

**CHARLOTTE COUNTY PLANNING AND ZONING BOARD**  
**Administration Center, 18500 Murdock Circle, Room 119,**  
**Port Charlotte, Florida**  
**Minutes of Regular Meeting**  
**December 9, 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  
Stephen Vieira  
John Mahshie

**ABSENT**

Paul Bigness

**ATTENDING**

Ty Harris, Assistant County Attorney  
Gayle Moore, Recording Secretary

**APPROVAL OF MINUTES**

The minutes of October 21, 2013 were approved as circulated.

**ANNOUNCEMENTS**

At the end of today's meeting a new Board Secretary will be nominated to replace John Mahshie, who is resigning; it will also be decided who will attend the next AHAC meeting. Upon the oath being administered, the meeting commenced.

**PETITIONS**

**NOPC-13-04-08**

**Legislative**

**Commission District I**

A Resolution pursuant to Section 380.06, Florida Statutes, amending the Master Development Order (MDO) for the Babcock Ranch Community Master Development of Regional Impact to update requirements to make the development orders more reflective of current conditions and allow the development to be competitive with other developments within the region, revise the MDO Master Plan and correct scrivener's errors; for property located east of S.R. 31, south of C.R. 74 (Bermont Road), west of the Glades County line, and north of the Lee County line, containing 13,630± acres, in the East County area; Commission District I, Petition No. NOPC-13-04-08; applicant: Babcock Property Holdings, L.L.C.; 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 November 22, 2013, giving brief details of the request, which concerns updating requirements to make the Development Order better reflect current conditions, including the affordable housing requirements within the MDO. She noted that the Southwest Florida Regional Planning Council, which determined that the proposal is not a substantial deviation.

**Questions for Staff**

*None.*

**Applicant's Presentation**

**Robert H. Berntsson, Esq.**, applicant's agent, indicated there was not much to add; he thanked staff and noted that these adjustment involve a large amount of work.

**Public Input**

**Michael Wilson, Esq.**, representing the School Board, noted the School Board had reviewed the application, and their objections were addressed in the revisions to the MDO and the IDO. They would encourage the applicant to begin discussions with the School District to address any concurrency issues that are anticipated to take considerable time.

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

**Discussion**

**Chair Hess** stated that she agreed with staff recommendations as being sensible and complying with the Comp Plan. **Mr. Olivo** spoke on behalf of the School Board, expressing gratitude to the staff and also the County Economic Development Office for recognizing that there should be further discussions with regard to the student generation rates that will be at issue based on the number of homes in the Babcock project, and about leaving adequate time for estimating projected school populations.

**Recommendation**

**Mr. Vieira** moved that application NOPC-13-04-08 be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated November 22, 2013, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

**NOPC-13-04-11**

**Legislative**

**Commission District I**

A Resolution pursuant to Section 380.06, Florida Statutes, amending the Increment I Development Order (IDO) for the Babcock Ranch Community Development of Regional Impact to update requirements to make the development orders more reflective of current conditions and allow the development to be competitive with other developments within the region, revise the IDO Master Plan, increase property within Increment I by approximately 992± acres and correct scrivener's errors; for property located east of S.R. 31, south of C.R. 74 (Bermont Road), west of the Glades County line, and north of the Lee County line, containing 4,043± acres, in the East County area; Commission District I, Petition No. NOPC-13-04-11; applicant: Babcock Property Holdings, L.L.C.; 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 November 22, 2013, giving brief details of the request and noting that the applicant has not requested any increase in development rights.

**Questions for Staff**

*None.*

**Applicant's Presentation**

**Robert H. Berntsson, Esq.**, applicant's agent, reiterated previous comments – as noted, this request is increasing acreage but not entitlements, for additional flexibility for prospective developments.

**Public Input**

**Michael Wilson, Esq.**, School Board attorney reiterated previous comments.

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

**Discussion**

**Chair Hess** reiterated her comments for approval.

**Recommendation**

**Mr. Vieira** moved that application NOPC-13-04-11 be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated November 22, 2013, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

**SV-13-09-03**

**Legislative**

**Commission District IV**

Ignazio Chisesi is requesting to vacate all that portion of Epic Court south of Chamberlain Boulevard, a total of 0.28 acres, more or less, located south of Chamberlain Boulevard, north and east of Biscayne Drive, and west of Eisenhower Drive, in Section 8, Township 40 South, Range 21 East, in Commission District IV.

