

CHARLOTTE COUNTY PLANNING AND ZONING BOARD
Administration Center, 18500 Murdock Circle, Room 119,
Port Charlotte, Florida
Minutes of Regular Meeting
May 13, 2013, 1:30 p.m.

Call to Order

Chair Hess called the meeting to order at 1:30 p.m. and upon the Secretary calling the roll, it was noted a quorum was present.

Roll Call

PRESENT

Paula Hess
Michael Gravesen
Steve Vieira
John Mahshie

ABSENT

Paul Bigness

ATTENDING

Ty Harris, Assistant County Attorney
Gayle Moore, Recording Secretary

APPROVAL OF MINUTES

The minutes of April 8, 2012 were approved as circulated.

ANNOUNCEMENTS

The Chair gave Board members information from the County Attorney about their duties on the Affordable Housing Committee and requirements of the Sunshine Law. The oath was administered to those desiring to speak, whereupon the meeting commenced.

PETITIONS

PP-05-01-02

Quasi-judicial

Commission District IV

Richard W. Arnold, Flagship Builders & Developers, is requesting a two-year extension of the Preliminary Plat approval for River Haven Estates Subdivision, Petition PP-05-01-02. This project received preliminary plat approval from the Charlotte County Board of County Commissioners on April 19, 2005. A one-year extension was granted by the Planning and Zoning Board on April 9, 2007, a second one-year extension was granted on April 14, 2008, a third one-year extension was granted on May 11, 2009, and a two-year extension on May 9, 2011. The property is in Section 8, Township 40 South, Range 21, located north of Markham Avenue, east of Apollo Waterway, south of Hughes Avenue and west of Casper Street, 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 March 22, 2013.

Questions for Staff

None.

Applicant's Presentation

Mr. Richard Arnold, applicant, confirmed to the Chair that his project remains unbuilt due to the economic downturn.

Public Input

None.

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

Discussion

The Chair noted that the matter only needed to be approved by the Board, not to go to the BCC

Recommendation

Mr. Mahshie moved that application PP-05-01-02 be approved, based on the applicant's request, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

PA-13-03-01

Legislative

Commission District III

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Small Scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Low Density Residential (LDR) to Commercial (COM); for property located at 2811 Placida Road, in the Englewood area, containing 0.17± acres; Commission District III; Petition No. PA-13-03-01; applicant: Carolyn Spradlin; providing an effective date.

Z-13-03-03

Quasi-Judicial

Commission District III

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Single-family 5 (RSF-5) to Commercial General (CG), for property located at 2811 Placida Road, in the Englewood area, containing 0.17± acres; Commission District III; Petition No. Z-13-03-03; applicant: Carolyn Spradlin; providing an effective date.

Staff Presentation

Jie Shao, Planner III, presented the findings and analysis of the unified petition with a recommendation of *Approval*, based on the reasons stated in the staff report dated April 19, 2013, noting that the requested change would be appropriate in view of the surrounding uses.

Questions for Staff

None.

Applicant's Presentation

None.

Public Input

Ms. Audrey Shinske, Chair of the Grove City Planning Advisory Board, spoke in support of the petition, noting it would be consistent with the Advisory Board's plan for that area.

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

Discussion

Chair Hess said the project seemed consistent with the neighborhood.

Recommendation

Mr. Gravesen moved that application **PA-13-03-01** be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated April 19, 2013, along with the evidence presented at today's meeting, second by **Mr. Mahshie** and carried by a unanimous vote.

Mr. Gravesen moved that application **Z-13-03-03** be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated April 19, 2013, along with the evidence presented at today's meeting, second by **Mr. Vieira** and carried by a unanimous vote.

Z-13-03-04

Quasi-Judicial

Commission District II

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Commercial General (CG) to Commercial Intensive (CI), for property located at 11069, 11079, 11089, and 11079 Tamiami Trail (U.S. 41), in the Punta Gorda area, containing 2.25± acres; Commission District II; Petition No. Z-13-03-04; applicant: James Harrower; providing an effective date.

