

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  
Thomas P. Thornberry



District

District V  
District III  
District I  
District II  
District IV

MINUTES  
REGULAR MEETING

*April 11, 2022, 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. (All were present)

**Approval of Minutes – March 14, 2022, Regular Meeting**

The March 14, 2022, minutes were approved as circulated.

**Announcements**

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

**PETITIONS**

Audio Timestamp 1:32 p.m.

**1.) PP-22-01-02                      Quasi-judicial                      Commission District I**

Babcock Property Holdings, L.L.C. is requesting a Preliminary Plat approval for a subdivision to be named Babcock Ranch Community, Spine Roads DD-15-17, The subdivision consists of 7 tracts for roadway, utility and lakes, it contains 29.72± acres, and is located south of Bermont Road, north of the County line with Lee County, west of the County line with Glades County and east of State Road 31, in the East County area and in Commission District I.

**Jie Shao, Principal Planner**, provided the findings and analysis for Petition **PP-22-01-02** are not consistent based on the reasons stated in the staff report.

**Questions for Staff**

None offered.

**Applicant's Presentation**

**Robert Berntsson, Big W Law Firm on behalf of the applicant**, states he has been sworn and accepts Ms. Shao as an expert. This is straight forward with roadway, utilities and Lakes for roadway drainage. He's here to answer any questions.

**Public Input**

None offered.

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



### **Questions for Staff**

**Mr. Vieira** asked on the landscape plan the conditions state that it's a C buffer. Why wasn't a D buffer requested in this case? Where they are facing the residential homes, why was a lessor landscape plan selected and not a stronger landscape buffer? **Ms. Shao** replied because it's a mini-indoor warehouse, like a professional office. It's not like outdoor storage for that. **Mr. Vieira** asked even though a vinyl fence is required, it still qualifies for a type C buffer? **Ms. Shao** answered yes, because it is a PD, we can modify to that. **Mr. Vieira** asked can you define what enhanced landscaping means on the northwest and northeast side? **Ms. Shao** answered they did more than required with shrubs and trees.

**Mr. McCormick** asked about the 15 boat slips. Are they part of a program where they are going to be kept together, or are they going to be individually sold off? **Ms. Shao** replied she does not know. She believes they want to rent out the 18 boat slips, she encourages **Mr. McCormick** to ask the applicant.

### **Applicant's Presentation**

**Robert Berntsson, Big W Law Firm on behalf of the applicant**, states he accepts **Ms. Shao** as an expert. He believes this is the first detail PD that has come through the system, since the code has changed last fall. As part of this, they provided the elevations as well as the detailed landscape plan to show what the project will look like. This property was previously approved for almost a 500-boat marina, which would've been a more intense use on the site. We feel this use is quite a low intensity use, typically people put items in storage, and it stays there for a long time. They are here to answer any questions, they meet all the conditions and respectfully request your approval.

### **Questions for Applicant**

**Mr. Bigness** commented that it looks like there are approximately 18 parking spots, not counting the handicap, with 18 boat slips. Is there going to be enough room for that and the garages? **Mr. Berntsson** replied they met the parking requirements. The marina parking requirements is one per ten and the calculation for the storage all meets the county's requirement for parking.

### **Public Input**

**Ed Allen, lives in the area**, states he owns a piece of adjoining property with a 100ft or more. He wonders what in this plan requires the rezoning. In Commercial General (CG) that includes mini warehouses and marinas, he doesn't understand why the rezoning request? **Ms. Shao** answered because this property is located within US-41 zoning district overlay, and there is a Comp Plan (CP) called "US-41 Mixed Use" which this property is designated as that. Which only allows for the professional office and retail uses. Say if you do the mini warehouse or other uses; you are required to do the PD rezoning. That way we can protect of the surrounding neighborhood. Also, we try to improve the appearance on US-41. That's why the applicant is seeking the PD rezoning. **Mr. Allen** responded he did see the enhanced elements of landscaping. He would also like to know the hours of operation? Is it 24-hour access? Another concern is parking, what if all 18 boat slip owners show up and use their boat? Will there be a gate? With the mentioning in the code of preserving environmental assets and natural amenities, could some kind of nesting site or pole be placed for several of the Osprey that have inhabited the area? These are some of his concerns, questions and comments.

