

**CHARLOTTE COUNTY PLANNING AND ZONING BOARD  
REGULAR MEETING  
Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida**

**Board Members**  
Michael Gravesen, Chair  
Paul Bigness, Vice-Chair  
Stephen Vieira, Secretary  
Don McCormick (absent)  
Thomas P. Thornberry



**District**  
District V  
District III  
District I  
District II  
District IV

**MINUTES  
REGULAR MEETING**

*December 13, 2021 at 1:30 P.M.*

**Call to Order**

Chair Gravesen called the meeting to order at 1:30 pm

**Roll Call**

Upon the roll being called it was determined a quorum was present.

**Approval of Minutes – November 8, 2021 Regular Meeting**

The November 8, 2021 minutes were approved as circulated.

**Announcements**

The oath was provided by Recording Secretary Bennett for those wishing to provide testimony.

**PETITIONS**

Audio Timestamp 1:31 p.m.

1.) PFP-21-09-06

Quasi-judicial

Commission District III

Phuong T. Nguyen, Tina Nguyen, Giang Q. Pham and Thanh Huong T. Nguyen are requesting a Preliminary & Final Plat approval for a residential four-lot Minor Subdivision to be named, Replat of Tract H, Port Charlotte Subdivision, Section 93. The site is 3.069± acres and located south of Abalone Road, east of Alanson Street, north of San Domingo Boulevard, and west of Thruso Road, in the West County area and Port Charlotte area.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition PFP-21-09-06 with a recommendation of approval based on the reasons stated in the staff report.

**Questions for Staff**

None offered.

**Applicant's Presentation**

**Robert Berntsson, Big W Law Firm representing the applicants**, states this is a minor plat, with both Preliminary and Final that will be before you. Turning a large tract into four oversized lots for the construction of four homes. The applicants own the property in their four names, and they will deed it to each of the four owners for their individual lots.

**Public Input**

None offered.

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

**Recommendation**

**Mr. Bigness** moved that PFP-21-09-06 be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated December 4, 2021, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Thornberry**; and carried by a unanimous vote.

**Comment**

**Mr. Gravesen** commented that several of the petitions this month seemed to lack a higher aerial regarding the property's location in the staff report, which causes one to be lost if they are not familiar with the location or streets. **Mr. Cullinan** apologized and stated they will make sure to apply that to the petitions coming before the board in January. **Mr. Gravesen** also commented that there are some staff reports that have some conditions, but they are not being stated as conditions, as we have previously, is that a change in policy? **Mr. Cullinan** replied were looking at if something is a condition it must be satisfied prior to Final Plat, etc. that would be a condition. Other things we have moved towards just having them in as comments so that people are aware that there may be other steps involved. **Mr. Gravesen** asked if the conditions still be stated as these are the conditions for the petition. That way when the public is reviewing the petition, they are also aware. **Mr. Cullinan** replied yes, they can do that.

Audio Timestamp 1:37 p.m.

2.) PV-21-08-01

Legislative

Commission District IV

Myakka Properties, LLC. is requesting a Plat Vacation to vacate lot 362 through 378 and lot 375 A, inclusive of Plan No. 2, a part of Ward 7 El Jobean subdivision as recorded in Plat Book 2, page 48 of the public records of Charlotte County. The total area to be vacated is 2.52± acres, and located north, south and east of El Jobean Road, and west of Sam Knight Creek, in the Port Charlotte area.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition PV-21-08-01 with a recommendation of approval, based on the reasons stated in the staff report.

**Questions for Staff**

None offered.

**Applicant's Presentation**

None offered.

**Public Input**

None offered.

