

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

May 8th, 2023, 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. (Mr. Bigness and Mr. McCormick were absent)

Approval of Minutes – April 10th, 2023, Regular Meeting

The April 10th, 2023, minutes were approved as circulated.

Announcements

None offered.

PETITIONS

1.) PP-23-01-01

Quasi-judicial

Commission District II

CC Burnt Store, LLC, has requested Preliminary Plat approval for a residential subdivision to be named, Coral Lakes, consisting of 496 single-family lots, both attached and detached, and 27 tracts. This site contains 306.51± acres and is located at 12300 and 13000 Burnt Store Road, in the Punta Gorda area, within the boundary of the Burnt Store Area Plan area, and in Commission District II.

Jenny Shao, Project Coordinator, provided the findings and analysis for Petition **PP-23-01-01** is consistent the County's Comprehensive Plan and the County's code of laws and ordinances and other applicable guidelines.

Questions for Staff

None offered.

Applicant's Presentation

Derek Rooney, Grey Robinson Law Firm on behalf of applicant, he accepts Ms. Shao as an expert and agrees with staff recommendations. Informed the board that Todd Rebol is available if the board has any questions.

Public Input

None offered.

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

Recommendation

Mr. Baker moved that **PP-23-01-01** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated March 13, 2023, 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.

2.) PAS-22-00001

Legislative

Commission District V

An Ordinance pursuant to Section 163.3187 Florida Statutes, adopt a Small Scale Plan Amendment to change Charlotte County Future Land Use Map Series Map #1: 2030 Future Land Use, from Commercial (COM) to Compact Growth Mixed Use (CGMU) with an annotation limiting development rights up to 791 dwelling units, 600 hotel rooms, and 500,000 square feet of commercial uses; the base density of the site is 0 units, and the applicant is requesting 791 units of Incentive Density for the proposed residential portion of the development; for property located at 3280 Tamiami Trail, in the Port Charlotte area, containing 26.39± acres; Commission District V; Petition No. PAS-22-00001; Applicant: JLI PC, LLC.; providing an effective date.

3.) Z-22-46-12

Quasi-Judicial

Commission District V

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Commercial General (CG) to Mixed Use (MU); for property located at 3280 Tamiami Trail, in the Port Charlotte area, containing 26.39± acres; Commission District V; Petition No. Z-22-46-12; Applicant: JLI PC, LLC.; providing an effective date.

Elizabeth Nocheck, Sr. Planner, provided the findings and analysis for Petition **PAS-22-00001** is consistent the County's Comprehensive Plan and the County's code of laws and ordinances and other applicable guidelines.

Elizabeth Nocheck, Sr. Planner, provided the findings and analysis for Petition **Z-22-46-12** with a recommendation of approval, based on the reasons stated in the staff report.

Questions for Staff

None offered.

Applicant's Presentation

Rob Berntsson, Big W Law, representing the applicant, comments he accepts Ms. Nocheck as an expert and accepts all the conditions that were presented. He states he is happy to be standing in front of the board with the first Mixed Used zoning to come before the county. He gave a brief history of the parcel. He explained that he participated in the Mixed Use code development round tables and this property has been a primary focus for the Mixed Use. It fits in perfectly with what the intention and goal is for a Mixed Use zoning are. He joins in the staff report and both the comprehensive plan (CP) and rezoning. We have met the criteria for rezoning as outlined in the CP and is available to answer any questions.

Questions for Applicant

None offered.

Public Input

Michellene Septer, explains her reasoning for being against this petition is because they claim it will be 791 apartments, however looking at the charlotte county information on the US Census bureau for every household in Charlotte County there are 2.19 people. With everyone having their own vehicle these days it will be putting 1,732 new vehicles in this congested area. She inquired if a traffic study was done. Another reason she is against this is the new Live Local Act. That goes into effect July 1st, allows building at 150 feet in height that is zoned Mixed Use, anyone else within one mile that builds a Mixed Use building can also go up to 150 ft. Which sounds like a domino effect to the county. She comments that the traffic is already congested, especially during season,

without adding the 1,732 new vehicles to this area. She's not against rezoning or rebuilding at all, however how this currently stands she believes it will put too many people and vehicles in an already congested area.

Mr. Tate, lives in the area, inquired on the impact it will have on his property and when will the project be completed?

Mr. Cullinan explains that a notification we don't look into that. We don't undertake economic impacts of neighboring properties.

