

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
Clint Baker



District

District V
District III
District I
District II
District IV

MINUTES
REGULAR MEETING

November 14, 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.

Approval of Minutes – September 12, 2022, Regular Meeting

The September 12, 2022 minutes were approved as circulated.

Announcements

None offered.

PETITIONS

1.) PP-22-06-02

Quasi – Judicial

Commission District I

Toll Southeast LP Company Inc. has requested Preliminary Plat approval for a subdivision to be named, Regency at Babcock Ranch, consisting of 493 single-family residential lots and 32 tracts with associated infrastructure. This site contains 150.96± acres and is generally located south of Bermont Road, north of the County line with Lee County, west of the County line with Glades County and east of Bluebird Trail, in the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment 2, within the East County area, and in Commission District I.

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition **PP-22-06-02** with a recommendation of approval based on the reasons stated in the staff report.

Questions for Staff

None offered.

Applicant's Presentation

No one was present for the applicant.

Public Input

No one spoke for or against this request.

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

Discussion

None

Recommendation

Mr. Vieira moved that **PP-22-06-02** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated July 22, 2022, Charlotte County Comprehensive Plan along with the evidence presented at today’s meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

2.) PP-22-07-01

Quasi-Judicial

Commission District IV

Matt Mootz has requested Preliminary Plat for a residential subdivision to be named, The Cove at Rotonda, consisting of 296 single-family lots and 18 tracts for lakes, roadways, open space, and other infrastructure. This site contains 88.08+/- acres and is located at 12455 S. Access Road, in the Port Charlotte area, within the West County area, and in Commission District IV.

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition **PP-22-07-01** with a recommendation of approval, based on the reasons stated in the staff report.

Questions for Staff

Mr. Vieira asked about part of the development rights that were severed off at one time, can you identify those?

Mr. Cullinan said it was just some of the density. This is entitled under the medium density residential and the RMF-10 to roughly 880 units of density. They are only looking to develop 296 of that. They severed off the rest of that density in order to transfer that to other projects throughout the County meeting the TDU regulation.

Mr. Bigness asked RMF-10 was a minimum of 7500 but I thought I saw some 36?

Mr. Cullinan said correct, plus their subdivisions are allowed to reduce. That is if you have a standard lot that would be a minimum for and already existing or vested lot. This is called a cluster subdivision where they cluster their density rights and do it on smaller tracts in order to keep more open space. He gave a few examples.

There was some discussion about the traffic studies and roadway capacities.

Applicant’s Presentation

Geri Waksler, Esq., representative for the applicant, said she was sworn in. **Ms. Waksler** said this plat is a redevelopment of an existing golf course but I want you to understand that the residential land use and zoning on the site predated even the development of the golf course. They are simply platting to the County’s current codes. Staff has found that this proposed plat does meet those codes and is consistent with the Comprehensive Plan. We join in staff’s analysis and conclusions and request recommendations of approval of this preliminary plat.

Questions for Applicant

None

Public Input

No one spoke for or against this request.

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

Discussion

None offered.

Recommendation

Mr. Baker moved that **PP-22-07-01** be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis in the staff memo dated August 8, 2022, Charlotte County Comprehensive Plan along with and the evidence presented at the public hearing before the Planning and Zoning Board, second by **Mr. McCormick**; and carried by a unanimous vote.

3.) PV-22-07-01

Legislative

Commission District II

P.F. Holdings, Inc. is requesting a Plat Vacation to vacate three parcels and two unnamed 30' wide streets, in order to create a unified development tract containing 55.17± acres. The properties are located at 2200 and 2176 Carmalita Street, and 25385 Dundee Road; this application is being submitted with a corresponding TDU Application, TDU-22-06, to transfer nine density units onto the property. The area to be vacated consists of 54.27± acres of parcels and 0.90± acres of streets and is generally located north of Carmalita Street, east of Harding Street, south of Dundee Road, and west of Florida Street, in the Punta Gorda area and Commission District II.

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition **PV-22-07-01** with a recommendation of approval, based on the reasons stated in the staff report. This petition is in conjunction with the next petition for transfer density units.

