

**CHARLOTTE COUNTY PLANNING AND ZONING BOARD**  
**Administration Center, 18500 Murdock Circle, Room 119,**  
**Port Charlotte, Florida**  
**Minutes of Regular Meeting**  
**April 11, 2016 @ 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  
Ken Chandler

Paul Bigness

**ABSENT**

Stephen Vieira

**ATTENDING**

Joshua Moye, Assistant County Attorney  
Gayle Moore, Recording Secretary

**APPROVAL OF MINUTES**

The minutes of March 14, 2016 were approved as circulated.

**ANNOUNCEMENTS**

None. Upon the oath being administered, the hearing commenced.

PETITIONS:

**PP-07-02-04**

**Quasi-Judicial**

**Commission District II**

PG Holdings, LLC is requesting a three-year extension to the Preliminary Plat approval for Burnt Store 80 Acres. The applicant was granted Preliminary Plat approval by the Board of County Commissioners on May 15, 2007, with four (4) conditions. A one-year extension was granted by the Planning and Zoning Board on July 13, 2009, a two-year extension was granted on August 9, 2010, a two-year extension was granted on July 9, 2012, and another two-year extension was granted on June 9, 2014. The subdivision, consisting of one hundred eight (108) single-family lots (a Planned Development) on 80.15 acres, more or less, is in Sections 29 and 32, Township 42, Range 23, located east of Burnt Store Road (off Harbor Side Boulevard), southeast of Harborside Woods Subdivision, and south of Punta Gorda Isles Section 16 Subdivision in Commission District II.

**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, 2016. He noted that this would be one of several by-right extension requests granted to the applicant for this project.

**Questions for Staff**

None.

**Applicant's Presentation**

**Mr. Todd Rebol, Banks Engineering, applicant's agent**, appeared on behalf of the applicant and spoke briefly in support of the extension request.

**Public Input**

*None.*

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

**Discussion**

**Chair Hess** indicated that this matter would be approved by the Board without going on to the Commission.

**Recommendation**

**Mr. Gravesen** moved that **PP-07-02-04** be *Approved*, based on the findings and analysis in the staff report dated March 22, 2016 along with the evidence presented at today's meeting, second by **Mr. Chandler** and carried by a unanimous vote.

**SV-16-02-02**

**Legislative**

**Commission District I**

Tiny and Patricia Van Tonder are requesting to vacate a portion of River Drive, a total of 0.11 acres, more or less, part of San Souci Subdivision Unit A, as recorded in Plat Book 1, Page 48, of the Public Records of Charlotte County, Florida. The targeted segment is located south of Livingston Drive, north and west of Shell Creek, and east of the CSX Railroad right-of-way, in Section 24, Township 40S, Range 23E, 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 March 24, 2016. He confirmed that the applicants had received a letter of no objection from the neighbor on the north side of the requested vacation. Additionally, approval of this request would resolve an existing Code case. Mr. Ellis also indicated that Charlotte County Utilities had requested a utility easement over a large portion of the area in question; staff evaluated this request and found that it was speculative in nature, and not germane insofar as utilities are not available to this community. No other department reviews identified any issues or imposed any conditions.

**Questions for Staff**

*None.*

**Applicant's Presentation**

**Ms. Patricia Van Tonder** appeared in support of the request; she spoke about the road maintenance they provide on their neighborhood road, and also the amount of dumping that occurs in the area, which they are in the process of cleaning. **Mr. Bigness** asked if this dumping activity was the cause of the recent code enforcement but Ms. Van Tonder indicated that case had to do with a gate they put up.

**Public Input**

None.

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

**Discussion**

**Chair Hess** noted that there appeared to be no good reason to deny this request, and that it would be helpful in clearing up some of the issues in the neighborhood. **Mr. Bigness** asked for clarification on the requested utility easement, which was provided by Mr. Ellis.

**Recommendation**

**Mr. Gravesen** moved that **SV-16-02-02** be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated March 24, 2016, along with the evidence presented at today's meeting, second by **Mr. Chandler** and carried by a unanimous vote.

**SV-16-01-01**

**Legislative**

**Commission District III**

Peter and Ebba Patrick are requesting to vacate all of Tarpon Court, a total of 0.23 acres, more or less, part of Forrest William Blake Estates Subdivision, as recorded in Plat Book 2, Page 38, of the Public Records of Charlotte County, Florida. The targeted right-of-way is located south of Lemon Bay Road, north of Virginia Avenue, east of Riverside Drive, and west of New Point Comfort Road, in Section 6, Township 41, Range 20, in Commission District III.

**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 24, 2016. The applicants have a letter of no objection from the property owner abutting the requested vacation on the other side, and there were no conditions attached to the staff report.

**Questions for Staff**

None.

