

CHARLOTTE COUNTY PLANNING AND ZONING BOARD
Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida
Minutes of Regular Meeting
April 11, 2011 @ 1:30 p.m.

Call to Order

Chair Hess called the meeting to order at 1:31 p.m. and upon the Secretary calling the roll, it was noted a quorum was present.

Roll Call

PRESENT

Paula Hess

James Marshall
Brenda Bossman

ATTENDING

Derek Rooney, Assistant County Attorney
Gayle Moore, Recording Secretary

ABSENT

Michael Gravesen
Michael Brown

APPROVAL OF MINUTES

The minutes of March 14, 2011 were approved as circulated.

ANNOUNCEMENTS

It was announced, as noted on the agenda, that items 2, 3 and 4 had been postponed for one month, and would be heard at the May 9th meeting. The oath was administered, whereupon the meeting commenced.

PETITIONS

Amend 3-9, Art. III

Legislative

Countywide

An Ordinance amending Chapter 3-9, Article III clarifying what trucks are subject to the two rear wheels limitations; increasing the number of axles a boat trailer may have and increasing the number of times temporary advertising devices may be permitted; providing for inclusion in the Charlotte County Code of Laws and Ordinances, providing for severability and providing an effective date.

Staff Presentation

Kira Honse, Assistant County Attorney, presented a brief description of the proposed amendment with a recommendation of *Approval*, based on the reasons stated in the staff report dated March 25, 2011 and the evidence presented at the public hearing on the application. She noted that the proposed ordinance covered two different aspects of the Code, the first being the number of axles on vehicles and how the extra set of rear wheels are sometimes removed from vehicles with the thought that this takes the vehicle out of the "dual wheel" category, which is not the case. Also in the category of axles, the amendment addresses the desire of the owners of larger boats to have six-wheel tri-axle vehicles in order to more safely accommodate trailering their watercraft.

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

With regard to the TADs (Temporary Advertising Devices) portion of the amendment, **Ms. Honse** noted that a part which addresses sign-waving has been stricken at this time due to the need to research constitutional concerns; however, the remaining language of the proposed amendment which deals with the number of times per year that a TAD can be employed is still under consideration, asking for an increase from two times per year to four times per year.

Questions for Staff

Chair Hess indicated her understanding that the requested change from two to three would not make any changes to the appearance of the axled vehicles, which Ms. Honse confirmed. As for the TADS, she asked if a permit fee had been decided yet, or if not yet, when was it proposed to be done? **Assistant County Attorney Derek Rooney** answered that there currently is a fee schedule which includes TADS, but that he was not sure what changes to that schedule might be contemplated.

Chair Hess then asked about waivers and whether they impacted on the total number of times signs could go up; **Mr. Rooney** clarified that "waver" referred to a type of sign held aloft and moved about by a person standing at the road-side. He suggested there be language in the Board's recommendation there there be continued consideration of the matter of the 'wavers'.

Mr. Marshall asked if the existing ordinance says that you cannot put a sign in the right-of-way ("ROW"); **Mr. Rooney** responded that it was a state law that forbids this. **Mr. Marshall** indicated he was thinking of the 'yard sale' signs one sees in the ROW; **Mr. Rooney** said that was prohibited, but that enforcement was not thorough. Further discussion ensued on the prevalence of such signs. **Mr. Rooney** clarified that anyone can put a sign adjacent to the ROW, so sometimes it was a matter of interpretation. **Mr. Marshall** asked about signs in the yard; **Mr. Rooney** spoke to that matter and distinguished it from issues concerning political signs which have their own set of rules.

Public Input

Mr. Robert Beaulieu said that he was the person who raised the issue because of people taking off one set of wheels to circumvent the law. He passed out pictures which illustrate the problem to the Board.

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

Discussion

Chair Hess asked Ms. Bossman to make the motion with the additional language just discussed.

Recommendation

Ms. Bossman moved that application **Z-11-01-01** be forwarded to the Board of County Commissioners with a recommendation of *Approval, with further examination of the sign wavers language*, based on the findings and analysis in the staff report dated March 25, 2011, along with the evidence presented at today's meeting, second by **Mr. Marshall** and carried by a unanimous vote.