Questions for Staff

None offered.

Applicant's Presentation

Geri Waksler, Esq., representative for the applicant, said she was sworn in. **Ms. Waksler** said the applicant owns all three parcels which surround the 2 unimproved roads. The streets are not required for access to any adjacent properties. The plat vacation will simply create one unified tract for multi-family development.

Questions for Applicant

Mr. Baker asked if they were going to fill in any lakes?

Ms. Waksler said she has not seen the site plan for what is proposed here. Those were excavations from years and years ago. There may be some fillings of lakes but this is a big parcel and there is a significant amount of land for all of those lakes but she has not seen a site plan.

Public Input

Martha Brusman, who lives in the area, said Carmalita Street and Dundee Road are part of the alligator creek watershed. The stormwater drains across from Carmalita Street/Airport Rd. under US 41 and then it goes into Charlotte Harbor at the riviera bar and grill. The water cross has really suffered a lot of damage from Hurricane Ian. She took photos, there are lots of down trees and blocked drainage. I think before another 600 units of housing gets approved, you have to clean that up. I know it's difficult and expensive to get equipment in there but 1000's of homes depend on that stormwater going as quickly as possible into the alligator creek. She is asking if they can repair the alligator creek water cross before approving 600 units.

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

Discussion

None offered.

Recommendation

Mr. McCormick moved that **PV-22-07-01** be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis in the staff memo dated October 5, 2022, Charlotte County Comprehensive Plan along with and the evidence presented at the public hearing before the Planning and Zoning Board, second by **Mr. Vieira**; and carried by a unanimous vote.

4.) TDU-22-06

Quasi-Judicial

Commission District II

A Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for a transfer of nine density units onto a Receiving Zone located at 2200 and 2176 Carmalita Street, and 25385 Dundee Road, in the Punta Gorda area and Commission District II; this application is being submitted as part of a Plat Vacation Application, PV-22-07-01, which is to vacate three parcels (54.27± acres) and two unnamed 30' wide streets (0.9± acres), in compliance with Part III Land Development and Growth Management, Chapter 3-9 Zoning, Article V Environmental Requirements and Other Requirements, Section 3-9-150 Transfer of Density Units (TDU), of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. TDU-22-06; Applicant: P.F. Holdings, Inc.; providing an effective date.

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition **TDU-22-06** with a recommendation of approval, based on the reasons stated in the staff report.

Questions for Staff

None

Applicant's Presentation

Geri Waksler, Esq. said she is representing the applicant. Ms. Waksler said the plat vacation you just heard included 2 unimproved rights of way. The TDU ordinance says when you vacate a right of way, the applicant can either put in a restrictive covenant on a property limiting the density to what it was, or may transfer density onto the property. The applicant has chosen to transfer density onto the property. This density was removed years ago and is coming back on now. We are simply returning it from where it came from.

Public Input

Nancy Bowmer, who lives in the area, said her property backs up to Carmalita. She is wondering what this will do with real estate values and what kind of traffic they may see.

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

Questions

Mr. McCormick asked staff if he was to make this motion, how detailed should the motion be? Just recommend the approval of transfer or do you want me to make part of the record the precise location?

Mr. Cullinan said he believes since this goes by resolution, you can just make a motion to move this on.

Recommendation

Mr. McCormick moved that **TDU-22-06** be approved, seconded by **Mr. Vieira**; and carried with a unanimous vote.

5.) PD-22-00002

Quasi-Judicial

Commission District IV

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Office, Medical, and Institutional (OMI) to Planning Development (PD), and adopting its associated General PD Concept Plan, in order to develop a mini warehouse facility and future outparcel development for the subject property located at 12905 and 12929 Gulfstream Boulevard, in the Port Charlotte area and within the West County area, containing 3.47± acres; Commission District IV, Application No. PD-22-00002, Applicant Land America, LLC; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **PD-22-00002** with a recommendation of approval, based on the reasons stated in the staff report.

