discussed but the limit is another issue.
- Condition Y **Ms. Waksler** felt had an inherent inconsistency (whether heritage tree should be able to be removed.)

Regarding the commercial design standards, while agreeing in principle with the idea of elevating standards to make development in the county more attractive overall, **Ms. Waksler** noted that discussion needs to focus on the increased cost of development and the need to remain competitive. She mentioned how the County exempted itself from the landscaping requirements in ECAP because those standards are too expensive; **Chair Hess** agreed with that point.

Minutes of Regular Meeting Continued

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

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

Discussion

Chair Hess asked if the Board members had any other suggestions for staff; **Mr. Marshall** asked for staff's reaction to Ms. Waksler's proposals; **Mr. Trepal** said he anticipated that staff would be able to work with these suggestions. He did note that on the parking, there was certainly a design intent to end up with a different product than what is currently typical in Charlotte County. **Chair Hess** suggested mitigation language; **Mr. Trepal** noted that there were shared parking concepts that could be employed as well.

Chair Hess suggested language revisions with regard to the language about streets; for conditions S and Y, review the language so it's not confusing. **Mr. Marshall** asked if a motion could be made to approve with the exception of conditions S and Y pending language improvements.

Recommendation

Mr. Marshall moved that application **Z-10-09-30** be forwarded to the Board of County Commissioners with a recommendation of *Approval with conditions "a" through "tt" (with the exception of conditions "O", "S" and "Y" where the language needs to be further refined)*, based on the findings and analysis in the staff report dated October 27, 2010, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

PP-08-07-02

Quasi-judicial

Commission District IV

Smith & Wester, Inc. is requesting a one-year extension to the Preliminary Plat approval for Tippecanoe Business Park. The Preliminary Plat was granted approval by the Board of County Commissioners on October 21, 2008, with nine (9) conditions. The subdivision, consisting of ten (10) commercial lots is located on 4.66 acres, more or less, Section 15, Township 40 South, Range 21 East, southwest of Biscayne Drive, northeast of El Jobean Road, and west of Eastwind Waterway in Commission District IV.

Staff Presentation

Steven Ellis, Planner II, presented the findings and analysis with a recommendation of *Approval*, based on the reasons stated in the staff report dated November 29, 2010.

Questions for Staff

None.

Applicant's Presentation

Mr. George Wester, applicant's agent, commented on a difference in acreage between the 4.66 acres shown in the staff report, which was actually 17.03 acres; there are 10 lots total. With regard to the location description, **Mr. Wester** noted that the project lies *east* of Eastwind Waterway, not west.

Mr. Gravesen asked if Mr. Wester thought it would be better for the project to request a two-year instead of one-year extension; **Mr. Wester** agreed that would work better and staff did not object to the change as long as the property is properly maintained.

Public Input

None.

Minutes of Regular Meeting Continued

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

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

Discussion

Chair Hess reviewed the corrections that needed to be made.

Recommendation

Mr. Marshall moved that application **PP-08-07-02** be approved for two years, based on the findings and analysis in the staff report dated November 29, 2010, along with the evidence presented at today's meeting, second by *Mr. Gravesen* with a unanimous vote.

PV-10-10-03

Legislative

Commission District II

GR Serenity Cove, LLC, has applied for a Plat Vacation to vacate a portion of the plat of Solana Subdivision, as recorded in Plat Book 1, Page 5, of the Official Records of Charlotte County, Florida. The site is east of Otter Creek, west of Charlotte Street, south of the Peace River, and north of Poinciana Avenue, and consists of 8.29 acres, more or less, located in Section 32, Township 40, Range 23, in Commission District II.

Staff Presentation

Steven Ellis, Planner II, presented the findings and analysis with a recommendation of *Approval with conditions*, based on the reasons stated in the staff report dated November 30, 2010. He noted that one of the conditions enumerated in the staff report has already been met (applicant has executed an easement to Florida Power and Light) and that this condition be removed, leaving condition four as the most important condition to be met. *Mr. Ellis* gave extensive details of the developer's agreement that would need to accompany this project, making reference to the presentation graphics. He indicated that the developers agreement may not contain all of the conditions already agreed to in the pre-application meeting, noting that approval would be contingent on the developers agreement properly setting that forth.

Questions for Staff

Chair Hess sought clarification on the exact issues to be settled by the developers agreement, which primarily concerns land being dedicated to the County to provide for alternate public access to the Peace River, along with construction of off-street parking.

Applicant's Presentation

Robert H. Berntsson, Esq., applicant's agent, referred to the meetings between staff and the applicant's agent and engineer, including the pre-application meeting, where he described some confusion on the applicant's part about what was wanted; he indicated that the applicant would be happy to meet county requirements. He noted that it would be a net gain of land to the county. *Chair Hess* asked if there was anything on the property at this point; *Mr. Berntsson* said there had been structures but were gone since Hurricane Charley; he noted some other improvements that had been 'half-done' before the planned development was abandoned.

Public Input

None.

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

Minutes of Regular Meeting Continued

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

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Discussion

None.

Recommendation

Mr. Gravesen moved that application **PP-10-10-03** be forwarded to the Board of County Commissioners with a recommendation of *Approval with the three conditions as stated*, based on the findings and analysis in the staff report dated November 30, 2010, along with the evidence presented at today's meeting, second by **Mr. Marshall** with a unanimous vote.

Chair Hess noted she would not be here for the January 2011 meeting.

There being no further business to come before the Board, meeting was adjourned at 2:08 p.m.