

CHARLOTTE COUNTY PLANNING AND ZONING BOARD
Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida
Minutes of Regular Meeting
September 12, 2011 @ 1:30 p.m.

Call to Order

Chair Hess called the meeting to order at 1:27 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

ABSENT

ATTENDING

Derek Rooney, Assistant County Attorney
Gayle Moore, Recording Secretary

APPROVAL OF MINUTES

The minutes of August 8, 2011 were approved as circulated.

ANNOUNCEMENTS

The oath was administered, whereupon the meeting commenced.

PETITIONS

The meeting commenced with agenda item five, which was the Bella preliminary plat request.

PP-11-07-02

Quasi-Judicial

Commission District IV

Emil Bella has applied for a Preliminary Plat for a residential subdivision consisting of three (3) single-family lots. The site is west of Proude Street, north of the Myakka River, south of Eleanor Avenue, east of Windcrest Drive, and consists of 3.29 acres, more or less, located in Section 17, Township 40S, Range 21E, in Commission District IV.

Staff Presentation

Steven Ellis, Planner II, presented the findings and analysis of the petition with a recommendation of *Approval with eleven conditions*, based on the reasons stated in the staff report dated August 18, 2011 and the evidence presented at the public hearing on the application.

Questions for Staff

Chair Hess noted that the presentation of items out of order had not been announced prior to the meeting commencement, and also that the staff report with conditions which Mr. Ellis was referencing was not in the packet. **Mr. Ellis** said he would attempt to determine why that was; in the meantime, he noted that the conditions in the staff report would reflect those made in the various staff memos included in the packet, among them technical corrections to the map requested by Engineering, standard environmental conditions, and finally one referencing dedication of 25 feet of the required right-of-way for Eleanor Ave., as per the subdivision

regulations, and the other half of the 25 feet of the street right-of-way in order to provide a full 50-foot right-of-way. **Mr. Ellis** noted that the applicant had accepted all the conditions, and that staff recommended approval.

Applicant's Presentation

Mr. Todd Rebol, Banks Engineering, applicant's agent, spoke in support of the project, and thanked the Board for taking the matter out of order. He noted that access to the site will be via existing roads and that the plat does not require road-building.

Public Input

Ms. Josephine Nicolosi, a neighbor of the subject property, had concerns about how the lot will be split to accommodate 3 homes on a single lot. She asked Mr. Ellis what amount of space was required between the proposed homes and her existing home; **Mr. Ellis** noted the lot size and set-back requirements. **Ms. Nicolosi** asked about clearing of the lot, and **Mr. Ellis** responded with reference to the conditions (which were not available in the packet.) He acknowledged that though parts of the Code required that the invasive species be removed (leaving the ground fairly well cleared) there was also a requirement for a landscaping plan which should provide buffering between the properties. **Ms. Nicolosi** also asked about the tortoises that she knew were on the property; she asked what would happen to those. **Mr. Ellis** responded that protected species were addressed in conditions 7 and 8; he noted that the full development review will not take place until actual development of the site is ready to commence. Further discussion ensued.

Ms. Bossman made a point about the tortoises; **Mr. Rebol** responded to some of the environmental issues, noting that the owner's intention was to only develop in a way that did not clear the site. He also stated that the tortoises would be relocated, either on-site or off-site, which are the options currently available. He also commented on the wetlands issue.

Ms. Bossman asked if a change in the gopher tortoise rules is expected; **Mr. Rebol** responded that they had recently changed. **Ms. Bossman** said her understanding was that additional changes were likely and she wondered whether the conditions would change if the rules change; **Mr. Rebol** said the permit would be for whatever the rules were at the time the permit was issued, but that his understanding was that the rules have become more restrictive over time.

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

Discussion

None.

Recommendation

Mr. Marshall moved that application **PP-11-07-02** be forwarded to the Board of County Commissioners with a recommendation of *Approval with eleven conditions*, based on the findings and analysis in the staff report dated August 18, 2011, along with the evidence presented at today's meeting, second by **Ms. Bossman** and carried by a unanimous vote.

A brief recess was called to correct issues with the computers. An announcement was also made that items 8 and 9 would also be moved to the head of the queue.

PP-07-05-09 **Quasi-judicial** **Commission District IV**
Quality Homes of Port Charlotte, Inc. is requesting a two-year extension to the Preliminary Plat

approval for Gramercy Street Development. The Preliminary Plat was granted approval by the Board of County Commissioners on August 21, 2007, with five (5) conditions. The Planning and Zoning Board granted a one-year extension on July 13, 2009, and another one-year extension on October 11, 2010. The subdivision, consisting of fourteen (14) cluster housing lots on 4.66 acres, more or less, is in Section 15, Township 40, Range 21, located on the east side of Gramercy Street, west of the Crestwood Waterway, and north of El Jobean Road in Commission District IV.

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 30, 2011 and the evidence presented at the public hearing on the application.

Questions for Staff

None.

Applicant's Presentation

Applicant not being present, **Mr. Rebol** spoke briefly in support of the project, noting the economic downturn as the cause for the request.

Public Input

None.

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

Discussion

None.