Questions for Staff

Mr. Baker asked about the buffer on the east side, he sees the waterway and it's RMF-10, so it is high density to the east of this development. He asked in your opinion the 6 foot fence would be enough to shield their view from the 50 foot tall building.

Ms. Shao said yes, it is my professional opinion. They can do 26 other permitted non-residential uses for the site and if they have a 25 foot landscaping buffer, they are not required to put any fence or wall.

Applicant's Presentation

Robert Berntsson, Esq. said he is representing the applicant and was sworn in. **Mr. Berntsson** said they will accept all conditions are they are proposed. As Ms. Shao indicated, this site has a commercial land use on it. Typically OMI does not have a commercial land use, it has professional office land use. This property in our comprehensive plan was always intended to be a commercial site. This request to rezone to a PD for the vast majority of the property will be one of the lowest impact in commercial uses you can possibly have which is the mini-warehouse facility. It leaves only 10,000 s.f. of development for the remainder of the parcel. We have greatly limited the uses from all the commercial general type uses which is why we did not go for a straight commercial general rezoning. We went through the PD process in order to revive the enhanced landscaping and buffering and limitations on uses in the future as well as limitations on the height that would be allowed under straight zoning. The site is well thought out.

Public Input

A resident of the community (who did not say her name) said our buildings were built in 1984 and we have 105 homes here. We are adjacent to this site. We are a senior age community and many are against the change in zoning. One primary reason is the added danger to the exit and enter into our community. There is only one exit and entrance. We are surrounded by the Myakka River and on the other side by the river. Home Depot is on one side of us exiting and now they put a new traffic light up. We have a difficult time getting out of our community. We feel this would create a more dangerous exit.

Cathy Carol, a neighbor who lives in Unit 174, said the traffic is terrible. She understands the land can be developed but a storage facility will not be attractive to look at. We are concerned what this might do to our property values. She did a lot of research, you can have 3 chickens but no rooster. And I found out you can have storage facilities not near each other but not within 2500 feet. She could not find anything that restricted a storage facility to be built so close to a residential community. The Comprehensive Plan says to "utilize imaginative and innovative site planning and land development concepts in order to create an ecstastically pleasing and functionally desirable and living environment. She said there are many fatalities in this area because of the intersection. She said if this gets approved, she asked if they could meet with the developer to try to come up with some things to make the building more esthetically pleasing.

Allen Brown, who lives in the same development, said the traffic study recommended said no right hand turn. He said they can drive directly off SR 776 and turn right into the proposed development. Add that to the compound traffic from Gulf Cove golf course traffic coming out onto SR 776, and with no right turn lane going into that development, it is an accident waiting to happen. He feels the tall building will be overpowering to our houses.

Larry Mathews, who lives in the area, said he agrees. A lot of folks who live in this area, are snowbirds and they are not here yet. It would be nice to postpone the vote until more folks come back and can attend. He also agrees with the visual issues. A 6 foot fence is not enough. Most storage areas are one story, why is this one 50 feet tall?

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

Rebuttal

Mr. Berntsson said the traffic signal has been installed at the intersection of McCall and Wilmington Blvd., but is not currently working. Current zoning of the OMI is not consistent with future land use which is commercial. That designates this property was intended to be commercial. The PD allows for additional conditions to be put into place. Under the current zoning, a 60 foot building could go in by right with no public hearing. We are agreeing to reduce the building by 10 feet from what can be built there. The building has to comply with commercial design standards. We meet the criteria for the granting of the rezoning.

Questions

Mr. Baker said he lives in the area and this traffic area is bad. When you are coming down SR 776 (McCall Rd.) and the right turn into the property, that would be a State highway. It is hard to me to imagine they would not require an egress there.

Mr. Berntsson said they may. This is just the zoning part. The traffic study is part of the site development process. They may not allow access there at all, or require a decel lane. He suggested to the neighbors to meet with the BigW Law firm and try to negotiate a prettier facade. Remember, there are 26 other things that could be built here.

Mr. Gravesen told the citizens the land use is commercial and the zoning is OMI. The applicant would be able to come in here and change the zoning to Commercial and many other things could be allowed.