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

Rebuttal

Mr. Berntsson commented that a traffic study was conducted and submitted as part of the application. It was reviewed and approved by the transportation department.

Mr. Vieira inquired that the narrative says that a 600-room hotel; that doesn't mean that a 600-room hotel will be built there, it just means you will have a right to construct a 600-room hotel. **Mr. Berntsson** explains this Mixed Use is like Commercial General (CG), you have the uses that you are allowed to use within it. **Mr. Vieira** asked if they are condensing out parcels too, to make this work? The out parcels that remain on the site now, will they be condensed? **Mr. Berntsson** explained that as it shows on the survey, the out parcels are not included. You see along the front McDonalds and Wendy's; they are not included. The plan is to improve the existing building that's there now. The multi-family is shown towards the rear. With the hospitals in the area a lot of the intention of both the code and the vision of the community and this development is this is an ideal location for medical personal to live close to the hospital so they could walk to work. **Mr. Vieira** the intention isn't to provide work force housing it's going to be market rate, correct? **Mr. Berntsson** replied that's correct.

Mr. Baker asked since the out parcels are remaining the same, any egress or ingress changes? **Mr. Berntsson** replied they have their legal rights to their egress or ingress. **Mr. Baker** inquired if there would be any more entries onto US 41 or Harbor Rd? **Mr. Berntsson** explained that is an FDOT road and he can not speak for FDOT, however it would be unlikely for US 41 to get any other access. Other access points when the actual site plan comes in would be decided, but at this point there is no intention for additional access point.

Discussion

Mr. Gravesen expressed his concern on multiple things one being the height. He knows when the Mixed Use came forward that we were allowing up to 150 in this area and 200ft in larger areas in height. Which is out of character for Charlotte County. The other thing that is impacting this decision is the Live Local legislation that just passed and goes into effect July 1st. His understanding is that without changing the zoning code to Mixed Use, they would have the right under the new legislation to develop it as apartments and as a hotel to the 60 ft height limit within the code.

There was a discussion regarding the Live Local Act between the board and staff.

Mr. Gravesen agrees that a Mixed Use for the promenade's mall is an appropriate thing to do. However, they are looking at market rate for rentals. We need workforce housing, and that is avoiding our issue. From one standpoint he agrees that we need to have a Mixed Use there with apartments. His argument is 60 ft is our county norm. With the Live Local Act, he's concern that we may need to step back and look at our Mixed Use and how it will be impacted the Live Local Act.

Mr. Vieira comments that it's almost contradictory in the apartment sense because the applicant has talked the hospitals being in close proximity, and that would an opportunity for hospital staff to walk to work. He's not sure

if this a work force issue or a market rate issue. If wages are not able to meet market rate, then were pressing people that work in the neighborhood out of business.

Asst. County Attorney Thomas David expressed that the Live Local Act is a complex piece of legislation and is reticent to encourages staff to speculate on implementation of that legislation without a particular project in hand. Today we are looking at a rezoning within in our current code it's a legislative question if the land use element needs to be modified. It's Quasi-judicial for the zoning change, I think you have been presented with a good presentation on both of those items.

There was a discussion about transfers of density and the intent of the area of this petition.

Recommendation

Mr. Vieira moved that **PAS-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 May 1st, 2023, Charlotte county's comprehensive plan and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, second by **Mr. Baker**; the motion passed 2 yay - (Mr. Baker and Mr. Vieira) -1 nay - (Mr. Gravesen)

Recommendation

Mr. Vieira moved that **Z-22-46-12** be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis in the staff report dated March 20th, 2023, Charlotte county's comprehensive plan and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, second by **Mr. Baker**; the motion passed 2 yay - (Mr. Baker and Mr. Vieira) -1 nay - (Mr. Gravesen)