**Applicant's Presentation**

**Sarah Castro, Esq., applicant's attorney**, was present to answer any questions; none were offered.

**Public Input**

None.

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

**Discussion**

**Chair Hess** stated that there would not be any denial of access, or any other reason to deny.

**Recommendation**

**Mr. Bigness** moved that **SV-16-01-01** be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated March 25, 2016, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

**FP-16-01-01**

**Quasi-judicial**

**Commission District I**

Matthew D. Adams has requested Final Plat approval for a two-lot minor subdivision to be named, Rowland Country Estates. The site is 6.28 acres, more or less, and is located south of Old Landfill Road, west of Harborview Road, north of Rowland Drive, and east of Pebble Terrace, in Section 19, Township 40 South, Range 23 East, 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 March 25, 2016. He indicated that the applicant's goal in creating this small subdivision was to accommodate other family members who also live on the property. Where there had been two houses on one parcel of land, there would now be two lots, one of which would be a flag lot.

**Questions for Staff**

*None.*

**Applicant's Presentation**

**Ms. Joy Adams**, mother of the applicant, appeared in support of the petition; she indicated that she is a resident of one of the houses on the current single parcel.

**Public Input**

*None.*

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

**Discussion**

*None.*

**Recommendation**

**Mr. Gravesen** moved that **FP-16-01-01** be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated March 25, 2016, along with the evidence presented at today's meeting, second by **Mr. Bigness** and carried by a unanimous vote.

**PA-16-02-01-LS**

**Legislative**

**Countywide**

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State agencies for review and comment; this request is to amend Future Transportation Map Series Map #7: South County Sidewalks and Bikeways to add the Babcock Trail Alignment; Petition No. PA-16-02-01-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

### **Staff Presentation**

**Matt Trepal, Principal Planner**, presented the findings and analysis of the petition with a recommendation of *transmittal to the Department of Economic Opportunity*, based on the reasons stated in the staff report dated March 8, 2016. **Mr. Trepal** noted that the title of the petition was not as given in the packet materials, but was instead: ***The Bicycle and Pedestrian Ways (South and East County)***.

He then noted that this petition seeks to add the Babcock Trail Alignment through the Babcock-Webb Wildlife Management Area to the Future Transportation Series Map #7. **Mr. Trepal** described the goals of the change and the expected related outcomes upon adoption, including eventual eligibility for federal and state funding.

### **Questions for Staff**

**Chair Hess** noted the eligibility for outside funds that would eventually result from adoption. **Mr. Chandler** asked questions regarding hunting and gun range activities in the vicinity of this bike trail, expressing some concern whether the recreational traffic would encounter the shooters. **Mr. Venkat Vattikuti**, Transportation Planner, noted that the primary intention was to connect Tuckers Grade to the Babcock Ranch. **Mr. Chandler** stated that the wilderness area has no trails, etc., but **Mr. Vattikuti** and **Chair Hess** said there were usable trails there. **Mr. Chandler** spoke about his concerns regarding the safety factor between hikers/bikers, and hunters and ATV / big truck enthusiasts. **Mr. Vattikuti** indicated that as the actual trail development took place in the future, these issues would be taken into account; he noted that this map amendment was merely intended to put an indicator of the proposed trail on the map with all the other trails. **Chair Hess** suggested that a number of the concerns about user interactions in the future were not an issue at this particular point in the case.

### **Public Input**

*None.*

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

### **Discussion**

**Chair Hess** observed that amendment for putting a line on the map to indicate where a future trail will be built is a bit of advance activity on a project which will be vetted in detail at a later date.

**Mr. Gravesen** returned to Mr. Chandler's concerns, and voiced his concern for hunters rights, with the assumption that hunters might be prevented from hunting in the future. **Chair Hess** said that these concerns would be included in the minutes, and she noted that other people use the area for other activities than hunting already, so allowances are already being made in this regard. **Mr. Bigness** noted that Wildlife Management Area the various hunting seasons are set at defined times; he suggested that multiple uses would be taken into consideration. However, Mr. Bigness also noted that there is a great increase in bike and pedestrian traffic out there on the road. He offered his impression that cyclists are not sufficiently polite on the road and there needs to be an educational effort to increase safety on the roads. **Chair Hess** concurred with this, but suggested it was a conversation for another time and place.

**Recommendation**

**Mr. Gravesen** moved that **PA-16-02-01-LS** be sent to the Board of County Commissioners with a recommendation of *transmittal to the Department of Economic Opportunity for review and comment*, based on the findings and analysis in the staff report dated March 8, 2016, along with the evidence presented at today's meeting, second by **Mr. Chandler** and carried by a unanimous vote.

There being no further business to come before the Board, the meeting was adjourned at 2:02 p.m.