Recommendation

Mr. Baker moved that PD-22-00002 be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis in the staff memo dated October 27, 2022, Charlotte County Comprehensive Plan along with and the evidence presented at the public hearing before the Planning and Zoning Board, second by **Mr. Vieira**; and carried by a unanimous vote.

6.) PAS-22-00006

Quasi-Judicial

Commission District II

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Small Scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Commercial (COM) to Low Density Residential (LDR) for 20± acres; for a portion of the property located at 28450 Truckers Grade, in the Punta Gorda area, containing 42.16± acres; Commission District II; Petition No. PAS-22-00006; Applicant: Tuckers Point I Limited Partnership; providing an effective date.

7.) PD-22-00008

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 an existing PD, Ordinance Number 2021-042, to revise the PD Concept Plan and its associated PD conditions in order to 1) allow for development of a multi-family apartment community on a portion of the property, consisting of 20± acres and currently designate for commercial development; and 2) have a mixture of residential and commercial development for the entire property, containing up to 1,689 residential dwelling units (no change) and 380,000 square feet of commercial uses (no change) and 200 hotel rooms (a reduction of 200 hotel rooms); the base density for the subject property is 1,389 swelling units, requesting 300 units of Incentive Density for the proposed apartment; also requesting to adopt the General PD Concept Plan; for property located at the northwest portion of the interchange of I-75 and Tuckers Grade, in the Punta Gorda area; containing 565.74 acres; Commission District II; Petition No. PD-22-00008; Tuckers Point I Limited Partnership; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **PAS-22-00006** and **PD-22-00008** with a recommendation of approval, based on the reasons stated in the staff report.

Questions for Staff

Mr. Bigness asked if Ms. Shao can explain incentive density.

Ms. Shao said incentive density was created back in 2010 when we redid our 2050 Comprehensive Plan. The County tried to promote the mixed use, tried to use this for different housing type, so we created the incentive density. The density mostly came from the area designated for managed neighborhood. Gulf Cove, that area, some portions they have scrub jay areas. The incentive density would get it from the Future Land Use Map (FLUM), but zoning is RSF-3.5 so the County use the cap as incentive density.

Asst. County Attorney David said there is a pool of density that the County maintains that it collected over the years and when they did the redevelopment of the Comprehensive Plan, there is a pool of density that is discussed in the Comprehensive Plan and the Zoning Code. It is used for the purposes limited in those documents.

Applicant's Presentation

Geri Waksler, Esq., who is representing the applicant, said she was sworn in. **Ms. Waksler** said this is almost 566 acre total tract, mixed use. I have been before you before for this site. They have tweaked the plan over time. First you come in with a concept, but with a site this large, things change over time. All the residential that currently exist on the property was sold to an end user and the permitting and development of Phase I of the residential is actually under way. Tucker's Point One continues to own all the property that had been designated commercial. They are seeking to change to residential the northern most part of the commercial lands. These are adjacent to preservation on two lands. It seems to be better use to place residential uses down adjacent to the preservation than to have commercial uses adjacent to preservation. The intent is construct 300 multi-family apartments. Total unit count on the site will not increase. We are already approved for 1689 units. When the residential portion was sold, Tuckers retained 300 potential units with the idea that there may be at some point some use for multi-family. Some of the 1689 has to be transferred to the site. A good bit has already been transferred. Some still have to be transferred. They are asking for this to come from the incentive density which was created to incentives multi-family housing. It does not create any new density on the site. The site is currently approved for 1689 units and with this change, it will still be approved for 1689 units. We are still retaining a 40 acre commercial tract.

Mr. Gravesen said he had a problem with the high density volume on this site.

There was discussion about the whole project, looking at all the area that is residential, and the density.

Public Input

None offered.

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

Discussion

None offered.

Recommendation

Mr. McCormick moved that **PAS-22-00006** be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis in the staff memo dated October 8, 2022, Charlotte County Comprehensive Plan along with and the evidence presented at the public hearing before the Planning and Zoning Board, second by **Mr. Vieira**; and carried by a unanimous vote.