Recommendation

Mr. Marshall moved that the request for a two-year extension for application **PP-07-05-09** be *Approved*, based on the findings and analysis in the staff report dated June 30, 2011, along with the evidence presented at today's meeting, second by **Ms. Bossman** and carried by a unanimous vote.

PP-06-04-03

Quasi-Judicial

Commission District I

Barry Karpay, Vice President of Standard Pacific Homes, has applied for a two (2) year extension of a Preliminary Plat approval for Kensington Lakes, a subdivision consisting of 255 lots in a Planned Development in Sections 25 and 26, Township 40S, Range 23E. The site, consisting of 90.46 acres, more or less, is located west of Lanier Road, east of Fairfield Avenue, south of Riverside Drive, and north of Duncan Road in Commission District I.

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 August 4, 2011 and the evidence presented at the public hearing on the application.

Applicant's Presentation

Applicant not being present, **Mr. Rebol** spoke briefly in support of their request. The project was stopped after receiving SWFWMD approval; applicants are now waiting for an improvement in economic conditions.

Questions for Staff

None.

Public Input

None.

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

Discussion

None.

Recommendation

Mr. Brown moved that the request for a two-year extension for application **PP-06-04-03** be *Approved*, based on the findings and analysis in the staff report dated August 4, 2011, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

PA-11-07-13-LS

Legislative

Commission District III

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Community Affairs for review and comments; the amendment request is to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Parks and Recreation (PKR) for 235.8± acres and Coastal Residential (CR) for 3.24± acres to Preservation (PR); for property located north and east of the Gulf of Mexico and of Little Gasparilla Island, and southwest of Placida Road (C.R. 775), in the West County area, containing a total of 239.04± acres; Commission District III; Petition No. PA-11-07-13-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Staff Presentation

Inga Williams, Principal Planner, presented the findings and analysis of the petition with a recommendation of *Approval for transmittal to the Department of Community Affairs*, based on the reasons stated in the staff report dated July 22, 2011 and the evidence presented at the public hearing on the application. The structure which would be placed on the park property would provide a residence for an on-site ranger.

Questions for Staff

Ms. Bossman asked if the state was considering changing the property from a recreation area to a preservation area; **Ms. Williams** noted that the property was not actually outfitted for recreation at the present time, other than some trails and a dock, and she knew of no plans to create more active recreation options there.

Public Input

None.

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

Discussion

Ms. Bossman had further questions about what would happen to the preservation designation the state coming in later with a recreation designation; **Ms. Williams** said the state's placement would

not prevail over our local use requirements, so that they can offer anything that is appropriate under the preservation designation. Board members expressed doubt that the County could stop the state from imposing uses; **Ms. Williams** noted that the County could refuse them a permit. Further discussion ensued on various details of the property.

Recommendation

Ms. Bossman moved that application **PA-11-07-13-LS** be forwarded to the Board of County Commissioners with a recommendation of *Approval for transmittal to the Department of Community Affairs for review and comments*, based on the findings and analysis in the staff report dated August 19, 2011, along with the evidence presented at today’s meeting, second by **Mr. Marshall** and carried by a unanimous vote.

PA-11-07-14-LS

Legislative

Commission District I

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Community Affairs for review and comments; the amendment request is to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Low Density Residential (LDR) to Preservation (PR); for property located north of Shell Creek, south of Royal Palm Drive, east of the Peace River and west of Duncan Road (U.S.17), in the East County area, containing 67.76± acres; Commission District I; Petition No. PA-11-07-14-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

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*, based on the reasons stated in the staff report dated August 19, 2011 and the evidence presented at the public hearing on the application.

Questions for Staff

None.

Discussion

Chair Hess confirmed that the property was in the Rural Service Area and spoke briefly about Mr. Sam Burchers the owner. **Mr. Marshall** asked if, when the County acquired the property, it would be required to clear the invasive species off it; **Ms. Bossman** answered that if it was being acquired with grant money that might be the case. **Mr. Rooney** said there was no requirement to clear but that the county might do that in any case when the Conservation Charlotte program had the funds available. **Ms. Bossman** offered congratulations on getting the grant.

Mr. Gravesen spoke on the idea of going from having density to having no density; he asked whether the staff had reviewed the density, e.g. whether it would be stripped off or reserved to be available for sale. **Ms. Shao** said that her understanding of the terms of the grant was that the density could not be preserved; **Mr. Gravesen** said his question applied to all the amendments. **Ms. Bossman** said grant funds usually required dissolution of the density; **Ms. Williams** said requirements of all the grants (federal and state) was to strip off the density and not to reserve it so that other properties in harm’s way would then be developed; she also noted that the Commission had issued no direction to preserve density in cases like this. **Chair Hess** said she thought a separate recommendation is in order to direct the Board give direction about banking density; **Ms. Bossman** pointed out it wasn’t an open question where it involves grant money which generally have terms specifying that the density cannot be banked. **Mr. Rooney** offered his opinion, noting that if we banked density from projects that had received grant money, the money

from selling it would have to go back to the agency (e.g. Conservation Charlotte) not into the general fund. Further discussion ensued, concluding with a reminder of the existence of about 10,000 units of banked density arising out of the new Comprehensive Plan's neighborhoods structure.