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

**Recommendation**

**Mr. Thornberry** moved that PV-21-08-01 be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis based on the staff memo dated December 4, 2021, Charlotte County Comprehensive Plan and the evidence and testimony presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

Audio Timestamp 1:40

3.) PP-21-09-18

Quasi-judicial

Commission District II

Wilmington Land Development Company is requesting a Preliminary Plat approval for a subdivision to be named, Heritage Station, consisting of 130 lots. The site is 85.47± acres. It is located north of Yacht Clube Road, south of Heritage Landing Boulevard east of Jolly Rodger Road and west Burnt Store Road, within the boundary of the Burnt Store Area Plan and in the Punta Gorda area.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition **PP-21-09-18** with a recommendation of approval with comments, based on the reasons stated in the staff report.

**Questions for Staff**

**Mr. Bigness** asked would you call those conditions? **Mr. Cullinan** replied no, those are comments.

**Applicant's Presentation**

**Todd Rebol, Banks Engineering on behalf of the applicant**, states he has been sworn and accepts **Mr. Cullinan** as an expert. The staff and his team both agree on the comments and respectfully request for approval.

**Public Input**

**Tim Ritchie** comments that he sees that it was approved previously for 262 units and now they are coming back for 272 residential lots. Burnt Store Rd currently has quite a bit of people living there, and we also know that the Rd has a serious traffic condition and problem. If anything, we should be getting rid of some of the units not giving more. We are experiencing major growth in Charlotte County and have a serious problem up the Peace River, the water supply. As an environmental advocate in Charlotte County, is going to request that you say no to the 10 more extra units and maybe getting rid of more.

**Mr. Cullinan** stated there was a error in the agenda item, and it is actually the 262 units being requested not 272. It follows the previously approved plans.

**Mr. Berntsson, also here on behalf of applicant**, commented the project was approved for 190 units, we are only platting 130.

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

**Discussion**

**Mr. Vieira** asked staff is the total density for the entire parcel, that is available?

**Mr. Cullinan** replied the maximum density is about 190 units, the reason for that is that you can count the density even for those under preservation and they are clustering it into the upland areas. That's why they are leaving the remainder of it in preservation.

**Recommendation**

**Mr. Vieira** moved that **PP-21-09-18** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated December 4, 2021, Charlotte County Comprehensive Plan and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, second by **Mr. Bigness**; and carried by a unanimous vote.

Audio Timestamp 1:46

**4.) PV-21-09-06**

**Legislative**

**Commission District III**

The Applicant is requesting to vacate lots 7, 8, 13 and 14, Block 3441 Port Charlotte Subdivision Section Sixty – Nine as recorded in Plat Book 6 pages 20 A thru 20 H of the Public Record of Charlotte County, Florida, in order to gain access to a 6-inch water main to provide water to the property. The total area to be vacated is 0.92± acres, and is located north of Bryson Avenue, west of Spinnaker Boulevard, east of Collier Street, and south of Loyola Avenue, in the Port Charlotte area.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition **PV-21-09-06** with a recommendation of approval, based on the reasons stated in the staff report.

**Questions for staff**

**Mr. Vieira** on Loyola Avenue, there is no water service?

**Mr. Cullinan** answered that is correct. Say you own lots 11 and 12 you couldn't run a line through the easements up to there, it has to front on the lot.

**Mr. Bigness** commented anyone who has single lot on Loyola Avenue is not going to be capable to utilities unless they extend? **Mr. Cullinan** answered that is correct.

**Applicant's Presentation**

**Sarah Godwin**, request for approval, this is to get county water. There would be a well if you didn't get the six-inch main that's in the back of her property. She just moved back to town and would like to have county water.

**Public Input**

None offered.

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

**Questions for staff**

**Mr. Gravesen** commented that the survey in the packet there were easements through the center line through the block, no comments were made by the utilities, does that include FPL? Do power lines plan to run down this block? **Mr. Cullinan** answered when we do plat vacations like this the reviewers send out notifications to any affected utilities which includes FPL, Comcast, Century Link and any gas provider. **Mr. Gravesen** what are the potential issues for lack of easements for there? That center line will now lack easements on for utilities or drainage. **Mr. Cullinan** answered a plat vacation erases the easements as well as the lot lines. It appears that they maybe granting easements, on pg. 14 on the staff memo, it is still showing easements on it and does not appear that they are being removed. This is a replat technically.