Mr. McCormick moved that **PD-22-00008** be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis in the staff memo dated October 8, 2022, Charlotte County Comprehensive Plan along with and the evidence presented at the public hearing before the Planning and Zoning Board, second by **Mr. Vieira**; and carried by a unanimous vote.

8.) PAS-22-00002

Legislative

Commission District I

Pursuant to Section 163.3187, Florida Statutes, adopt a Small Scale Plan Amendment to change 1) Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Charlotte Harbor Coastal Residential (CHCR) to Charlotte Harbor Mixed Use (CHMU) for 11.88± acres, and 2) Charlotte County FLUM Series Map #1A: Charlotte Harbor 2030 FLU - Detail Map from Charlotte Harbor Coastal Residential (CHCR) to Charlotte Harbor Mixed Use (CHMU) for 11.88± acres, for a portion of the property located at 23317 Harper Avenue and 4460 Pinnacle Street, in the Charlotte Harbor Community Redevelopment Area (CRA) and in the Port Charlotte area, containing 35.15± acres; Commission District I; Petition No. PAS-22-00002; Applicant: Pastore Doyle Developers, LLC; providing an effective date.

9.) PD-22-00001

Quasi-Judicial

Commission District I

An Ordinance, pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Charlotte Harbor Mixed Use (CHMU) and Coastal Residential 3.5 (CR-3.5) to Planned Development (PD), in order to allow for development of a multi-family residential community up to 222 units; increasing density from 194 units to 222 units, and requiring a requiring a transfer of 28 density units; also requesting to adopt the General PD Concept Plan; for the subject property including four parcels located at 23317 and 23245 Harper Avenue, 4460 Pinnacle Street and 23386 Farnam Street, and two parcels located south of Harper Avenue, northeast of Freedom Avenue, east of Church Street, and west of Shady Lane, Bayshore Road, in the Charlotte Harbor Community Redevelopment area and in the Port Charlotte area, containing 39.93± acres; Commission District I; Petition No. PD-22-00001 Applicant: Pastore Doyle Developers, LLC; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **PAS-22-00002** and **PD-22-00001** with a recommendation of approval, based on the reasons stated in the staff report.

Questions for Staff

None offered.

Applicant's Presentation

Geri Waksler, Esq., represented the applicant, said she was sworn in. Ms. Waksler said this is a challenging site to develop. It is bounded by single family residential but adjacent to industrial uses on the northwest and western boundaries. They intend to develop a 3 building 320 unit multi-family development, clustered on the west side of the property. These parcels are buffered by a creek and a preservation area. The remainder of the property will be open space. A stormwater management system will capture the runoff.

Public Input

John Everson, representing the Charlotte Harbor Civic Association. Mr. Everson said he felt **Mr. Vieira** should recuse himself because he is a member on the Charlotte Harbor water association. They are a private non-profit but if they get this operation, they stand to make money on the impact fees. He said the County should help Charlotte Harbor. He discussed the waterfront and tree line resolution. He feels this is a flood area. He is also concerned for the wildlife. Retention ponds will not be sufficient.

Scott Bagler, who lives close to the development, said the tidal water streams through this property. He said the southern end goes into the Peace River. There is a lot of wildlife in this site. Eagles, owls, hawks, all which use this water to feed on. No one said anything about saving the wildlife. Water coming into this area too fast can flood this area and wildlife.

Shirwood Rylins, who lives on Harper Avenue, was concerned with more traffic. Everyone needs to get to US 41. The capacity of the roads is already at full capacity. Where Melbourne intersects with Harper Ave., there are no lights. They should have a traffic light there.

John Misco, who lives in the area, said the traffic report in the staff report is old. It needs to be up to date. We don't know the traffic yet with Sunseeker coming in. He said the State said this is wetlands. He said the staff report is unfinished documentation. He said there is a school bus stop in this area. There will be more accidents.

Betsy Williams, who lives in the area, said she has been here 30 years. This is a flood zone area. The water comes from the woods. She said she is concerned about the water and the kids and the bus stop safety.

