

CHARLOTTE COUNTY PLANNING AND ZONING BOARD
Administration Center, 18500 Murdock Circle, Room 119,
Port Charlotte, Florida
Minutes of Regular Meeting
April 13, 2015 @ 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
Stephen Vieira

ABSENT

Paul Bigness

ATTENDING

Joshua Moye, Assistant County Attorney
Gayle Moore, Recording Secretary

ANNOUNCEMENTS

Chair Hess noted that Item One on the agenda will be continued and not heard today; she called for the oath to be administered. Planning and Zoning Official Shaun Cullinan indicated that the "Amendment" section (3-9-10) of the Code rewrites would also be continued; he indicated that further legal research would be required.

APPROVAL OF MINUTES

The minutes of March 9th were approved as circulated.

PETITIONS:

==THIS ITEM HAS BEEN CONTINUED AND WILL NOT BE HEARD TODAY==
PA-14-12-18-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 Low Density Residential (LDR) to Commercial (COM) with an annotation to the 2030 Future Land Use Map to limit use of the site to outdoor storage, wholesale tree farm and nursery operation with customarily accessory uses which are clearly incidental to the permitted uses; for property located northwest of Harborview Road, south of Old Landfill Road, and east of Pebble Terrace, in the Port Charlotte area, containing 23.75± acres; Commission District I; Petition No. PA-14-12-18-LS; Applicant: Timothy Verwiebe; providing an effective date.

PA-15-02-01-LS

Legislative

Commission District II

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 High Intensity Industrial (HII) (357.7± acres), Preservation (PR) (12.87± acres), and Commercial (COM) (45.36± acres) to Low Density Residential (LDR) with an annotation to the 2030 Future Land Use Map to limit the overall density of the site to 999 units; for property located at the northwest portion of the interchange of I-75 and Tuckers Grade, in the Punta Gorda area, containing 415.93± acres; Commission District II; Petition No. PA-15-02-01-LS; Applicant: Crimson Tamiami Trail Holdings LLC; 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 March 20, 2015. **Ms. Shao** provided information on the current zoning and land use designations, answering questions from the Chair regarding the uses allowed in the existing PD, which only allows for commercial and residential but not industrial. The current inconsistency between the zoning and the Future Land Use Map was also discussed, and **Ms. Shao** offered some insight into the history of requested changes on this property.

Questions for Staff

Chair Hess had additional questions, primarily concerning the prior industrial use on the property and prior requests to change the site uses. **Ms. Shao** gave more details on the history of the site which has had numerous use changes, dating back to 2004. The 2007 plan amendment request never had the required companion rezoning submitted by the property owner and yet another request was made in 2008. The inconsistency arose from these incomplete changes under the prior owner; the new owner is moving to clear up the inconsistencies and move forward with the development. The new changes encourage walkable residential and mixed use development.

Chair Hess said she remembered the prior applications, but she indicated that she feels uncertain about the county's need for yet more residential when industrial lands are so few and far between, and the County already has an abundance of residential zoning. She also noted that as the economy continues to improve, the demand for industrial land in a location such as this, between major transportation corridors, would only increase. On the other hand, new residential development raises issues regarding provision of water, sewer, and school facilities. **Chair Hess** suggested that the County's economic development would seem to demand that the potential for industrial be maintained, and she asked if there was any possibility for a type of mixed use that would put residential and light industrial together; **Ms. Shao** said the Comp Plan does have a category of Compact Mixed Use, but a combination of residential and industrial was not permitted. **Chair Hess** reiterated her concern on the loss of the employment-generating industrial development.

Mr. Gravesen asked whether a transfer of density units would be required; **Ms. Shao** indicated that it would be required. **Ms. Geri Waksler, applicant's agent**, indicated the owner would need to transfer in all 999 units for the residential development.

Applicant's Presentation

Geri Waksler, Esq., of McCrory Law Firm, applicant's agent, indicated that she has been connected with this property and its changes throughout the many prior applications. She acknowledged the hope that it would be developed to high intensity industrial; she indicated that other potential users had considered the site and then rejected, noting that those uses have ended up at the Airport Industrial Park instead, and none others are currently in the offering.