**Staff Presentation**

**Steven Ellis, Planner II**, presented the findings and analysis of the petition with a recommendation of Approval with one condition, based on the reasons stated in the staff report dated November 18, 2013, noting that the applicant owns all the lots abutting the proposed vacation, and his stated intention is to build a house across portions of lots 12, 13 and 14, which will address any concerns about potential future land locking of lots 13 and 14. The single condition requires that the applicant provide a utility easement in favor of Charlotte County Utilities.

**Questions for Staff**

**Chair Hess** had two questions; First, which lots was Comprehensive Planning referring to in saying two would not have street access? **Mr. Ellis** noted those comments were generated prior to the applicant submitting the site plan. The second question from the Chair was why not replat it, as had been suggested in staff comments from the Zoning Division? **Mr. Ellis** noted that replatting would only create four lots and there would still be the single access. **Mr. Gravesen** had some questions about the combine and kill process which he indicated were largely theoretical; some technical discussion ensued about this process, with response provided by Mr. Ellis and **Planning and Zoning Official Shaun Cullinan**, who noted that timing was important here, inasmuch as the platting process adds time, complexity and cost to a project. **Chair Hess** stated her agreement with that approach, noting the process should be done as simply and inexpensively as possible for the applicant.

**Mr. Vieira** asked about lot 15, whether it was buildable by itself, and whether it would still be buildable even after Mr. Chisesi's house was in place? **Mr. Ellis** answered yes to both questions.

**Applicant's Presentation**

**Mr. Stefano Chisesi**, son of the owner, indicated he was prepared to answer questions, if there were any.

**Public Input**

*None.*

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

### Discussion

None.

### Recommendation

**Mr. Mashie** moved that application SV-13-09-03 be sent to the Board of County Commissioners with a recommendation of *Approval with one condition*, based on the findings and analysis in the staff report dated November 18, 2013, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

### **Z-13-10-13                      Quasi-Judicial                      Commission District IV**

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Commercial General (CG) to Planned Development (PD), for property located at 202 Tamiami Trail, in the Port Charlotte area, containing 77± acres; Commission District IV; Petition No. Z-13-10-13; applicant: WBF Florida Properties III, LLC; providing an effective date.

### Staff Presentation

**Jie Shao, Planner III**, presented the findings and analysis of the petition with a recommendation of Approval with conditions a through s, based on the reasons stated in the staff report dated December 2, 2013, noting various details of the intended use. She noted the applicant agrees with all conditions.

### Questions for Staff

None.

### Applicant's Presentation

**Robert H. Bertsson, Esq.**, applicant's agent, spoke about the exposure that the County will gain from all the promotions the applicant intends to hold. He also noted how many people were employed at the Cape Coral dealership (155) suggesting the Charlotte County location would offer a similar economic opportunity. **Chair Hess** asked about other locations controlled by the same owner throughout the country; **Mr. Bertsson** spoke about how this would compare with the others.

### Public Input

**Mr. Ron Larsen**, owner of adjoining properties, upon being sworn in, indicated he thinks it is a great idea.

**Mr. Bill Chapman**, the only home owner on Bamboo Dr. (Lot 31), upon being sworn in, said he was curious how this will affect him for the next two years of the construction, and also about the intended events (music, etc.) and how those will affect him? **Chair Hess** wasn't able to give him specifics except that the activities would have to meet both building and zoning code. **Ms. Shao** noted that music was limited to the hours after 7 a.m. and end before 9 p.m.; **Mr. Chapman** said weekend music could go on to 11 pm, where will this take place? **Mr. Bertsson** came back to the podium to address the issues; he noted that Mr. Chapman's resident is near the retention pond, and there will be buffering along the pond and the parking lot. He noted that activities will be directed toward the center of the site, and activities will be at the main sales building. **Chair Hess** addressed possible noise problems during construction, noting that Mr. Chapman would in that case call the County Code Enforcement. **Mr. Bertsson** added that construction is only expected to last one year, not two years. **Mr. Chapman** asked to have the buffering described; what is Type D? Specifically, he wanted to know the height. Mr. Gravesen stated that Type D was the most stringent buffer. He pointed out that the plants, trees, grow higher over time. Mr.

Cullinan indicated the buffering description was available online (Chapter 3.2 Landscape and Buffering) and described some of the elements of the buffer. **Chair Hess** indicated her understanding that buffers like this have been very successful in other locations.