Public Input

None.

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

Recommendation

Mr. Brown moved that application **PA-11-07-14-LS** be forwarded to the Board of County Commissioners with a recommendation of *Approval for transmittal to the Department of Community Affairs for review and comments*, based on the findings and analysis in the staff report dated August 19, 2011, along with the evidence presented at today's meeting, second by **Ms. Bossman** and carried by a unanimous vote.

PA-11-07-15-LS

Legislative

Commission District III

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Community Affairs for review and comments; the amendment requests a change to Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Commercial (COM) to Preservation (PR); requests a change to Charlotte County FLUM Series Map #2, 2050 Framework from Maturing Neighborhood to Agricultural/Rural, and also requests a change to Charlotte County FLUM Series Map #3: 2030 Service Area Delineation, removing the subject property from the Urban Service Area; for property located southeast of Oakland Hills Road, northwest of the State-owned environmentally-sensitive lands and east of Annapolis Lane, in the Rotonda area, containing 16.68± acres; Commission District III; Petition No. PA-11-07-15-LS; 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 for transmittal to the Department of Community Affairs*, based on the reasons stated in the staff report dated August 19, 2011 and the evidence presented at the public hearing on the application.

Questions for Staff

None.

Public Input

None.

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

Discussion

Chair Hess confirmed this is for mitigation of scrub jays, and asked if there was a similar location for mitigation of tortoises, which currently all goes out of town. **Mr. Rooney** said that the County was in the process of setting one up on El Jobean Rd., but that it was not yet finalized. **Ms. Bossman** mentioned some new research that moving the creatures caused excessive stress.

Recommendation

Ms. Bossman moved that application **PA-11-07-15-LS** be forwarded to the Board of County Commissioners with a recommendation of *Approval for transmittal to the Department of Community Affairs for review and comments*, based on the findings and analysis in the staff report dated August 19, 2011, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

PA-11-07-16-LS

Legislative

Commission District IV

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Community Affairs for review and comments; the amendment request is to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Low Density Residential (LDR) to Preservation (PR); for property located north of Carbon Avenue, south of Joppa Avenue, east of Flamingo Waterway and west of Flamingo Boulevard, in the Port Charlotte area, containing 28.63± acres; Commission District IV; Petition No. PA-11-07-16-LS; 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 for transmittal to the Department of Community Affairs*, based on the reasons stated in the staff report dated August 19, 2011 and the evidence presented at the public hearing on the application.

Questions for Staff

None.

Public Input

None.

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

Discussion

None.

Recommendation

Mr. Marshall moved that application **PA-11-07-16-LS** be forwarded to the Board of County Commissioners with a recommendation of *Approval for transmittal to the Department of Community Affairs for review and comments*, based on the findings and analysis in the staff report dated August 19, 2011, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

PA-11-07-17-LS

Legislative

Commission District III

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Community Affairs for review and comments; the amendment request is to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Coastal Residential (CR) to Preservation (PR); for property located northeast of Palm Island, south of Stump Pass Beach State Park and west of Lemon Bay, in the West County area, containing 35.04± acres; Commission District III; Petition No. PA-11-07-17-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Staff Presentation

Matthew Trepal, Planner III, presented the findings and analysis of the petition with a recommendation of *Approval for transmittal to the Department of Community Affairs*, based on the reasons stated in the staff report dated August 19, 2011 and the evidence presented at the public hearing on the application.

Questions for Staff

None.

Public Input

None.

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

Discussion

None.

Recommendation

Ms. Bossman moved that application **PA-11-07-17-LS** be forwarded to the Board of County Commissioners with a recommendation of *Approval for transmittal to the Department of Community Affairs for review and comments*, based on the findings and analysis in the staff report dated August 19, 2011, along with the evidence presented at today's meeting, second by **Mr. Marshall** and carried by a unanimous vote.

PA-11-07-18-LS

Legislative

Commission District III

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Community Affairs for review and comments; the amendment request is to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Parks and Recreation (PKR) to Preservation (PR); for property located northwest of San Casa Drive, south of S McCall Road (S.R. 776) and east of Oyster Creek Drive, in the Englewood area, containing 106.97± acres; Commission District III; Petition No. PA-11-07-18-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

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*, based on the reasons stated in the staff report dated August 19, 2011 and the evidence presented at the public hearing on the application. **Ms. Shao** provided some historical information on the evolution of the site as a County park.

Questions for Staff

Ms. Bossman noted that the name of the park had been changed to honor Ann Deaver, though she said she didn't know if that was germane to the petition.

Public Input

None.

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

Discussion

None.

Recommendation

Ms. Bossman moved that application **PA-11-07-18-LS** be forwarded to the Board of County Commissioners with a recommendation of *Approval for transmittal to the Department of Community Affairs for review and comments*, based on the findings and analysis in the staff report dated August 19, 2011, along with the evidence presented at today's meeting, second by **Mr. Marshall** and carried by a unanimous vote.

There was some general discussion about the prospects for the local economy. There being no further business to come before this Board, the meeting was adjourned at 2:30 p.m.