Staff Presentation

Jie Shao, Planner III, presented the findings and analysis of the petition with a recommendation of *Approval*, based on the reasons stated in the staff report dated April 19, 2013, noting specifically that part of the purpose of the rezoning was to correct illegal uses on the site. **Ms. Shao** also emphasized for the benefit of the applicant and the Board that more steps, such as Site Plan Review, would be involved to completely correct the violations on the site.

Questions for Staff

None.

Applicant's Presentation

Mr. Harrower, applicant, thanked staff and indicated he agreed with their findings.

Public Input

None.

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

Discussion

Chair Hess said she found the request consistent with the Comprehensive Plan and agreed with staff's recommendation.

Recommendation

Mr. Gravesen moved that application **Z-13-03-04** be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated April 19, 2013, along with the evidence presented at today's meeting, second by **Mr. Mahshie** and carried by a unanimous vote.

In advance of the next item, **Mr. John Mahshie** noted that the applicant was his nephew but that he had no material interest in the matter under review in the application.

Z-13-03-05

Quasi-Judicial

Commission District IV

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Multi-family 10 (RMF-10) to Commercial General (CG), for property located north of Tamiami Trail (U.S. 41), south of Tanglewood Avenue, east of Warrington Boulevard and west of Venango Street, in the Port Charlotte area, containing 0.23± acres; Commission District IV; Petition No. Z-13-03-05; applicant: Elias M. Mahshie, Trustee; providing an effective date.

Staff Presentation

Jie Shao, Planner III, presented the findings and analysis of the petition with a recommendation of *Approval*, based on the reasons stated in the staff report dated April 19, 2013.

Questions for Staff

None.

Applicant's Presentation

Elias Mahshie, applicant, used the computer to give a presentation regarding the matter, with particular attention to the land use map, indicating that the land trust he represents owns the surrounding parcels as well; the subject parcel is intended to be a stormwater management pond for these parcels as they are developed. **Chair Hess** clarified that the surrounding residential area is all vacant.

Public Input

None.

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

Discussion

Chair Hess said she thinks that project is appropriate in view of the US 41 Overlay buffering standards.

Recommendation

Mr. Mahshie moved that application **Z-13-03-05** be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated April 19, 2013, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

Bridgeless Barrier Island (BBI)

Zoning District

Legislative

Commission District III

An Ordinance amending Charlotte County Code Chapter 3-9, by creating a new section 3-9-56, Bridgeless Barrier Island (BBI) zoning, providing for permitted and prohibited uses; providing for special exceptions, providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Staff Presentation

Jie Shao, Planner III, presented the history and analysis relating to the proposed zoning district with a recommendation of *Approval*, based on the reasons stated in the staff report

dated April 26, 2013. The purpose of the new zoning district is to implement the intent of the Bridgeless Barrier Island Overlay District of the Comprehensive Plan.

Questions for Staff

Mr. Gravesen pointed out a typo in the draft ordinance, which **Ms. Shao** indicated she will correct as the matter goes forward.

Applicant's Presentation

None.

Public Input

Mr. Bob Hill, a resident of Little Gasparilla Island, and Chair of the Little Gasparilla Island Advisory Committee, spoke about the Committee's participation in the refining of the new code over the past several years, and expressed his support for the outcome.

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

Discussion

Chair Hess said the matter was a long-overdue correction to the Code to provide consistency with the limitations that are already in place, and that she supported it.

Mr. Gravesen commented on the phrasing regarding legally-created lots and the way in which the dates are given, e.g., whether it should be in the form of a day, month and year or just a month and year, since it appears both ways in more than one place; **Ms. Shao** noted that the ordinance was correct.

Recommendation

Mr. Gravesen moved that the application for the **Bridgeless Barrier Island (BBI) Zoning District** ordinance be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated April 26, 2013, along with the evidence presented at today's meeting, second by **Mr. Mahshie** and carried by a unanimous vote.