Responding to the comment by the Chair that residential just brings service jobs, **Ms. Waksler** indicated she thought this project might be different. She noted that in counties north and south of us, residential is being developed as Master Planned communities; at the same time, there is a demand for properties in Charlotte County south of the river, with easy access to the interstate. **Chair Hess** asked if upscale or downscale development was being contemplated; **Ms. Waksler** indicated it would be upscale by Charlotte County standards but not by Punta Gorda standards; it would be attractive to Lee County residents who can't afford to live in Ft. Myers and who find the commuter traffic in Cape Coral and Lehigh Acres disagreeable. **Ms. Waksler** made a comparison to North Port's development, where they have few jobs, and commute to Sarasota.

Chair Hess said that the business generated by the new development would go to Ft. Myers. **Ms. Waksler** contended that people living here would work in Lee County but would shop here. She cast the proposal as a positive for Charlotte Co, which will benefit the area, strongly positioning us as a bedroom community.

Chair Hess asked whether the County's Economic Development Office has helped marketing industrial; **Ms. Waksler** said yes but the airport, with water and sewer, is preferred. Chair Hess asked how long the permitting process for water, sewer and schools would take for these units; **Ms. Waksler** suggested that there is likely adequate school capacity now, but she pointed out that part of the process doesn't take place until time for platting, so the efforts will reflect current conditions more accurately. **Mr. Jerry Olivo, Charlotte County School Board**, supported the notion that this was too early in the process to consider those aspects, noting that the time to review this would be closer to build-out.

Chair Hess said she still regrets the loss of industrial; **Ms. Waksler** pointed to the large percentage of the development that would be commercial, noting that this could be office buildings rather than retail); she also noted that build-out brings construction jobs, which are still local jobs. **Ms. Waksler** then finished her presentation, noting that the water/sewer picture is better now than it was for the industrial project, and traffic remains within the adopted LOS. She requested approval of the application.

Chair Hess asked staff what was the guarantee the applicant will come in for the PD, once the land use is granted; **Ms. Shao** replied that staff could offer no assurance, but she pointed out that if they don't apply for the rezoning, they could not have any development on the site. Additionally, they must apply for the PD because the base density currently is zero. Further discussion ensued over whether the owner could apply for straight residential zoning rather than go through the PD process, **Ms. Waksler** suggested that would not happen on a project of this size because application for straight rezoning would require the developer to transfer density onto the site immediately, while PD allows transfer to come later in the process; also she observed that the mix contemplated would require a PD since no single zoning category would accommodate the development goals.

Some further discussion ensued on the definition of "intensity" in this context.

Public Input

None.

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

Discussion

Chair Hess recapped her disappointment over the failure to develop this to industrial; Mr. Gravesen observed that this is the property owner's choice, and that we hope they choose right this time. **Chair Hess** agreed with Mr. Gravesen on the right of the owner to choose the development for the best return on investment as long as it's consistent with the Comp Plan, which this is.

Recommendation

Mr. Gravesen moved that PA-15-02-01-LS, be sent to the Board of County Commissioners with a recommendation of *Approval for transmittal to the Department of Economic Opportunity for review and comments*, based on the findings and analysis in the staff report dated March 20, 2015, along with the evidence presented at today's meeting, second by **Mr. Vieira** and carried by a unanimous vote.

SV-15-01-01

Legislative

Commission District III

Gregory and Linda Nelson are requesting to vacate a portion of E. 8th Street lying between Pine Street and Manor Road, a total of 0.13 acres, more or less, as recorded in Plat Book 6, Page 1, of the Public Records of Charlotte County, Florida. The segment is located south of the Sarasota County line, north of 7th Street, east of Pine Street, and west of Manor Road, in Section 5, Township 41 South, Range 20 East, 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

27, 2015. Comments were provided on the recommendation by the Department of Public Works to retain a drainage and utility easement over the northern 30 feet of the vacated portion which abuts Sarasota County; Mr. Ellis described a similar easement that was required for a vacation at the opposite end of E. 8th Street requested on an earlier, separate petition, and provided details on the easement that was required in that case. He noted that no land-locked properties will result from the vacation. He also spoke to the applicants' reasons for requested the vacation, noting that the easement requirement would not interfere with their plans. There is one condition, which is for the applicant to provide the drainage easement in favor of the County within 60 days of approval of their request; failure to do so would void the approval.

Questions for Staff

Mr. Vieira asked about the previous vacation, did it require the same size easement; Mr. Ellis indicated that because the ditch isn't as deep or as extensive there, a smaller easement was required.

Applicant's Presentation

Mr. Gregory Nelson, applicant, confirmed that he would comply with the condition.