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

### **Discussion**

None offered.

### **Rebuttal**

**Mr. Berntsson** replied that the site is gated, there is Key Access through the gate. He also mentions that even the busiest marinas on the 4<sup>th</sup> of July and other major holidays, do not see any near 100% utilization of their boat slips. He feels there is adequate parking, limitations, and conditions of the PD will ensure compatibility with the neighborhood.

**Mr. Vieira** asked **Mr. Berntsson** is it going to be an operable marina, or is it just the people who are actually paying to rent space? **Mr. Berntsson** replied that is correct, you either rent a boat slip or a unit in the facility.

**Recommendation**

**Mr. Bigness** moved that **PD-21-00018** be sent to the Board of County Commissioners with a recommendation of Approval, with conditions “A” through “K” based on the findings and analysis in the staff memo dated March 30, 2022, Charlotte County Comprehensive Plan and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, second by **Mr. Thornberry**; and carried by a unanimous vote.

**4.) PAS-21-00012**

**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); for property located at 1370 River Lane, in the Englewood area, containing 0.384± acres; Commission District III; Petition No. PAS-21-00012; Applicant: KF & LF Properties LTD CO; providing an effective date.

**5.) PD-21-00017**

**Quasi-Judicial**

**Commission District III**

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Single-family 3.5 (RSF-3.5) to Planned Development (PD) in order to allow for expansion of the existing Farlow’s restaurant parking lot and using the existing single-family home as an accessory structure by the owner or employees, and also adopt its associated Detail PD Concept Plan, for property located at 1370 River Lane, in the Englewood area, containing 0.384± acres; Commission District III; Petition No. PD-21-000017; Applicant: KF & LF Properties LTD CO; providing an effective date.

**Jie Shao, Principal Planner**, provided the findings and analysis for Petition **PAS-21-00012** with a recommendation of approval, based on the reasons stated in the staff report.

**Jie Shao, Principal Planner**, provided the findings and analysis for Petition **PD-21-00017** with a recommendation of approval, with conditions “a” through “h”, based on the reasons stated in the staff report.

**Questions for Staff**

**Mr. McCormick** asked **Ms. Shao** will the proposed parking be permeable and not asphalted? **Ms. Shao** replied she believes this will be asphalted.

**Applicant’s Presentation**

**Robert Berntsson, Big W Law Firm on behalf of the applicant**, states he has been sworn and accepts Ms. Shao as an expert. The owners and Mr. Berntsson thank staff for working with them on this. We are not necessarily going to pave the parking lot. The existing parking lot is shell basically now and if we could get it approved as non-paved it will be non-paved, however if it’s required to be paved, then it will be paved. They are going through other agencies on that issue as well. The applicants need more parking, this property had been in disrepair and had code enforcement cases with the prior owner. He thinks with the enhanced landscaping this will be an improvement to the neighborhood. He is happy to answer any additional questions.

**Mr. Vieira** commented at a Board of Zoning Appeals meeting, there was a proposal for another parking lot on the other side of the creek, are they in connection to one another? **Mr. Berntsson** replied they need parking. **Mr. Vieira** is the intention for this proposal is just strictly for the customer base that’s coming into the restaurant. The other proposal was for the employees to park.

**Public Input**

**Patrick Tebow, lives in the area**, is concerned about the intersection. Has there been any studies or addressing the problem of the intersection? He encourages them to look into it, because the subdivision to the south only has one way in or out of the subdivision from that intersection.

Debra Hughes, lives in the area, she appreciates what the Farlow's have done to the property to clean it up. She is in favor of this petition and agrees that they need more parking.

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

#### **Rebuttal**

**Mr. Berntsson** comments that they are not adding any other access points for the restaurant, everyone will access through the main entrance.