There was some detail discussion on the easements mentioned in the staff memo.

**Recommendation**

**Mr. Bigness** moved that **PV-21-09-06** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the Board memo dated December 4, 2021, Charlotte County's Comprehensive Plan, and the evidence presented at the public hearing held by the Planning and Zoning Board, second by **Mr. Vieira**; and carried by a unanimous vote.

Audio Timestamp 1:55

**5.) PP-21-09-17**

**Quasi-judicial**

**Commission District IV**

KL West Port LLC is requesting a Preliminary Plat to revise The Hammocks at West Port and The Isles at West Port preliminary plats. This property received Preliminary Plat approval under petition #: PP-19-11-16 on February 25, 2020. This proposed revision includes modification to the southern portion of Hammocks Phase 3 and a new expansion referred to as Hammocks Phase 4. The total number of lots associated with this revision is 113 and includes a Public CDD Right-of-Way, Tract R and Tracts A, B, & C. Tracts A & B are Drainage/Open Space/Access Areas and Tract C is a Drainage/Open Space Area. The total site is 32.061± acres. The property is located north of El Jobean, west of Flamingo Waterway, east and south of Centennial Boulevard, within the Murdock Village Community Redevelopment Area and in the Port Charlotte area.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition **PP-21-09-17** with a recommendation of approval, based on the reasons stated in the staff report.

**Questions for Staff**

None offered.

**Applicant's Presentation**

**Brett Rocklein, Morris Engineering on behalf of the applicant**, he accepts **Mr. Cullinan** as an expert he has been sworn in and is available for any questions.

**Public Input**

None offered.

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

**Discussion**

**Mr. Bigness** commented that he recalls this being an area that the county commissioners made a comment that they were had wished for some more landscaping along that corridor, was this one of those areas that they were commenting on? **Mr. Cullinan** answered yes, that was one of the issues we tried to rectify with the middle portion. Kolter Land Group is looking to purchase this middle portion, that was made a condition of the purchase and sale for that. There will be extensive landscaping in there.

**Mr. Vieira** asked what's the landscape barrier requirement, for this development? **Mr. Cullinan** apologizes and commented that he doesn't know at this moment but can get you the landscape plan.

**Recommendation**

**Mr. Thornberry** moved that **PP-21-09-17** be sent to the Board of County Commissioners with a recommendation with a recommendation of Approval, based on the findings and analysis in the staff report dated December 4, 2021, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, second by **Mr. Vieira**; and carried by a unanimous vote.

Audio Timestamp 1:59

6.) **SV-21-07-03**

**Legislative**

**Commission District I**

The Agent for this application, Mr. Rob Berntsson is requesting to vacate a portion of the undeveloped San Carlos basin canal behind their property. The total area to be vacated is 0.35± acres as recorded in Plat Book 4, Page 48A through 48G, of the Public Records of Charlotte County, Florida, and it is located south and west of Neaptide Drive, east of San Carlos Drive, and south of Harbor Cape Place, in the Port Charlotte area located in Commission District I.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition **SV-21-07-03** with a recommendation of approval, based on the reasons stated in the staff report.

**Questions for Staff**

**Mr. Vieira** asked the ownership of the water, is that county right of way or county possession? **Mr. Cullinan** responded that right of ways is like super easements, the county essentially holds platted rights of way. This one in this case is for a water body in trust for the public until such time the need is no longer there. Then someone can petition to vacate, just like a street, theoretically they own to the center line of it. They are looking to vacate a portion of that. **Mr. Vieira** asked is there any type of restriction for the development of that land? From an environmental point of view? **Mr. Cullinan** responded we have set back requirements from either the property line or the mean-high water line. **Mr. Bigness** asked if that's tidal flow in there or is it totally land locked? **Mr. Cullinan** answered his understanding is that the tide is seasonally influenced.

