

AGENDA ITEM VII.

PUBLIC MEETING OF THE DESOTO COUNTY PLANNING COMMISSION HELD ON MONDAY, JANUARY 9TH, 2017 AT 5:30 PM IN THE COUNTY COMMISSIONERS' MEETING ROOM ARCADIA, FLORIDA

I. CALL TO ORDER

Chairperson William Martin called the January 9th, 2017 regular Planning Commission meeting to order at 5:30 pm.

II. PLEDGE OF ALLEGIANCE

Chairperson Martin led the Planning Commission in the pledge of allegiance.

III. ROLL CALL

Chairperson Martin requested Ms. Heitman to initiate the roll call and the following persons were in attendance:

Members in Attendance

Chairperson William "Bill" Martin
Commissioner, Debby Snyder
Commissioner, Mike Provau
Commissioner, John Super
Commissioner Mel Jackson (Left at 6:45 pm)

Others in Attendance

Development Director, Earl R. Hahn
County Attorney, Donald Conn
Planning Technician, Kathy Heitman

At the conclusion of the roll call, Ms. Heitman announced a quorum was present.

IV. SET OR AMEND THE AGENDA

Chairperson Martin requested a motion to either set or amend the agenda. Development Director Hahn requested the agenda be amended to move agenda item A.4 on Evacuation Routes and Zones and C.1 on Red Rock Land Corp. rezoning to the top of the agenda. He noted that both agenda requests affect the Lake Suzy area. Commissioner Super moved to amend the agenda as stated, which motion was seconded by Commissioner Snyder and which passed unanimously.

V. PUBLIC FORUM FOR NON-AGENDA ITEMS

Chairman Martin opened the floor to the public so that they could address the Planning Commission on any item that was not on this evening's agenda. There being no request to address the Planning Commission, Chairman Martin closed the floor for discussion.

VI. PROOF OF PUBLICATION

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Chairperson Martin requested a motion to approve filing the proof of publication. Commissioner Super moved to approve, which motion was seconded by Commissioner Provau, and which motion carried unanimously.

VII. PLANNING COMMISSION MEETING MINUTES

Chairperson Martin requested a motion to approve or amend the meeting minutes. Commissioner Jackson moved to approve the October 4th, 2016 minutes, which motion was seconded by Commissioner Snyder, and approved unanimously.

VIII. DEVELOPMENT DIRECTOR COMMENTS

Director Hahn welcomed the Planning Commission to today's meeting and thanked the public for attending the meeting and participating in the planning process.

IX. ACTION ITEMS

- A. County Attorney- Quasi-Judicial hearing and ex-parte conversations. County Attorney Conn inquired from each Planning Commissioner whether or not they had an ex parte communications and each Commissioner affirmed that no such communications occurred. Attorney Conn then explained the quasi-judicial procedures that were applicable in these hearings. Planning Technician Heitman swore in all persons who would be testifying in tonight's public hearing. Ms. Heitman also collected the public comment cards from those persons who desired to provide input into the rezoning application process.
- B. A Resolution of the DeSoto County Board of County Commissioners amending the Transportation Element Support Documents (TESD); amending TESD Section I.B.1.f on Evacuation Routes and Transportation Element Map 6, DeSoto County Evacuation Routes Map, to add County Road 769 from State Road 72 south to the DeSoto/Charlotte County line; and providing an effective date.

Development Director Hahn read the title of the Resolution into the record and made a brief Power Point Presentation on the topic. He noted that if the Board approves the resolution, DeSoto County would coordinate with Charlotte County the designation of CR 769 from the DeSoto/Charlotte County line to I-75. Having concluded his presentation, Chairman Martin inquired whether the Commission had any questions. There being no Commission questions, Chairperson Martin open the public hearing for comments. There being no public comments, Chairperson Martin closed the public hearing and requested a motion. Commissioner Super moved to approve the agenda request, which motion was seconded by Commissioner Provau and unanimously approved.

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- C. An Ordinance of the DeSoto County Board of County Commissioners amending the Official Zoning Atlas identified in Land Development Regulations Article 2, Zoning Districts and Requirements, Section 2001, Establishment of Zoning Districts; granting to Red Rock Land Corp. an Official Zoning District Atlas amendment (RZ 2016-02) by changing from Agricultural 10 (A-10) to Planned Unit Development (PUD) the zoning district of a vacant 26.76+ acre un-platted site and approving a two-phase Concept Development Plan to allow 53 residential single-family dwelling units in Phase 1 and an addition 11 residential single-family dwelling units in Phase 2 subject to conditions on property located at 12101 SW Egret Circle, Lake Suzy, Florida, the Property Identification Number being 31-39-23-0000-0208-0000, the legal description being shown in Exhibit 1; and providing for an effective date.

Development Director Hahn read the title of the Ordinance into the record and presented a PowerPoint Presentation addressing the rezoning and PUD factors of approval. At the conclusion of the presentation, Director Hahn recommended the Commission adopt the Ordinance subject to nine (9) conditions.