4.) 23LAD-00000-00001

Quasi-Judicial

Commission District I

A Resolution pursuant to Section J(1)(k) of the Sandhill Development of Regional (DRI) Development Order (DO), Resolution Number 2022-083, Section 380.06(7), Florida Statutes (F.S.), and Section 3-9-10.1, Development of Regional Impact Development Order (DO) Amendment Process and Procedure under Chapter 3-9, Zoning, Code of Laws and Ordinances, Charlotte County, Florida, amending the Sandhill DRI DO by 1) using the approved equivalency matrix to exchange 12,000 square feet of commercial uses for 74 hotel rooms on Parcel 5-10 of Tract 5 of the Sandhill DRI, and 2) revising Exhibit B, Map H Notes #1 and Map H, Exhibit #2 Notes; for 1.29± acres of the property located at 24490 Sandhill Boulevard, in the Port Charlotte area; Commission District I; Petition No. 23LAD-00000-00001; Applicant: Legacy Development, Ryan Rivett; providing for an effective date. The Sandhill DRI is located south of the DeSoto County Line, north of Rampart Boulevard, east of Loveland Boulevard and west of the Deep Creek area; Section 7, Township 40 South, and Range 23 East, in the Port Charlotte area, currently containing a total of 713.12± acres.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **23LAD-00000-00001** with a recommendation of approval, based on the reasons stated in the staff report.

Questions for Staff

Mr. Vieira commented that this board approved a hotel next to Popeyes back in 2019, and now were purposing this hotel. He read in the documentation that the DRI itself has been granted 323 total hotel room through the development order. How does this effect the total number of hotel rooms for the DRI? **Ms. Shao** replied that it will increase, that yes it was approved 323 hotel rooms as of today. If this petition is approved today will add additional 74 hotel rooms making the new total 397 hotel rooms. Mr. Vieira asked if Ms. Shao knows the current existing in the DRI now? **Ms. Shao** responded she believes 120, with one being on Peachland and Veterans.

Applicant's Presentation

Rob Berntsson representing the applicant, He joins in with Ms. Shaos staff report and has been sworn. The Sandhill DRI area has become an area where people can get off the highway and stay the night and shopping. The need is there for additional hotel rooms, for the traveling public. The DRI matrix allows for the transition from one

use to another. This fits within the designation and respectfully request your approval to allow this conversion to occur.

Public Input

Roger Mitillio, owner of AM Testing & Services, Inc, commented that it's not possible to walk to Walmart. There is no crosswalk to do so. Also, the biggest concern is traffic. There's already an issue with traffic in that area. He encourages for the traffic pattern to be looked at. This will only get worse with adding another hotel.

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

Rebuttal

Mr. Berntsson expressed that this site is already approved for 12,000 sq ft of Commercial that could go straight to final PD to build a Commercial use up to 12,000 sq ft. The Matrix allows you to convert based on square footage to hotel rooms. From his experience Hotel users are one of the lowest generators of traffic, compared to what could be there from a gas station to a fast-food restaurant. This area is a development regional of impact. It's already been approved it will come in for final PD approval, with an agreement for a proportionate share for Sandhill Blvd improvements. We respectfully request your approval.

Discussion

Mr. Vieira expresses that he lives in that area, he travels the area quite a bit and also thinks it's a congested intersection. He commented that DOT is working on improvements at the intersection in front of Walmart. He doesn't recall their being mentioning of that area widening to accommodate traffic.

Mr. Cullinan responded DOT is working on something in that area. He expressed that the county has acquired some of the land on the corner of Sandhill to help soften up the lower curve.

Mr. Vieira mentioned that the applicant did mention they would have to pay a portion of improvement of the road, isn't there another project further down on Sandhill Rd that was approved for residential where there's also a contribution from that developer as well? Ms. Shao replied that's correct.

Recommendation

Mr. Vieira moved to submit, **23LAD-00000-00001**, be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis in the Board memo dated April 14, 2023, Charlotte county's comprehensive plan and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, second by **Mr. Baker**; with and carried by a unanimous vote

5.) 23LAD-00000-00002

Quasi-Judicial

Commission District I

A Resolution pursuant to Section 380.06(7), Florida Statutes (F.S.) and Section 3-9-10.1, Development of Regional Impact (DRI) Development Order (DO) Amendment Process and Procedure under Chapter 3-9, Zoning, the County's Land Development Regulation, amending Development Order (DO), Resolution Number 2022-083, for the Sandhill Development of Regional Impact (DRI) to 1) revise Exhibit E Equivalency Matrix by adding Self-Storage/Mini-Warehouse to this matrix; 2) pursuant to Section J(1)(k) of the Sandhill DRI DO, to use the approved equivalency matrix by exchanging 11,200 square feet of commercial uses for 159,813 square feet of mini-warehouse on Parcel C-5A (Old "C-4") of Tract 1 of the Sandhill DRI, and 3) to revise Exhibit B, Map H Notes #1 and Map H, Exhibit #2 Notes; for 1.45± acres of the property located at 24200 Corporate Court or 720 J C Center Court, in the Port Charlotte area; Commission District I; Petition No. 23LAD-00000-00002; Applicant: Englewood Florida Storage, LLC; providing for an effective date. The Sandhill DRI is located south of the DeSoto County Line, north of Rampart Boulevard, east of Loveland Boulevard and west of the Deep Creek area; Section 7, Township 40 South, and Range 23 East, in the Port Charlotte area, currently containing a total of 713.12± acres.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **23LAD-00000-00002** with staffs professional opinion that the proposed change to 159, 813 sq ft of mini warehouse is not consistent with the intent of the economic center; based on the reasons stated in the staff report.