PP-11-02-01**Quasi-Judicial****Commission District IV**

Toledo Blade Peachland, LLC, has applied for a Preliminary Plat for a commercial subdivision consisting of 5 lots. The site is west of the Crestview Waterway, north of Quesada Avenue, south of Peachland Boulevard, east of Cochran Boulevard, and consists of 6.35 acres, more or less, located in Section 08, Township 40, Range 22, in Commission District IV.

Staff Presentation

Steven Ellis, Planner II, presented the findings and analysis of the petition with a recommendation of *Approval with conditions*, based on the reasons stated in the staff report dated March 23, 2011 and the evidence presented at the public hearing on the application. He mentioned the prior DRC approval which had been quite some time ago, resulting in staff's request that the matter come back through the site plan review process. He also noted that the conditions are "boilerplate environmental" conditions.

Questions for Staff

Mr. Marshall asked if the conditions had been agreed to by the applicant.

Applicant's Presentation

Mr. Robert H. Berntsson, Esq., applicant's agent, spoke in support of the project, noting specifically that the conditions had been agreed to. The result of the platting on ownership was discussed with the Chair, noting that Kohl's and PetSmart use the same arrangement, with a plat line between them although they are connected, and making a distinction between this project and commercial condominiums.

Public Input

Mr. Michael Crowe asked about the zoning and what could be allowed in the project area; he expressed concern about possible industrial uses. He pointed out there was a car wash further down the street; **Chair Hess** responded with reference to the zoning map shown on the monitors with assistance from Mr. Ellis.

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

Discussion

Mr. Berntsson clarified that this is not a rezoning request, and nothing is being changed from what is currently allowed there; it's merely a matter of establishing lot lines for the prospective owners of each unit.

Recommendation

Mr. Marshall moved that application **PP-11-02-01** be forwarded to the Board of County Commissioners with a recommendation of *Approval with the five conditions given*, based on the findings and analysis in the staff report dated March 23, 2011, along with the evidence presented at today's meeting, second by **Ms. Bossman** and carried by a unanimous vote.

SV-08-04-10**Legislative****Commission District V**

Paul Hartt has applied for a Street Vacation to vacate Broad Street from Glass Street all the way to the southerly end of Broad Street, along with Seneca Avenue from Broad Street to the easterly right-of-way of Bayshore Road, and the un-named street or alley located between Lots 1 thru 5 of Block 5 in the H. S. Seward Addition to Charlotte Harbor Subdivision as recorded in Plat Book 1, Page 17 of the Public Records of Charlotte County, Florida, and Keene's Addition of the Charlotte Harbor Subdivision as recorded in Plat Book 1, Page 10 of

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the Public Records of Charlotte County. The site, consisting of approximately 0.99 acres, more or less, is located in Section 26, Township 40, Range 22, in Commission District V.

Staff Presentation

Steven Ellis, Planner II, presented the findings and analysis of the petition with a recommendation of *Denial*, based on the reasons stated in the staff report dated March 24, 2011 and the evidence presented at the public hearing on the application. He also noted that a fax from an adjacent property owner had come in at the last moment, and passed out a copy of it to the Board.

Mr. Ellis discussed the long history of this petition, originally filed in 2008 but held for a considerable time period as the Department of Public Works waited for the CRA to weigh in on drainage issues, because there is significant drainage that runs through the area to be vacated, and there was a study under way at the time. The study was completed in February 2010 and the CRA gave their approval for the vacation. **Mr. Ellis** also addressed the failure of the petitioner to respond to repeated requests for a number of critical deliverables (including a proper survey and the written consent of the other abutting property owners) necessary for a proper determination. **Mr. Ellis** spoke in detail about the potential density increases that would arise from the approval of the petition.

Questions for Staff

None.

Public Input

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

Discussion

Chair Hess reiterated that the shortcomings of the petition seemed to suggest that a recommendation of denial was indeed appropriate. She also addressed several people still in the audience, wondering if they were here for any specific petition; they indicated they were present for the postponed agenda items and after some discussion they were directed to a staff member to get further information on those matters.

Recommendation

Mr. Marshall moved that application **SV-08-04-10** be forwarded to the Board of County Commissioners with a recommendation of *Denial*, based on the findings and analysis in the staff report dated March 24, 2011, along with the evidence presented at today's meeting, second by **Ms. Bossman** and carried by a unanimous vote.

Principal Planner Inga Williams announced to the Board that the Director of Building and Growth Management had resigned.

There being no further business to come before the Board, meeting was adjourned at 2:42 p.m.