**Applicant's Presentation**

**Robert Berntsson, Big W Law Firm representing the applicant,** he accepts Mr. Cullinan as an expert and had been sworn. States that his client's main purpose for doing this, as you can see there is some heavy trees along the front of the property. If they were not able to move the development back, they would have to remove all the tree cover in order to meet setbacks. Setbacks would then be measured from the rear property line, and by doing this, it would give a little more space to move back for development of the property in the future.

**Questions**

None offered.

**Public Input**

None offered.

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

**Discussion**

**Mr. Gravesen** commented that he has a slight issue with vacating this back to the water. Potentially you can have that go to 20 feet from the water for building. We always look at what the environmental and site views. He's concerned for the neighbor's views to be removed and having county property given to the vacation. He understands the applicants concern for the mature oak trees and wanting to preserve the trees. However, he has an issue with it going all the way back. Could there be a special exception to remove the setback requirement?

**Mr. Berntsson** stated that his client intends to have a swimming pool behind the house. So, the house will be further up and will not be all the way back to the line. **Mr. Gravesen** commented that we are still putting stuff in other people's views from which they bought property with an established lot line and an existing canal property. **Mr. Bigness** expressed that he is surprised that the county gives up that land. There may be some value to it, if you have a domain in front of the property your compensated for it. **Mr. Berntsson** reminded them that the county doesn't have the simple title to the land, it's a legal fiction basically. That by there being a canal right of way you own to the middle of the canal, subject to the rights of the public in that right of way. They are really just vacating the rights to the public to that right of way.

**Mr. Vieira** asked if this unmaintained canal, it's not a part of an MSBU or any other taxing district? **Mr. Cullinan** answered that is correct. **Mr. Gravesen** suggested as a compromise he would have been willing to come back a way to move the footprint of the building. That also the current property line would've been acceptable to him as a compromise, but we can't make those compromises here.

**Recommendation**

**Mr. Vieira** moved that **SV-21-07-03** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated December 4, 2021, Charlotte County Comprehensive Plan and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, second by **Mr. Bigness**; and carried by a 3 to 1 vote for approval. (3 members voted yes to approve – Mr. Gravesen voted no against the approval)

Audio Timestamp 2:16

7.) **PP-21-07-16**

**Quasi-judicial**

**Commission District IV**

James Harvey of KL West Port LLC has requested Preliminary Plat approval to Replat for a subdivision to be named, Palms at West Port, consisting of 272 residential lots. This property received Preliminary Plat approval under petition # PP-21-01-02 on April 27, 2021. The approved Preliminary Plat included the entirety of Palms at West Port and was for 262 residential lots. The site is 65.6± acres and is located north of El Jobean Road, south of Tamiami Trail, east of the Crestview Waterway, and west of the Centennial Boulevard, within the Murdock Village Community Redevelopment Area and in the Port Charlotte area.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition **PP-21-07-16** with a recommendation of approval with a few comments, none of them rose to the level of a condition, based on the reasons stated in the staff report.

**Questions for Staff**

None offered.

**Applicant's Presentation**

**Brett Rocklein, Morris Engineering on behalf of the applicant**, he accepts **Mr. Cullinan** as an expert he has been sworn in and is available for any questions.

**Public Input**

None offered.

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

**Recommendation**

**Mr. Thornberry** moved that **PP-21-07-16** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated December 4, 2021, Charlotte County Comprehensive Plan and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, second by **Mr. Vieira**; and carried by a unanimous vote.

Audio Timestamp 2:19

**8.) PAS-21-00010 Legislative Commission District III**

Pursuant to Section 163.3187, Florida Statutes, adopt a Small-scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Low Density Residential (LDR) to Commercial (COM), and to add an annotation to the 2030 Future Land Use Map limiting commercial intensity of the subject property to 6,936 square feet; for the subject property which is part of the property located at 2020 Oyster Creek Drive, in the Englewood area, containing 0.867± acres; Commission District III; Petition No. PAS-21-00010; Applicant: Pelican Palms; providing an effective date.

