

**CHARLOTTE COUNTY PLANNING AND ZONING BOARD**  
**Administration Center, 18500 Murdock Circle, Room 119,**  
**Port Charlotte, Florida**  
**Minutes of Regular Meeting**  
**July 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  
Stephen Vieira  
Paul Bigness

**ABSENT**

**ATTENDING**

Joshua Moye, Assistant County Attorney  
Gayle Moore, Recording Secretary

**APPROVAL OF MINUTES**

The minutes of May 9, 2016 were approved as circulated.

**ANNOUNCEMENTS**

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

PETITIONS:

**FP-16-05-03**

**Quasi-judicial**

**Commission District III**

RaceTrac Petroleum, Inc. has requested Preliminary and Final Plat approval for a two-lot minor subdivision to be named, RaceTrac at Winchester. The site is 4.96 acres, more or less, and is located south of McCall Road, west of Winchester Boulevard, north of Creekview Lane, and east of Oriole Boulevard, in Section 04, Township 41, Range 20, in Commission District III.

**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 June 23, 2016. He clarified that this hearing concerns only the dividing of the land, and that the actual RaceTrac site will be going through Site Plan Review, which is an independent process. Mr. Ellis also mentioned some housekeeping issues in relation to the plat mylar, which have been cleaned up by the applicant.

**Questions for Staff**

None.

**Applicant's Presentation**

**Mr. John Wojdak, DeLisi Fitzgerald, applicant's agent**, appeared on behalf of the applicant and spoke briefly in support of the petition, indicating he was available to answer any questions. He noted that the result of the minor subdivision action would be that RaceTrac would develop on Lot 1, and the underlying owner will retain ownership of Lot 2.

**Public Input**

*None.*

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

**Discussion**

**Chair Hess** reiterated that this matter was quite simple, confined to creating the two lots required for the project to go forward, and that she agreed with the staff recommendation for approval. No further comments were offered by Board members.

**Recommendation**

**Mr. Bigness** moved that **FP-16-05-03** be *Approved*, based on the findings and analysis in the staff report dated June 23, 2016 along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

**SV-16-04-03**

**Legislative**

**Commission District III**

Gary Calderaro is requesting to vacate an unnamed platted right-of-way abutting his property in Cape Haze, a total of 0.16 acres, more or less, part of Cape Haze Subdivision, as recorded in Plat Book 2, Page 93, of the Public Records of Charlotte County, Florida. The targeted segment is located south and west of Spaniards Drive, north of Spyglass Alley, and east of Green Dolphin Drive, in Section 03, Township 42, Range 20, in Commission District III.

**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 June 23, 2016. He remarked on the curious process that produced this unusual parcel, which was platted in 1954; he also noted that the applicable deed restrictions had expired in 2004. The applicant, who owns the property abutting the south side of the subject R.O.W., wants to use the part of the parcel vacated to him for landscaping to beautify the area. There were no conditions imposed.

**Questions for Staff**

*None.*

**Applicant's Presentation**

**Mr. Gary Calderaro, applicant**, appeared and spoke briefly in support of his petition. There were no questions put to him.

**Public Input**

*None.*

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

**Discussion**

**Chair Hess** noted that this matter was being vacated for a good purpose, and seemed very straightforward; she also noted that there would be no denial of access to anyone as a result of the action.

**Recommendation**

**Mr. Bigness** moved that **SV-16-04-03** be *Approved*, based on the findings and analysis in the staff report dated June 23, 2016 along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

**PA-16-06-10-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 (DEO) and other State agencies for review and comment; this request is to revise Future Land Use (FLU) Appendix VI: Development of Regional Impact by amending the Sandhill Developments of Regional Impact (DRI) development rights and adding Equivalency Matrix to be consistent with the Sandhill DRI Development Order Resolution Number 2014-174; Petition No. PA-16-06-10-LS; Applicant: Charlotte Commons Venture, LLC; providing an effective date.

**Mr. Shaun Cullinan, Planning and Zoning Official**, presented the findings and analysis of the petition with a recommendation of Approval, based on the reasons stated in the staff report dated June 27, 2016. He provided a brief overview and history of the Sandhill DRI Development Order, noting that it permits increases or decreases in land uses which do not increase the number of external peak-hour trips and do not reduce open space in conservation areas within the development; where there is any increase in residential units, there will be a corresponding decrease in commercial. In short, this adds language for previously-approved matters to Appendix VI.

**Questions for Staff**

*None.*

**Applicant's Presentation**

**Geri Waksler, Esq., applicant's agent**, appeared on behalf of the applicant and spoke briefly in support of the petition, including providing additional historical details for this very long-standing development (the matter has already been amended 15 times to date.) In essence, she reiterated, the equivalency matrix supports changes that do not cause increases or decreases in peak hour trips or reduce open space in conservation areas within the development.