#### **Discussion**

**Mr. Bigness** comments that he sees responsible owners investing in their successful business, he doesn't see any adverse impacts to the neighbors. Overall, he thinks this is a good plan.

#### **Recommendation**

**Mr. Bigness** moved that **PAS-21-00012** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated March 31, 2022, Charlotte County Comprehensive Plan and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, second by **Mr. McCormick**; and carried by a unanimous vote.

#### **Recommendation**

**Mr. Bigness** moved that **PD-21-00017** be sent to the Board of County Commissioners with a recommendation of Approval, with conditions "a" through "h", based on the findings and analysis in the staff memo dated March 31, 2022, 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.

#### **6.) PD-21-00019**

#### **Quasi-Judicial**

#### **Commission District II**

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) to PD; this is a major modification to amend the PD conditions and its associated PD Concept Plan originally established in Ordinance Number 2022-007 in order to allow for additional 48 site-built homes, a residential development up to 278 units, and requiring a transfer of 48 density units; for property located at 12150 Burnt Store Road, in the Burnt Store Area Plan area and in the Punta Gorda area, containing 68.43± acres; Commission District II; Petition No. PD-21-00019; Applicant: Simple Life Ventures, LLC; providing an effective date.

**Jie Shao, Principal Planner**, provided the findings and analysis for Petition **PD-21-00019** with a recommendation of approval, with conditions "a" through "o", based on the reasons stated in the staff report.

#### **Questions for Staff**

None offered.

#### **Applicant's Presentation**

**Geri Waksler, McCrory Laws Firm representing the applicant**, comments this petition is requesting a major modification to its existing Planned Development (PD) to add 48 site-built homes to the approved 230 homes, which would bring the total to 278 units. Originally this was conceived as a Manufactured Home community all development sites were located outside of the Coastal High Hazard Area (CHGA) because the Comprehensive Plan (CP) prohibits Manufactured Homes within the CHGA. The last amendment to the PD, Simple Life Ventures, LLC has the ability to locate site built tiny homes around a lake, that was shown on the original CP. The lake area has been reduced from the original PD, and a purposed recreation area has been moved and expanded in size. No change is requested to the existing buffers including the buffers to the adjacent Single-Family property. A type C buffer has been set in place to protect the neighbors from the noise and visual impacts from the recreation area, which has now been relocated further away from that property. No change is requested to the development

standards, to comply with the development standards these will have to be the same size as the Manufacture Homes. We are looking at being able to increase the number of smaller homes that will be available in this community. If approved the modification will require a Transfer of Density Units (TDU) for any units located in the CHGA the TDUs must also come from a CHGA and have to be type for type. As required by the TDU ordinance, therefore there is no net impact to the county's CHGA. An evacuation study was conducted and submitted with this application. Simple Life will pay a fee per CHGA unit to address potential of evacuation effects created by any additional units located in this particular of the CHGA. At the Final Detail Plan (FDP), Simple Life will be required to prepare an updated traffic study that will look at its impact to Burnt Store Road and also take in account traffic from any projects that have an approved FDP. If necessary, they will enter into a share agreement to address any additional improvements that need to be made to Burnt Store as a result to the project. They accept all conditions of approval, with the change made to that one traffic condition. They accept Ms. Shao as an expert and join in the staff report and request a recommendation of approval.

**Questions for Applicant**

None offered.

**Public Input**

None offered.

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

**Discussion**

None offered.

**Recommendation**


**Mr. McCormick** moved that **PD-21-00019** be sent to the Board of County Commissioners with a recommendation of Approval, with conditions "a" through "o", based on the findings and analysis in the staff memo dated March 30, 2022, 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.

The agenda is completed. However, Mr. Gravesen wanted to thank Mr. Thornberry for serving on the board. He also mentioned there is a new member up for approval at the BCC tomorrow.

**ADJOURNMENT**

The meeting was adjourned at 2:24 p.m.

Accepted on behalf of the Charlotte County  
Planning and Zoning Board



Michael Gravesen, Chair