Rowina White, who lives in the area, said we have one lane streets. When it rains, we have to watch how high the water is coming up. You don't seem to care about the people living there. There is a day care down the street. Who will pay for our damages when this area floods bad after this development.

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

Rebuttal

Ms. Waksler said Todd Rebol, engineer, will come up and talk about the stormwater plan. She said the wetlands have been flagged, but prior to any construction, the State will come back and tell us where that wetland line is. For traffic, every project says there will be more traffic. This is why we have an objective standard. We hired licensed transportation engineers.

Todd Rebol, P.E., Banks Engineering, said regarding stormwater, has had a SWFWMD approval but we had professionals go out and are under the DRC process. We have to show and demonstrate there is no impacts to adjacent properties for any runoff. He discuss the process in more detail, the design and being above the seasonal waterline. This all needs to be reviewed in the general process.

There was some discussion about the tidal impacts.

Discussion

Mr. Vieira said he is the president of the Charlotte Harbor water association. It is a volunteer position. He has been there for 5 years. The funding is provided by the US department of Agriculture. We rely on that and monthly water receipts to control the property. He did not see this plan layout until this staff report was available. He did speak to the County Attorney to make sure he could hear this requests.

Recommendation

Mr. Vieira moved that **PAS-22-00002** be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis in the staff report dated October 4, 2022, Charlotte County Comprehensive Plan along with and the evidence presented at the public hearing before the Planning and Zoning Board, second by **Mr. McCormick**; with a unanimous vote.

Mr. Vieira moved that **PD-22-00001** be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis in the staff report dated October 4, 2022, Charlotte County Comprehensive Plan along with and the evidence presented at the public hearing before the Planning and Zoning Board, second by **Mr. Baker**; and carried by a unanimous vote.

10.) PD-22-00011

Quasi-Judicial

Commission District I

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 of the existing PD, Ordinance Number 2021-003, to modify the approved PD Concept Plan and PD conditions in order to allow for development of an recreational

vehicle and manufactured home community with up to 439 Recreational Vehicles, or up to 205 recreational vehicles and 234 single-family homes or manufactured homes, requiring no transferring of density units; also adopting a General PD Concept Plan; for property generally located southeast of Riverside Drive and Northwest of Duncan Road (U.S. 17), in the Punta Gorda area, containing 90.82± acres; Commission District I; Petition No. PD-22-00011; Applicant: LD Promotions LLC d/b/a Sunlight Resorts; providing an effective date

Jie Shao, Principal Planner, provided the findings and analysis for Petition **PD-22-00011** with a recommendation of approval, based on the reasons stated in the staff report.

Questions for Staff

Mr. Baker said we go from the platted residential homes, to they came in and have RV's.

Ms. Shao said in January 2021, they were given the option to building single family homes. She said there are water lines and they can build the waste water treatment plant. The City of Punta Gorda utilities will provide the water and sewer.

Applicant's Presentation

Geri Waksler, Esq., representative for the application, said she was sworn in. **Ms. Waksler** said the existing approval had been zoned PD back in 2004 for a single family development. The PD zoning was modified to have an alternative concept plan, so you can choose between the single family development or RV's and manufactured mobile homes on the site. My client wants to eliminate the single family development so we will not have "2" concept plans. The City of Punta Gorda will bring utilities up Riverside Drive to the site. There is a little strip north of the site which is NOT part of this site. They did not purchase that site. It is part of the PD but not part of the PD they are making changes to. She gave plans to Attorney Heckins who is representing the people who sold the property. They will be moving the amenity areas into the middle of the site.

There was some discussion about the original PD and what that was approved for, this current Major modification of the original PD, and the original density allowed on the site.

Public Input

Mark Draper, Esq., said he was sworn in. **Mr. Draper** said he is here for Mr. Heckins to represent his clients who sold the property. **Mr. Draper** said the sliver of land that is highlighted, is a piece of land in the original PD request. That piece is not included in this modification to the original PD. He said the staff report is a little confusing. He said as long as this separate piece of land is included in the PD, they are confused. He accepts Ms. Waksler's statement that the piece of land is not included in this new PD change, but they would like to see that piece of land removed from this PD application change.