Public Input

None.

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

Discussion

Chair Hess indicated that unless a member had any comments, **Mr. Gravesen** could proceed with the motion.

Recommendation

Mr. Gravesen moved that SV-15-01-01 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 March 27, 2015, along with the evidence presented at today's meeting, second by **Mr. Vieira** and carried by a unanimous vote.

PP-09-01-01

Quasi-judicial Commission District III

Jimmy Philman and Handy Phil, Inc. are requesting a two-year extension of the Preliminary Plat approval granted to them by the Charlotte County Board of County Commissioners on April 21, 2009, for Winchester Lake Subdivision, consisting of 169 residential lots, on 176 acres, more or less, located southeast of San Casa Drive, west of Sesame Road West, and south of Avenue of the Americas, in Section 16, Township 40 South, Range 20 East, 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 13, 2015. He noted that the project has previously received two legislative extensions.

Questions for Staff

None

Applicant's Presentation

Robert H. Berntsson, Esq., of Big W Law, representing Mr. Philman and Handy Phil, Inc., indicated that the completion of the Winchester Blvd. extension will help kick start this project at long last. Some revisions have been made to the Preliminary Plat to accommodate the full median opening for Winchester Blvd. and with those final changes, the applicant expects to come in for Final Plat very soon.

Public Input

None.

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

Discussion

Chair Hess indicated that unless a member had any comments, **Mr. Gravesen** could proceed with the motion.

Recommendation

Mr. Gravesen moved to approve the two-year extension of PP-09-01-01, second by **Mr. Vieira** and carried by a unanimous vote.

PP-13-01-01

Quasi-judicial

Commission District III

Banks Engineering, on behalf of their client, Placida Commons, LLC, is requesting a two-year extension to the Preliminary Plat approval granted to them by the Board of County Commissioners on April 23, 2013, for a 95-lot residential subdivision to be named, Placida Commons. The property is 35.20 acres, more or less, and is located east of Placida Road, west of Cape Haze Drive, south of Dixon Lane, and north of Blue Heron Cove, in Sections 33 and 34, Township 41S, Range 20E, 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 13, 2015. He noted that the client was coming very close to submitting their Final Plat, but the deadline is also very close, so they asked for the extension as well just to be on the safe side.

Questions for Staff

None.

Applicant's Presentation

Robert H. Berntsson, Esq., of Big W Law, representing the applicant, confirmed that the final plat has been applied for, and it will go before the Commission shortly.

Public Input

None.

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

Discussion

Chair Hess indicated that **Mr. Gravesen** could proceed with the motion.

Recommendation

Mr. Gravesen moved to approve the two-year extension of PP-13-01-01, second by **Mr. Vieira** and carried by a unanimous vote.

**Unified Land Development
Code Revisions, Phase II.3**

Legislative

Countywide

Staff Presentation

Jie Shao, Planner III, presented the findings and analysis of the suggested revisions to the Land Development Code, with a recommendation of Approval, based on the reasons stated in the staff report dated March 20, 2015. Ms. Shao gave brief details on the method of presentation of these items to the Board, noting that the first Phase had been heard last September and approved by the Commission on Nov. 25th. **Ms. Shao** noted that this is the Phase II.3 segment of the revisions process, and she then reviewed the primary purpose of the changes for each of the following individual sections of the code:

Sec. 3-9-10, Amendment

Legislative

Countywide

THIS ITEM HAS BEEN CONTINUED AND WAS NOT HEARD AT THE MEETING

[2:12:17 PM](#)

An Ordinance amending Charlotte County Code Chapter 3-9, Zoning, by revising Section 3-9-10, Amendments; providing for requirements and procedure that Land Development Regulations and the Office Zoning Atlas may be amended or repealed; providing for standards for approval; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Sec. 3-9-65, Boating Structures

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, Zoning, by revising Section 3-9-65, Boating Structures; providing for general requirements; providing for development standards for boating structures on waterbodies; providing for development standards for boat ramps; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Sec. 3-9-65.1, Boats Used for Living Purposes;
Houseboats**

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, Zoning, by revising Section 3-9-65.1, Boats Used for Living Purposes; Houseboats; providing for general requirements for living aboard boats and houseboats; providing for revised approval procedure; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Sec. 3-9-79, Off-street Parking and
Loading Facilities**