**Public Input**

*None.*

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

**Discussion**

**Chair Hess** reiterated that this matter was in support of changes previously made and adopted.

**Recommendation**

**Mr. Vieira** moved that **PA-16-06-10-LS** be *Approved for transmittal to the Department of Economic Opportunity and other State review agencies for review and comment*, based on the findings and analysis in the staff report dated June 27, 2016 along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

**PA-16-06-11-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 rename "Revitalizing Neighborhoods Incentive Density" in the County's Comprehensive Plan to "Incentive Density"; revise Future Land Use (FLU) Policy 1.2.16: Incentive Density (new name); add new FLU Policy 1.2.17: Incentive Density Usage; Petition No. PA-16-06-11-LS; Applicants: Charlotte Commons Venture, LLC & Charlotte County Board of County Commissioners; providing an effective date.

**Mr. Shaun Cullinan, Planning and Zoning Official**, presented the findings and analysis of the petition with a recommendation of *Approval*, based on the reasons stated in the staff report dated June 27, 2016. He reported that Planning staff had been working with members of the public and stakeholders to review the TDU process as the County currently handles it; two more roundtables are scheduled for August, but this particular matter is being taken up out of sequence, based on the results of a study recently completed by the County's Economic Development office. The results of the study highlighted the County's severe lack of multi-family rental housing stock; while there are plenty of seasonal rentals available, there is very little long-term, especially affordable workforce housing and low- and very low-cost housing. There is an immediate need for that kind of stock – about 200 new rental units per year over at least the next five years were called for by the EDO study.

**Mr. Cullinan** indicated that this initiative seeks to respond to these issues by repurposing the category of "Revitalizing Neighborhoods Incentive Density" (RAPID) to become simply "Incentive Density" available to encourage private-sector development of this type of housing. The incentive requires that the properties remain available for rental in perpetuity, and seeks to reduce the cost that commonly gets added to a housing project due to the purchase of density, which then takes the property out of the category of "affordable housing"

**Questions for Staff**

**Chair Hess** agreed that there is a need for workforce and student housing in the area, but she also noted that there are valid questions as to the definition of market-rate rental, and the negative impact of the value of TDUs by giving free density to some. She asked Mr. Cullinan how he would answer those questions.

**Mr. Cullinan** responded, noting that while some development can absorb the cost of transferring density with units purchased on the open market, whereas the lower-income / affordable / workforce housing projects would probably not get done at all, faced with that expense. Staff research indicates that such housing will never be built without such incentives.

**Chair Hess** suggested that this was a subsidy, which **Mr. Cullinan** agreed was correct. With respect to the definition of "market-rate" **Chair Hess** indicated there was some concern it could be misinterpreted and result in vacation rentals and the like. **Mr. Cullinan** responded that, according to state statute, "long-term rental" is at least 'six months plus one day' whereas vacation rentals are more commonly by the week or the month; in response to further questions from the Chair, **Mr. Cullinan** said that "market-rate" is something that changes from year to year, based on the economy.

**Chair Hess** asked for clarification on how a project would have to be defined in order to qualify for receiving this density; **Mr. Cullinan** responded that each development would have to enter into a developer's agreement with the County, so that e.g. if they wanted to convert an apartment into fee-simple condo in future, they would have to repay the value of the density they had received, or purchase density on the market to return to the County. **Chair Hess** indicated she worried about people's ability to corrupt every good intention; **Mr. Cullinan** emphasized that the rule-making was still in process, and they were anticipating getting feedback from the State. He described some of the restrictions that would be applied, e.g., no age restrictions allowed, maintain rental status in perpetuity, no conversions, and the like.

**Chair Hess** asked why this specific issue is not having a roundtable, and **Mr. Cullinan** indicated there was an immediate need that called for action. He emphasized that this is just one of our solutions, but not the only one the County will try; this one just happens to require a Comp Plan change, so we needed to get the ball rolling. **Chair Hess** asked if the fast-tracking might require additional language changes later, and **Mr. Cullinan** responded that the idea was to incorporate the requirements into the different application forms that developers would submit to start the process.

**Mr. Vieira** asked about price of the units developers can access from the "bucket of density" being used as an incentive; **Mr. Cullinan** responded that there is no cost, it's given to them to incentivize a specific type of development, e.g. affordable housing. He gave some specific details about the current state of the rental market and the dearth of affordable units.