Jan Folkenstern, owner said the sliver of land you are talking about, we have no problem whatever they want to do with the RV's or whatever, but we want to know where the utilities are going to come from?

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

Discussion

There was discussion about PD's and a road by the "sliver" piece of land.

Recommendation

Mr. Vieira moved that PD-22-00011 be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis in the staff report dated October 18, 2022, Charlotte County Comprehensive Plan along with and the evidence presented at the public hearing before the Planning and Zoning Board, second by **Mr. McCormick**; and carried by a 4 to 1 vote. (**Mr. Bigness** voted against the approval)

Mr. McCormick excused himself and had to leave the meeting at 4:50 p.m.

11.) TCP-22-02

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 comment; the request is to amend the Future Land Use (FLU) Element of the County's Comprehensive Plan by revising 1) FLU Policy 5.6.3: Encourage Public Marina Uses; and 2) FLU Appendix I: Land Use Guide, Section 3: The Official Future Land Use Map, Compact Growth Mixed Use (CGMU) Future Land Use Map (FLUM) designation; Petition No. TCP-22-02; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **TCP-22-02** with a recommendation of approval, based on the reasons stated in the staff report.

Questions for Staff

None offered.

Public Input

Percy Angelo, who lives in Cape Haze, said she has attended many roundtable meetings on this and supports the amendment to the EAR amendment limiting Cape Haze density, but 15 units per acre is still high. She would like more data on CGMU and feels 65 units per acre is too high. Coastal construction is too risky.

Robert Berntsson said he is speaking on his own, not representing anyone, said when Comm T made the statement to change the transmittal to the EAR amendments, I was not here, but I think it is important to go back to our history. We made marina's industrial. Heavy uses – boats and oils. Many of those marina's had condos and houses around them. There was also multi-family zoning around these areas. We recognized we had mixed use projects around these areas, so we said when you come in, you can still go forward and do a used the mixed use project under the compact road mixed use. He said now there is a tool you can use to go up to 65 units per acre. He feels we should not lose this tool. He is against this amendment.

Bill Dones, Cape Haze Property Owner Association, said he endorses what Percy said. People on Boca Grande are afraid of what might happen if we allow 65 units per acre. In west county the maximum zoning I can find is 10 units per acre. Anything above 10 is a dangerous precedent.

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

Discussion

There was some discussion about CGMUs and density.

Recommendation

Mr. Bigness moved that TCP-22-02 be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis in the staff report dated August 19, 2022, Charlotte County Comprehensive Plan along with and the evidence presented at the public hearing before the Planning and Zoning Board, second by **Mr. Vieira**; and carried by a 3 to 1 vote. (Mr. Baker voted against the approval)

12.) TLDR-22-01

Legislative

County Wide

An Ordinance of the Board of County Commissioners of Charlotte County, Florida, amending Charlotte County Code Chapter 3-9: Zoning, Article IV: Site Design Standards and Requirements, by revising Section 3-9-100.3. Tree Requirements (d) Tree Removal to add new item (6) Tree Sampling; providing for the property size requirement for a tree sampling, providing for requirements for and component of a sampling survey and report; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition TLDR-22-01 with a recommendation of approval, based on the reasons stated in the staff report.

Questions for Staff

None offered.

Public Input

None

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

Discussion

None offered.

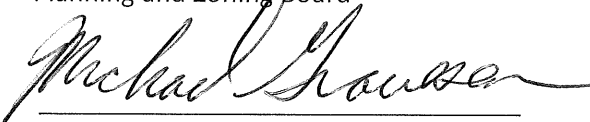
Recommendation

Mr. Baker moved that TLDR-22-01 be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis in the staff report dated October 24, 2022, Charlotte County Comprehensive Plan along with and the evidence presented at the public hearing before the Planning and Zoning Board, second by **Mr. Bigness**; and carried by a unanimous vote.

ADJOURNMENT

The meeting was adjourned at 5:30 p.m.

Accepted on behalf of the Charlotte County
Planning and Zoning Board



Michael Gravesen, Chair