Questions for Staff

Mr. Vieira asked what is the total area of the site again? Ms. Shao responded it is 1.45 acres with a propose of 159,83 with an FARR that is 2.53. **Mr. Vieira** asked will the entrance be behind the Wendy's? **Ms. Shao** replied that they will come back for the final detail site plan.

Mr. Baker asked the height limit? **Ms. Shao** responded she believes it will be up to 60 ft.

Applicant's Presentation

Fred Drovdlc, Planning Director for RVI, explains that he has his team here to assist with any questions. He expressed the access would be on JC Center Court and Corporate court (one or both) which would then exit onto Veterans via JC Center Court. The use of mini warehouse is permitted in the Sandhill DRI. Where the resolution says that CG allows for mini self-storage. We agree with staff concerning the FAR with the intensity of it. For their traffic they used the IT manual 9 and focused on where the total trips generated by mini warehouse vs a retail shopping center. This proposal of adding a mini warehouse to the matrix will reduce the potential traffic that is used in this intersection. They understand that the 2.53 FAR is higher than the current limits for commercial uses in Charlotte County we are willing to put a limit on that ceiling. They will be volunteering to limit to 109,000 sq ft mini warehouse that would be a four-story building, very similar to the hotel building that's next door. He agrees that the request is generally consistent with the comp plan and Florida Statues and other applicable guidelines.

Questions

Mr. Baker confirmed with **Mr. Drovdlc** if they are asking to reduce from 150,000 to 109,000 sq ft which would take it from 2.53 down to 1.72 FAR. What would be your height? **Mr. Drovdlc** replied below 60, more like 52 or 53 ft in height.

Asst. County Attorney David clarified to the chair that the request will be using a revised equivalency matrix to exchange 11,200 sq ft of commercial usage to 109,000 sq ft of mini warehouse on this parcel. There will be a requirement that the traffic study will be updated to reflect the modification before the Board of County Commissioners (BCC).

Mr. Gravesen inquired with **Mr. Cullinan** if they will have to follow any design standards in order to build this building? **Mr. Cullinan** replied yes, they will have to adhere to commercial design standards.

Public Input

None offered.

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

Discussion

Mr. Vieira asked **Ms. Shao** to go through staff's concerns. **Ms. Shao** replied they have no concerns or objection to add a mini warehouse to the equivalency matrix. For the original proposal 159,830 sq ft we have two concerns; one is the building too big, its not compatible with surrounding uses. Now they are proposing to reduce that. The other issue is it does not meet the economic center for jobs in staff's opinion because self-storage lacks job opportunity. **Mr. Vieira** commented that at least one of your concerns have been rectified by the applicant and we still have an issue with job creation.

Mr. Gravesen asked in the matrix we are exchanging some activates based upon traffic, not the size? Ms. Shao that's correct. It's not a compatibility issue or visual impact. That's why for the Sandhill anything using the equivalency matrix you need to bring back the change development order. Other aspects call for still being consistent with the comp plan. Mr. Gravesen asked staff if they would be comfortable to put in the matrix that the exchange is 110,000 sq ft for 11,200 sq ft of commercial. Or would you want to go up with the traffic number and limit it some other way to limit the size of the building? Ms. Shao she would need the updated traffic study and have an internal meeting to look further into.

Recommendation

Mr. Vieira moved to submit, **23LAD-00000-00002**, to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report April 21, 2023, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, second by **Mr. Baker**; with and carried by a unanimous vote

ADJOURNMENT

The meeting was adjourned at 2:58 p.m.
Accepted on behalf of the Charlotte County
Planning and Zoning Board



Michael Gravesen, Chair