**Ms. Cheryl Mastin**, who lives on North Port side of Hillsborough, was sworn in; she noted her concern that traffic would be entering the site from roads on both sides (e.g., US 41 and Hillsborough), asking if that was correct. **Chair Hess** asked if Hillsborough was local road or highway; Ms. Mastin commented on the location of her property. **Ms. Shao** responded that Hillsborough is not a local road; **Chair Hess** indicated in that case, truck traffic could be expected. **Ms. Mastin** also questioned about the lighting, how it stays on all night at car dealers. **Mr. Bertsson** responded, noting that Ms. Mastin is near the Phase II part of the property, which will not be involved in current construction for the car dealership building, and that the undeveloped part will remain treed and natural buffering.

**Ms. Gisela Imhof**, upon being sworn, indicated she also lives in the area, and that she wanted a copy of the map; **Ms. Shao** indicated she would email it.

**Mr. Cullinan** spoke about the site plan which was designed with the intention of protecting the near-by residences; he provided detail on the various elements of the site design.

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

### **Discussion**

**Chair Hess** stated that she agreed with the recommendation of approval, finding that it complies with the US 41 Overlay and the Comp Plan; she asked about the lift station. **Mr. Bertsson** discussed the intended timing for a sewer line being installed once US 41 is widened, and in the meantime, CCU will pump the lift-station. **Chair Hess** noted the condition to ensure traffic will be mitigated; **Mr. Bertsson** responded regarding measures being taken to ensure this, including a new lighted intersection being built.

### **Recommendation**

**Mr. Mahshie** moved that application Z-13-10-13 be sent to the Board of County Commissioners with a recommendation of *Approval with conditions a through s*, based on the findings and analysis in the staff report dated December 2, 2013, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

### **PA-13-10-12-LS**

### **Legislative**

### **Commission District I**

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Economic Opportunity for review and comments; the amendment request is to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from DRI Mixed Use (DRI) to Low Density Residential (LDR); applying an annotation to the 2030 Future Land Use Map allowing a maximum of 234 residential dwelling units on the site; for property located at 2414 Loveland Boulevard and 24051 Suncoast Boulevard, in the Port Charlotte area, containing 50± acres; Commission District I; Petition No. PA-13-10-12-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, based on the reasons stated in the staff report dated November 22, 2013; she provided a brief history of the property which was originally part of the Victoria Estates DRI.

**Questions for Staff**

None.

**Applicant's Presentation**

**Mr. Jerry Olivo**, the Board's representative from the Charlotte County School Board, spoke briefly about the matter, describing it as part of the long-range planning for future school needs. **Chair Hess** explained for the public who Mr. Olivo was, noting that he sits with the P&Z Board to hear School Board matters in which he has a voice, but no vote. She also noted that the School Board's attorney was not present at this time.

**Public Input**

**Ms. Kathy Carozza**, owner of property behind Suncoast Lakes, stated that everyone's asking 'what's going to happen' on the property? She indicated some of the rumors about low-income housing current amongst her neighbors. **Chair Hess** explained that the property has always residential zoning; those rights are being retained, as well as rights to put a school there, or school facilities. Further discussion ensued.

**Mr. Sherman Drawdy**, resident of the area, spoke about the need for sidewalks along the big ditch alongside Suncoast Blvd. and suggested that the School Board should donate an easement for a sidewalk along the property. He thought the property doesn't need to be rezoned, because the County will come out of the recession and grow, and have increased school needs. **Chair Hess** corrected his impression, noting that the present petition is not a rezoning, it's a map amendment. He expressed concern that the County would try to sell the land; **Chair Hess** assured him that the School Board was not seeking to sell the property.

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

**Discussion**

**Chair Hess** reiterated the purpose of this request,

**Recommendation**

**Mr. Vieira** moved that application PA-13-10-12-LS be sent to the Board of County Commissioners with a recommendation of *transmittal to the Department of Economic Opportunity for review and comments*, based on the findings and analysis in the staff report dated November 22, 2013, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

**Chair Hess** proposed a question about the public notices being required, noting that it gets people all upset, because they can't understand it's just housekeeping. She also spoke regarding the sending of a P&Z representative to the Jan. 15<sup>th</sup> AHAC meeting; as no one else indicated availability, she stated that she would attend that meeting.

Finally, **the Chair** noted that it was necessary to elect a new secretary to replace Mr. Mahshie, and she called for nominations. **Mr. Gravesen** nominated Mr. Vieira, who was elected by acclamation, there being no other nominations.

There being no further business to come before the Board, meeting was adjourned at 2:25 p.m.