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, Zoning, by revising Section 3-9-79. Off-street Parking and Loading Facilities; providing for the revised intent; providing for revised applicability; providing for definitions; providing for calculation; providing for general requirements; providing for revised parking requirements for drive-up facilities; providing for revised development standards; providing for revised requirements for off-street parking facilities; providing for revised requirements for off-street loading; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Sec. 3-9-79.1, Parking of Boats, Recreational
Vehicles, Trucks, and Trailers**

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, Zoning, by revising Section 3-9-79.1, Parking of Trucks, Trailers Travel Trailers and renaming this Section to Parking of Boats, Recreational Vehicles, Trucks and Trailers; providing for the revised intent; providing for revised parking standards and restrictions for trucks and trailers; providing for parking standards for boats, RVs and trailers on private developed property; providing for revised violations and enforcement; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Having briefly outlined the major points of change for each of these sections, **Ms. Shao** requested Board's approval, noting that staff was ready to answer any questions.

Questions for Staff

Chair Hess called for questions or comments on the section concerning Houseboat, which she said she found to be an improvement over the existing code.

Public Input

None.

The next section to be considered was that concerning Boating Structures; Chair Hess noted that such structures aren't allowed in Punta Gorda, and questioned if they would obstruct the view from neighboring properties; Mr. Gravesen commented that the regulation seemed intended to keep such roofs from extending into the navigable waterway. Chair Hess commented that the difference was probably due to deed restrictions in Punta Gorda; she called for any public comments or questions.

Mr. Art Donaldson of Charlotte Co Seawall spoke on the issue; he indicated he had helped with the Code revisions, which he felt cleared up 'gray areas' in the existing Code. He requested approval. **Mr. Chandler** asked Mr. Donaldson a question about davits and the boat extending into the canal; **Mr. Donaldson** replied that the prior Code allowed the structure to extend 10% into the canal width, or 25% for the total boating structure. The total length of the extension would therefore depend on the width of the canal; the new language allows a greater extension into the canal, to enable wraparound docks around the boat lift. But in any event, the Code still wouldn't allow more than 25% regardless of canal width. Further discussion ensued on this topic.

Mr. Vieira asked if these measure are made using survey lines? **Mr. Donaldson** responded that canal width is measured (Mean High Water Line) MHWL to MHWL, referencing not the platted width but the existing canal (which is likely smaller than the platted distance.)

Next under consideration were language updates concerning Off-street Parking; **Mr. Gravesen** commented regarding the development standards, page 8, paragraph 5, subparagraph e, in which grass/lawn parking is stricken for houses of worship and public schools and replaced by the Zoning Official's discretion; he asked what issue was being solved by this change. And, to follow up, he asked what it does to existing parking usage of this type. **Mr. Cullinan** referred him to the table and the footnote (4) which covers this same material; this is where the exceptions are added.

The final section dealt with parking of boats, recreational vehicles, trucks and trailers. **Chair Hess** noted that the enforcement language had been eliminated and asked for clarification that this was purposeful, which **Ms. Shao** confirmed. The Chair also asked for clarification that it remains unchanged that one cannot live the RV on your property; that was also confirmed.

Public Input

None.

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

Discussion

Chair Hess said that items seven through ten all seem improved, and could be recommended for approval.

Recommendation

Mr. Gravesen moved that the amendments to Section 3-9-65.1, Boats Used for Living Purposes, 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 20, 2015, along with the evidence presented at today's meeting, second by **Mr. Viera** and carried by a unanimous vote.

Mr. Gravesen moved that the amendments to Section 3-9-65, Boating Structures, 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 20, 2015, along with the evidence presented at today's meeting, second by **Mr. Chandler** and carried by a unanimous vote.

Mr. Gravesen moved that the amendments to Section 3-9-79, Off-street Parking and Loading Facilities, 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 20, 2015, along with the evidence presented at today's meeting, second by **Mr. Viera** and carried by a unanimous vote.

Mr. Gravesen moved that the amendments to Section 3-9-79.1, Parking of Boats, Recreational Vehicles, Trucks and Trailers, 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 20, 2015, along with the evidence presented at today's meeting, second by **Mr. Chandler** and carried by a unanimous vote.

Mr. Cullinan mentioned the Land Use Symposium and asked for a head count; Mr. Gravesen wasn't sure and Mr. Cullinan indicated it would be necessary also to ask Mr. Bigness again.

There being no further business to come before the Board, the meeting was adjourned 2:34 p.m.