Chairperson Martin then inquired whether the Planning Commission had any questions. Commissioner Super inquired as to the lot size and recreation and open space and Director Hahn replied the lot size was 5,900 square feet and the open space exceeded 50 percent. He noted there is no requirement for on-site recreation. County Attorney Conn requested the Concept Development Plan be displayed on the screen and he clarified the difference between the requested number of units and the requested number of bonus units. There being no further questions, the Planning Commission requested the Applicant present their case

Applicant Jason Green, AICP, CFM (Certified Flood Manager) stated he represented the Owner, Red Rock Land Corp., and he discussed his qualifications as an expert in planning, zoning, land development, and flood plain matters. He stated he supported the staff recommendation and made other arguments in favor of approving the application. Upon conclusion of Mr. Green's presentation, Chairperson Martin inquired whether the Planning Commission had any questions.

Commissioner Super had questions about the lift station, public safety impacts (i.e., fire suppression, emergency management services, law enforcement), and FLUM designation under the 2010 Comprehensive Plan. Mr. Green addressed Commissioner Super's inquiries. Chairperson Martin then inquired whether the

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Planning Commission had any additional questions. There being no questions, the Planning Commission opened the public hearing to the public.

The following persons had questions or opposed the application:

- Sharon Farhart of 12077 SW Kingsway Circle;
- Gerald Downs of 11970 SW Kingsway Circle, who testified and submitted written comments and a marketing document for Courtyard Homes at Lake Suzy;
- Mary Denaster of 11644 SW Egret Circle # 1908, who testified and submitted written comments;
- Laura Lama of 12144 SW Egret Circle, # 1007, who testified she is trained and has worked for more than 10 years as a biologist. She stated that in her opinion there were other wetlands located on the property, that there were three sand hill crane nests on the property and that these environmental resources require protection;
- George Wojtkiewicz of 13063 SW Pembroke Circle North;
- Maureen Staci of 12355 SW Kingsway Circle, who testified and submitted written comments;
- Ben Dejong of 12289 SE Austin Avenue;
- Terry Deweerd of 11644 SW Egret Circle # 1808; and
- Allan Dyer of 12960 SW Kingsway Circle.

Chairperson Martin then inquired whether the Planning Commission had any additional questions. There being no questions, the Planning Commission began their deliberations. Commissioner Super moved to deny the application based upon the findings the applicant did not provide substantial competent evidence to support conformance to:

- Factor 5, Whether the existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for changes;
- Factor 6, whether changed or changing conditions make the passage of the proposed amendment necessary;
- Factor 7, whether the proposed change will adversely influence living conditions in the area;
- Factor 8, Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety; and
- Factor 14, whether there are substantial reasons why the property cannot be used in accord with existing zoning.

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The motion died for failure to secure a second. Commissioner Provau inquired whether conditions could be imposed and whether the Board could overturn the Commission's action or change conditions of approval. Development Director Hahn affirmed the Commission's role is advisory to the Board and that they could change conditions of approval. Commissioner Provau then moved to approve the application with the condition that a turn lane be added to SW Kingsway Circle where it intersects with CR 769. The motion was seconded by Commissioner Snyder and passed 3 to 1, with Commissioner Super dissenting.

- D. An Ordinance of the DeSoto County Board of County Commissioners amending DeSoto County Comprehensive Plan Future Land Use Element Map Series Number 3, the Interim 2040 Future Land Use Map by changing the designation of the Peace River State Forest from 4,230+ acres of Rural/Agriculture and 15+ acres of Public Lands/Institutional to 4,245+ acres of Preservation, the street address being 4300 SW County Road 769 and more particularly described in Exhibit "A"; incorporating the whereas clauses and staff report; providing for severability; and providing for an effective date.

Development Director Hahn read the title of the Ordinance into the record. There being no Commission questions, Chairperson Martin open the public hearing for comments. There being no public comments, Chairperson Martin closed the public hearing and requested a motion. Commissioner Super moved to approve the agenda request, which motion was seconded by Commissioner Snyder and unanimously approved.

- E. An Ordinance of the DeSoto County Board of County Commissioners amending the Comprehensive Plan's Capital Improvements Element Support Documents (CIESD); amending and updating the CIESD Five-Year Schedule of Capital Improvements for transportation improvements so that it coincides with the Florida Department of Transportation's Five Year Work Plan and the Heartland Regional Transportation Planning Organization's Transportation Improvement Plan; amending and updating the CIESD 2040 Transportation Needs List; and providing for codification, conflicts, severability, and an effective date.

Development Director Hahn read the title of the Ordinance into the record and made a brief Power Point Presentation. There being no Commission questions, Chairperson Martin open the public hearing for comments. There being no public comments, Chairperson Martin closed the public hearing and requested a motion. Commissioner Super moved to approve the agenda request, which motion was seconded by Commissioner Snyder and unanimously approved.

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X. DISCUSSION ITEMS

- A. Training and dates. Director Hahn inquired whether the members were still interested in attending training sessions the third Tuesday of the month, perhaps on a quarterly basis. The Commission' consensus was yes. Chairperson Martins stated that the Director should schedule a training session on a regular Commission date when there are no agenda requests that month.

XI. INFORMATIONAL ITEMS - NONE

XII. NEW BUSINESS - NONE

XIII. OLD BUSINESS - NONE

XIV. PLANNING COMMISSION MEMBER REMARKS

XV. ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

PLANNING COMMISSION
DESOTO COUNTY, FLORIDA

Bill Martin, Chairperson