**Mr. Bigness** stated he thought the market will take care of it the need for housing; again, **Mr. Cullinan** pointed to the current lack of housing in this category. **Mr. Bigness** asked if there was any talk of combining incentive density with a reduction in impact fees; **Mr. Cullinan** reiterated that many tools were being considered in achieving the desired end, including some internal adjustments. **Assistant County Attorney Josh Moyer** directed the Board's attention to the parameters in FLU Policy 1.2.17 that explain the goal and the limitations. He also indicated that this Comp Plan matter won't come back before this Board, but that if there were changes to some LDRs to support this plan amendment, those would come before the Board.

**Chair Hess** asked whether current TDU holders object; **Mr. Cullinan** said that there had been discussions with this group, some of whom are represented by Ms. Waksler. He said that some were less than thrilled but he noted that they are not here to speak against it. **Chair Hess** asked what is considered a reasonable student rental price for a one-bedroom; **Mr. Cullinan** answered with respect to a County staff member who looked at a two-bedroom in the Lakes of Tuscana development, which was \$1200 a month. They agreed that was too much when you look at, e.g., what an employee of Charlotte County makes.

**Chair Hess** said that she agreed with the intent of the amendment, but had been concerned about some of the questions that had been raised, though she said Mr. Cullinan had addressed those adequately. He agreed that there are concerns, but on the other he said this is where government should be involved, to incentivize to get the type of housing needed by the people. **Chair Hess** requested that the initiative be structured so there was less danger it would be taken advantage of.

**Mr. Gravesen** asked, regarding the "other paths" mentioned to create workforce housing, if Mr. Cullinan could talk about them; **Mr. Cullinan** mentioned discussions with people interested in doing a "tiny house" subdivision, either permanent placement and also the ones on wheels, where the price point might be around \$100,000. **Mr. Gravesen** indicated he wanted to talk about other tools, politically acceptable or not, e.g., impact fees. He noted that one estimate for the cost of a single density unit was \$2500, noting that impact fees are more expensive; he also spoke about adjusting the requirement for landscaping and other similar regulations as incentives. **Mr. Gravesen** said he worried about a bubble arising due to the incentives, and that he thinks the situation would take care of itself over time.

**Mr. Cullinan** emphasized that the actions in the current matter represent just one tool that the County is hoping to use; he also commented that those landscaping rules are there for reasons having to do with heat sink conditions and the desire not to create a "concrete jungle" in the County. Further discussion continued on these general points.

**Mr. Chandler** raised a question about tot lots, or some other recreation amenities for kids; **Mr. Cullinan** said the language referenced open space requirements, rather than specific amenities.

### **Applicant's Presentation**

**Geri Waksler, Esq., applicant's agent**, appeared on behalf of the applicant and spoke briefly in support of the petition, especially to give the private sector's thoughts: there is a regional need for rental units. She noted that everyone complains about impact fees, but we don't talk about the disincentive that our TDU process represents. Now the process has become "private enterprise" where the cost of a density unit is not set by the County; one unit once went for \$10,000 during the boom. And even though there's not as much building now, the unit holders won't sell until the price goes back up to boom levels; you can't buy them from people with this mindset. **Ms. Waksler** asserted that the proposed change will bring in the development we need, both in terms of available homes, and the employment of building those homes.

She also spoke to the language in 1.2.17 which proposes to allow an increase in incentive density available to developers seeking to increase residential dwelling units under an equivalency matrix or a conversion table. **Ms. Waksler** reminded the Board that there are only three projects in the County that would apply to: Babcock Ranch, the Sandhill DRI, and Murdock Village. She provided detailed information on the sorts of requirements the DRI imposes on development, and concluded by asking why there would be a need for going through the TDU process in a DRI which already has all the restrictions and impacts taken into account; she emphasized the role of the equivalency matrix in ensuring that the restrictions on new impacts are observed.

**Mr. Bigness** questioned the assertion that Charlotte County is the only county with TDU; **Ms. Waksler** clarified her point that Charlotte is the only county that makes transfer of density

mandatory when increasing density regardless of where, for what purpose, how much. In response to a question from **Mr. Bigness** about when the policy was implemented, **Ms. Waksler** provided some historical background; it was noted in particular that our density pool is a finite, closed system and that none of the incentive density policies would increase the total available density (our density cap.)

**Public Input**

None.

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

**Discussion**

**Chair Hess** asked Mr. Vieira to make the motion for this agenda item.

**Recommendation**

**Mr. Vieira** moved that **PA-16-06-11-LS** be *Approved for transmittal to the Department of Economic Opportunity and other State review agencies for review and comment*, based on the findings and analysis in the staff report dated June 27, 2016 along with the evidence presented at today's meeting, second by **Mr. Bigness** and carried by a unanimous vote.

There being no further business to come before the Board, the meeting was adjourned at 2:22 p.m.