Z-13-03-06

Quasi-Judicial

Commission District III

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Multi-family Tourist (RMF-T)(300.5± acres), Residential Estates (RE-1)(20± acres), Residential Single-family 3.5 (RSF-3.5)(221± acres), and Residential Multi-family 5 (RMF-5)(22± acres) to Bridgeless Barrier Island (BBI), for property located on Little Gasparilla Island, Don Pedro Island, Palm Island, Knight Island and Thornton Key, in the West County area, containing 563.5± acres; Commission District III; Petition No. Z-13-03-06; 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*, based on the reasons stated in the staff report dated April 26, 2013, and relating it to the previous agenda item which established the zoning district that these properties will be rezoned to. **Ms. Shao** also commented on a meeting between staff and the owner of the Palm Island ferry landing, responding to his request to remove that parcel from the lands to be rezoned, since it serves a unique purpose and there are no intentions to

build any single family homes on this parcel which is reserved to accommodate the barge landing needs.

Questions for Staff

None.

Public Input

Robert H. Berntsson, Esq., representing the owner of the parcel that has been excluded from the new zoning district (by agreement with staff) and offered support for the rezoning.

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

Discussion

None.

Recommendation

Mr. Gravesen moved that application **Z-13-03-06** be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated April 26, 2013, along with the evidence presented at today's meeting, with an amendment to the application removing the parcel identified by account number 412028377001, Runaway Land Holdings, LLC, from the application, second by **Mr. Vieira** and carried by a unanimous vote.

Nonconformities

Legislative

Commission District III

An Ordinance amending Charlotte County Code Chapter 3-9, Article I, Section 3-9-10. – Nonconformities; providing for a new subsection (b) (2) Disaster Recovery on the Bridgeless Barrier Islands; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Staff Presentation

Jie Shao, Planner III, presented the findings and analysis of the change to the Code with a recommendation of *Approval*, based on the reasons stated in the staff report dated April 26, 2013. She elaborated regarding the expressed concerns of the island residents concerning the ability to rebuild structures which might be damaged or destroyed by storm, etc., in the future.

Questions for Staff

None.

Public Input

None.

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

Discussion

Chair Hess said she thinks that the ability of bridgeless barrier island residents to rebuild to an existing footprint and density was a reasonable matter.

Recommendation

Mr. Gravesen moved that application for the revision to Sec. 3-9-10, the **Nonconformities** Code be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated April 26, 2013, along with the evidence presented at today's meeting, second by **Mr. Mahshie** and carried by a unanimous vote.

Little Gasparilla Island

(LGI) Zoning District Overlay

Legislative Commission District III

An Ordinance amending Charlotte County Code Chapter 3-9, by creating a new section 3-9-57, Little Gasparilla Island (LGI) Zoning District Overlay, providing for boundaries; providing for intent; governing the development of special exception uses on Little Gasparilla Island; providing for applicability; providing for other necessary clarifications; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Staff Presentation

Jie Shao, Planner III, presented the findings and analysis of the petition with a recommendation of *Approval*, based on the reasons stated in the staff report dated April 26, 2013. She noted the long working relationship between staff and the LGI Advisory Committee and the island citizens in the creation of this overlay to implement the vision and the intent of the LGI Community Plan.

Questions for Staff

None.

Public Input

None.

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

Discussion

Chair Hess said the Board recognized that the matter had the approval of the LGI Community Advisory Board.

Recommendation

Mr. Gravesen moved that creation of Sec. 3-9-57, the **Little Gasparilla Island (LGI) Zoning District Overlay**, be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated April 26, 2013, along with the evidence presented at today's meeting, second by **Mr. Mahshie** and carried by a unanimous vote.

Mr. Gravesen noted he would not be present for the June meeting. There being no further business to come before the Board, meeting was adjourned at 2:07 p.m.