**9.) Z-21-18-19 Quasi-Judicial Commission District III**

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Multi-family 5(RMF-5) to Commercial Tourist (CT), for the subject property which is part of the property located at 2020 Oyster Creek Drive, in the Englewood area, containing 0.867± acres; Commission District III; Petition No. Z-21-18-19; Applicant: Pelican Palms; providing an effective date.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition **PAS-21-00010** with a recommendation of approval, based on the reasons stated in the staff report.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition **Z-21-18-19** with a recommendation of approval, based on the reasons stated in the staff report.

**Questions for Staff**

**Mr. Bigness** commented the lots to the right of the property, it looks like the yellow line extends to the center. Would that be a paper road? **Mr. Cullinan** replied yes that road was vacated. **Mr. Bigness** asked if the lots would have access? **Mr. Cullinan** stated the only way to do that is that this would have to be developed as one unified. The lots don't have any roadway frontage, but they are under the common ownership.

### **Applicant's Presentation**

**Robert Berntsson, Big W Law Firm on behalf of the applicant**, he accepts **Mr. Cullinan** as an expert. He explains that the applicants are the owners of Ken & Barbs restaurant and also own all the property in red. They have a need to expand their parking lot. We wanted to come in with something that would best assure the neighbors that they are not intruding further into the neighborhood. The only access point is down at the western end of lot one. That could be a shared driveway coming in there. There is no other commercial access moving further of the east. Lot 1 itself the balance of it is not included, that remains residential. Since their restaurant has opened, they've had overflow parking that's gone out into the street. They felt this would resolve most of that issue and to bring the parking onto their property. Which would have less impact on the surrounding neighborhood.

### **Questions**

**Mr. Vieira** stated we are limiting commercial intensity of the property to 6,936 sq ft, what is the amount of square footage that we are considering in this application? **Mr. Berntsson** replied the area is .867 acers and the FAR would be 1. The reasoning for that number is because a traffic study was done to show that there was not going to be an impact by adding this commercial area.

### **Public Input**

**Wendy Graham, lives in the neighborhood**, agrees that there is a need for parking and wants to make sure that it will only be a parking lot and nothing else.

**George Hanneman, lives in the neighborhood**, asked about if the other portion of the lot will remain as a low-density housing?

**Mr. Cullinan** replied that the zoning of that is residential multi-family 5. What that means is they have 5 units per acer of density on these properties. They could put single-family or multi-family structures up to 5 units per acer.

**Leroy Patterson, lives in the area**, agrees there is a need for parking and expresses his concern for the difficulty emergency vehicles would have to get access to the neighborhood with all the parked cars on the side of the road. He also shares that Oyster Creek is a beautiful creek and has a lot of wildlife habitat in the area, he's concerned if this is going to be asphalt will there be some storm water runoff for protection put into place?

**Mr. Cullinan** responded that this would have to go through the site plan review process. If this is overflow parking, they are typically allowed to use shell or gravel. They would have to go through all the landscaping reviews and put landscaping pursuant to code in. They would have to do any storm water attenuation as well as make sure everything is graded in slopes so that it properly stays away from the creek and wetland areas.

**Donna Roberts, lives in the neighborhood**, asked if they could see copies of these plans? **Mr. Cullinan** answered there are no plans submitted yet. This is the plan amendment and rezoning, once submitted they are available via the county's website.

**Daniel Sylvester, resident in the area**, agrees that they are in need of parking and also expresses concern for something else being put into place other than the parking lot. He doesn't think it should be changed to commercial. A parking lot is fine, but nothing else. The street is tiny for anything else.

