

CHARLOTTE COUNTY PLANNING AND ZONING BOARD
Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida
Minutes of Regular Meeting
January 10, 2011 @ 1:30 p.m.

Call to Order

Vice-Chair Gravesen called the meeting to order at 1:32 p.m. and upon the Secretary calling the roll, it was noted a quorum was present.

Roll Call

PRESENT

Michael Gravesen
Michael Brown
James Marshall

ABSENT

Paula Hess

Brenda Bossman

ATTENDING

Gayle Moore, Recording Secretary

APPROVAL OF MINUTES

The minutes of December 13, 2010 were approved as circulated.

ANNOUNCEMENTS

Mr. Gravesen noted that at the end of the agenda items, the annual election of officers will be held.

PETITIONS

PA-10-11-32-LS

Legislative

Commission District 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 change the Charlotte County 1997-2010 Future Land Use Map (FLUM) and the 2030 FLUM from Agriculture (AG) to Low Density Residential (LDR), applying an annotation to both Future Land Use Maps limiting residential density to two units per acre; for property located north of South Jones Loop Road, south of and adjacent to Alligator Creek, east of Taylor Road and west of I-75, in the South County area, containing 42.59± acres; Commission District II; Petition No. PA-10-11-32-LS; Applicant: KB Home Fort Myers LLC, c/o KB Home Orlando LLC.

Staff Presentation

Jie Shao, Planner III, presented the findings and analysis of the petition with a recommendation of *Approval for transmittal to the Department of Community Affairs for an Objections, Recommendations and Comments report*, based on the reasons stated in the staff report dated December 23, 2010 and the evidence presented at the public hearing on the application. ***Ms. Shao*** noted that while road and utility concurrency was not an issue with this project, a capacity enhancement agreement would be required between the applicant and the School District regarding the provision of capacity for high school level students, which would not exist if the project was started at this time.

Questions for Staff

None.

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

Applicant's Presentation

Gerl Waksler, Esq., representing applicant KB Home Fort Myers LLC, spoke in support of the project, noting that the project infrastructure has been largely provided at this point. She noted that the buffer already constructed for the project would be maintained, regardless of any other changes to the project design. Due to the economic downturn, no homes were ever constructed or sold within the project; in the meantime, the needs of the marketplace have changed and the applicant would like to meet current needs by creating homes on quarter-acre lots, rather than half-acre lots. The total density of the completed project would be two units per acre under the proposed amendment, and there would be an annotation to this effect on the Future Land Use Map.

Ms. Waksler addressed the traffic study for the site as well as environmental issues. She noted that the proposed low density residential land use would better meet the County's Comprehensive Plan goals than the prior site plan.

Public Input

Mr. Gary Quill, Airport Director for the Charlotte County Airport Authority, expressed the Authority's concerns regarding the location of the project in terms of the airport the flight path and future increase in activity at the airport. **Ms. Waksler** noted that prior to the hearing, Mr. Quill had provided a proposed avigation easement which she had not yet reviewed or passed on to KB Home internal counsel for review. She noted that the easement would more properly be addressed at the PD stage where conditions can be placed, which is not the case in this plan amendment stage.

Mr. Marshall asked if the applicant was not aware of the flight path issues; **Ms. Waksler** responded that most of Punta Gorda is in the flight path as well, and noted that the applicant just had not had the matter under consideration previously. The applicant realizes it is an issue that needs to be dealt with.

Mr. Marshall asked Mr. Quill what the Authority's concerns would be; **Mr. Quill** cited concerns about land use compatibility, and said an easement would provide an added layer of protection against future suits regarding noise nuisance. **Mr. Marshall** suggested the matter was a 'buyer beware' issue, where potential buyers should be aware of the issue; **Mr. Quill** said that having the easement would help ensure that buyers became aware of the issue when purchasing the property.

Mr. Dan Edwards of KB Home also spoke to the flight path issue but indicated the company would be happy to meet and discuss the possibility of an easement, noting he, himself, did not have the authority to negotiate it.

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

Discussion

Mr. Marshall said his idea was that as long as buyers know about the flight path, it's their decision; **Mr. Gravesen** said he thought the easement was appropriate as something that would be in the public records and would be disclosed as part of the title search. **Mr. Marshall** and **Mr. Gravesen** further discussed the impact of such an easement. **Mr. Brown** discussed his experience in the Chicago area where communities grew up around the airports; he is aware that buyers create legal issues and that airports also create issues when expansion occurs. He said that would not be a reason to prevent the matter moving forward, but that he understood it could be a future issue.

Minutes of Regular Meeting Continued

January 10, 2011 @ 1:30 P.M.

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

Recommendation

Mr. Brown moved that application **PA-10-11-32-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 December 23, 2010, along with the evidence presented at today's meeting, second by **Mr. Marshall** and carried by a unanimous vote.

Election of Officers

Mr. Marshall moved to nominate Paula Hess as Chair, Mr. Gravesen as Vice-Chair and Ms. Bossman as Secretary, second by **Mr. Brown**, carried by a unanimous vote.

There being no further business to come before the Board, meeting was adjourned at 1:55 p.m.