**Tim Ritchie, Citizens Waters founder and the president of March Against Mosaic**, is concerned for public safety. Believes that this should be sent to the commissioners regarding a study on public safety with firetrucks having difficulty getting to the residents. This would need a retention pond and agreed that the neighbors need reassurance that if they change the zoning conditions can be placed for only allowing a parking lot to be built.

**Frank Pisterzi, lives in the area**, and agrees that the neighborhood is need of the parking lot. The yellow to red is really what the people are concerned about. From the yellow to the red the owners want to change to it



commercial tourist and give no reason for an approval. He encourages for them to deny and bring the red line back to the yellow one and may be a better deal.

**Mr. Cullinan** responded for clarification the only changes that are being requested are within the yellow box, the red box shows what the applicant owns completely. After clarification, **Mr. Pisterzi** has no objection, he is in favor of the change.

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

#### Rebuttal

**Mr. Berntsson** mentioned that they didn't mean to create any confusion by showing all the property that the owners owned. He expresses that they are not intending for anything else to be placed on the property. What we are coming in and asking for is the ability to put in a parking lot. Which almost everyone that spoke here today indicated that would be a good thing. Any development that they do, either is permitted through swift mud or exempt from swift mud permitting, they would go through that process. It requires site plan approval. Development of this parking lot is going to require commercial buffering to residential lands, which they own around this site. They put a lot of care into leaving lot 1 so there is no access except for the very end of lot 1 to allow for the joining in of the two properties and creating the parking lot. He will contact his client and address any land that has been cleared, he was unaware, before this goes to the commissioners. He respectfully requests an approval based on the testimony you heard today, the staff report, the criteria that is met for the rezoning, and the land use amendment.

**Mr. Bigness** asked **Mr. Berntsson** if any activity has been initiated to do plans for a parking lot? **Mr. Berntsson** responded they do not begin doing that until typically they have their land use in place.

#### Discussion

**Mr. Bigness** expresses his concern that there are some other restaurants in the area that are successful and don't have enough parking for the business and employees. He looks at this as a standpoint that of a business owner starts a restaurant that if there was a way to encourage them to take into count the capacity issues. That way roads don't get blocked and peoples neighborhoods get clustered with vehicles by the successful business. In the touristy area in the community, he believes parking is a problem. He also shares Mrs. Graham's sentiment of how we know if something else won't happen. He also understands Mr. Berntsson proposal. These are his concerns for things that come before the board and how we as a county take a look at this.

**Mr. Vieira** asked for clarification on the limit of the 6,936, correct? **Mr. Cullinan** replied yes. Lots 2-9 are limited to the 6,936. **Mr. Vieira** what happens if the owner gets rid of the property, does the right that they are going to convey if it's approved stay with the property? **Mr. Cullinan** answered, yes. This is a straight rezoning this is not like a planned development. This is a straight rezoning to commercial tourist, and they would have all the 32 listed byright uses, the list of conditional and special exception uses but limited to the square footage of the building. **Mr. Vieira** to exceed that 6,936 would they then have to come back for some type of amendment or type of a special exception? **Mr. Cullinan** they would have to amend the future land use map annotation.

**Mr. Bigness** moves to make a motion prior the motion he thanked the citizens for coming in and the staff for their report and the owner for trying to alleviate some parking issues. He expresses that he is going to support this from the standpoint of clearing up the parking and allowing emergency vehicles. He reminded everyone here that they have another meeting held on this with the BCC. He encouraged them to talk to the commissioners about their concerns for this.

**Recommendation**

**Mr. Bigness** moved that **PAS-21-00010** 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, 2021, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, second by **Mr. Vieira**; and carried by a unanimous vote.

**Recommendation**

**Mr. Bigness** moved that **Z-21-18-19** 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, 2021, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, second by **Mr. Vieira**; and carried by a unanimous vote.

Audio Timestamp 2:59 p.m.

**10.) TCP-21-02**

**Legislative**

**County-wide**

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large-scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State review agencies for review and comments; the request is to amend FLU Appendix I: Land Use Guide by revising the Mineral Resource Extraction (MRE) Future Land Use Map (FLUM) category to amend range of uses, and to add item 5. Prohibited uses and activities; Petition No. TCP-21-02; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition **TCP-21-02** with a recommendation of approval based on the reasons stated in the staff report.

**Public Input**

**Tim Ritchie, March against Mosaic**, explained that he has spent many Tuesdays in this chamber educating and bringing to our commissioners the awareness that they needed to know about Mosaic. He showed and explained some images and newspaper clippings of what the Mosaic has been up too. He expressed that this is one of the best things that has happened to Charlotte county in years and implores them to send this to commissioners immediately. This is going to help preserve our drinking and bathing water. One of our biggest problems is the Florida Department of Environmental protection (DEP) National Pollution Discharging Elimination System (NPDES) permit. That is what Mosaic uses legally to discharge and pollute all our streams and creeks. We have a real problem and Charlotte County has the chance with Desoto County to end this. So please send this up to the commissioners, the citizen of Charlotte County and Desoto County need this.

**Richard Russel, lives in Port Charlotte**, he stands 100% support to anything that can be done to stop the Mosaic march and appreciates Tim Ritchie. He expresses that Mr. Ritchie is honest and is intent on helping save our community, our water, and our environment. He applauds Mr. Ritchie and the staff for passing this up to the county commissioners.

**Janice Ippolito, is an Anti-Mosaic advocate**, wanted understanding of where this came out of? **Mr. Cullinan** answered the staff members work at the pleasure of the Board of County Commissioners and this came through the County Administration office to draft up this language. We are bringing it through the proper public hearing procedures. **Ms. Ippolito** she is here in full support and applauds the staff's efforts.

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

**Discussion**

**Mr. Vieira** expresses that he has followed this and watched Mr. Ritchie, this was initiated by the County Administrator not the County Commission itself? **Mr. Cullinan** replied that is correct the county has a new Water Quality Manager. They have had numerous workshops on water quality, and this was distilled out as well as some of there comments about the mining operations and phosphate mining in general. Which it then went through

the County Administrators office and staff implements those polices. **Mr. Vieira** asked hypothetically to say it gets forwarded to the County Commissioners today and appears on their agenda. What's the process once the county hypothetically approves/denies whatever we decide here? **Mr. Cullinan** responded being a text amendment this would go to the Board of County Commissioners (BCC) for transmittal up to DEO and any other state agencies. They will have a 30-day response it will then be brought back after that time on the next available Land Use meeting for the adoption hearing. After that there is a 30-day appeal period once the appeal period passes its formally in affect. The plan is to have this go for transmittal at the January hearing, we would then bring it back probably at the March hearing.

**Mr. Bigness** asked if there are any current request to do any activities such as this right now in Charlotte County? **Mr. Cullinan** replied no.

#### **Recommendation**

**Mr. Vieira** moved that TCP-21-02 be sent to the Board of County Commissioners with a recommendation of Approval, to transmit Petition No. TCP-21-02 to the Department of Economic Opportunity (DEO) and other State review agencies for Review and Comment, based on the findings and analysis in the Board memo dated November 24, 2021, along with the evidence presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

Audio Timestamp 3:16

12.)

Legislative

Commission District I

#### **Revisions to the Charlotte Harbor Community Redevelopment Agency's Community Redevelopment Plan**

A Resolution of the Board of County Commissioners of Charlotte County, Florida, pursuant to Chapter 163, Part III, Florida Statutes (the "Community Redevelopment Act"), particularly Section 163.361, Florida Statutes, and other applicable provisions of law, approving an amendment to various sections of the Charlotte Harbor Community Redevelopment Agency's Community Redevelopment Plan; for properties located within the boundaries of the Charlotte Harbor Community Redevelopment Area, containing 765.8± acres; providing for findings; providing an effective date; Commission District I, Applicant: Charlotte County Board of County Commissioners.

11.) TLDR-21-03

Legislative

Commission District I

#### **Revisions to the Charlotte Harbor Community Redevelopment Agency's Community Redevelopment Plan and Community Development Code**

An Ordinance of the Board of County Commissioners of Charlotte County, Florida, amending Chapter 3-9, Article II, Section 3-9-47 of the Code of Laws and Ordinances of Charlotte County, Florida, Entitled Charlotte Harbor Community Development Code; for properties located within the boundaries of the Charlotte Harbor Community Redevelopment Area, containing 765.8± acres; providing for findings; providing an effective date; Commission District I, Applicant: Charlotte County Board of County Commissioners.

**Laura Tefft, Sr. Planner** provided the findings and analysis for Petition **Revisions to the Charlotte Harbor Community Redevelopment Agency's Community Redevelopment Plan** with a recommendation of approval, based on the reasons stated in the staff report.

**Laura Tefft, Sr. Planner** provided the findings and analysis for Petition **TLDR-21-03** with a recommendation of approval, based on the reasons stated in the staff report.

#### **Questions for Staff**

**Mr. Gravesen** asked if this will require two separate motions or is this all together? **Ms. Tefft** responded this is two separate motions, the 1<sup>st</sup> one does not have an application number to it. The first one to be voted on would be the Revisions to the Charlotte Harbor Community Redevelopment Agency's Community Redevelopment Plan and the second would be the TLDR-21-03.

**Mr. Gravesen** expressed his issues with the staff report. He likes the spreadsheet giving a summary of things. However, to review what was done, generally we have the complete code there to see the strikeouts and the underlines. Without the complete code, we are essentially taking your word as what's been done in the code. With out going back and trying to figure out what you've done, it's difficult to review. He trusts that the commissioners will get the strike out, the plans and comprehensive documents for their review. **Mr. Bigness** agrees with **Mr. Gravesen**.

**Mr. Cullinan** apologized and explained the reasoning they did this was because the document was very long. When we are trying to change one or two words on a number of the pages, we felt this would be easier. However, we understand. **Asst. County Attorney, Thomas David** commented that this is an unusual case for us, we don't generally do strike throughs for the redevelopment plans because of their size, however we can supply the complete document for the BCC. He also explains that the entire plan needs to be updated and at some point, we are going to have to tackle the bigger issues, but this gets us with the BCC objective which was to sunset that committee.

**Mr. Bigness** inquired on the fact that one has a motion application number, which was mentioned for it to be done second? The first one doesn't have a number. **Ms. Tefft** responded that is correct, because it is a unified it did not have an application number for the Revisions to the Charlotte Harbor Community Redevelopment Agency's Community Redevelopment Plan, which is item #12 for our agenda today. Item 12 will go first, and item 11 will go second.

#### Public Input

None offered.

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

#### Recommendation

**Mr. Vieira** Motion to forward the concurrent application to TLDR-21-03 for **Revisions to the Charlotte Harbor Community Redevelopment Agency's Community Redevelopment Plan** be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis based on the staff report dated December 2, 2021, Charlotte County Comprehensive Plan and the evidence and testimony presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

#### Recommendation

**Mr. Vieira** Motion to forward application **TLDR-21-03** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated December 2, 2021, Charlotte County Comprehensive Plan and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, second by **Mr. Bigness**; and carried by a unanimous vote.

#### Comments

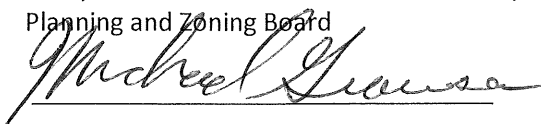
**Mr. Gravesen** mentioned that next month agenda will have our annual elections for officers.

#### ADJOURNMENT

The meeting was adjourned at 3:28 p.m.

Accepted on behalf of the Charlotte County

Planning and Zoning Board



Michael Gravesen, Chair