

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

July 10th, 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.

Approval of Minutes – June 12th, 2023, Regular Meeting

The June 12th, 2023, minutes were approved as circulated.

Announcements

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

PETITIONS

1.) SV-23-03-01

Legislative

Commission District I

The applicant, George R. Roland, is requesting to vacate a portion of Barcelona Court adjacent to 28036 Barcelona Court and 400 Seminole Road, which are both owned by the applicant. The total area to be vacated contains 6,089± square feet or 0.14± acres and is generally located north of Deep Creek Boulevard, southwest of the Peace River, and east of Seminole Road, within the Punta Gorda area and located in Commission District I.

Jenny Shao, Project Coordinator, provided the findings and analysis for Petition **SV-23-03-01** is consistent the County's Comprehensive Plan and the County's code of laws and ordinances and other applicable guidelines.

Questions for Staff

Mr. Baker inquired if lot 10 is owned by the same person, that is owned by 12? **Ms. Shao** responded that lots 10, 11 and 12 are consolidated by the same owner who also owns lots 8 and 9. They are both separate properties, but they are owned by the same owner. **Mr. Baker** asked if 8 and 9 will be taking their half of the road? **Ms. Shao** explained yes, they are owned by the applicant as well and consolidated under one property. The applicant does plan to in the future consolidate all of the properties.

Mr. Baker asked how would the applicant get to properties 8 and 9 as a combined property? **Ms. Shao** explained there is access through Seminole Road and Barcelona Court. **Mr. Baker** wouldn't that be landlocked? **Mr. Cullinan** explained this wouldn't be landlocked due to if you were to sell them as consolidated, they would have a right of access through the existing property where the easement is. If you sell a piece of property that is landlocked that is adjacent to your property that is not landlocked, you're giving a right of access through your property to access it. Therefore, there will be no landlocking issues.

Applicant's Presentation

George Roland, the applicant lives at 400 Seminole Road, the intent is to put an addition onto the house with properties 8 and 9. He inquired for guidance from the board to have better understanding on how he can consolidate all the properties. **Mr. Cullinan** replied that the Property Appraiser can assist him with consolidating all of the properties.

Mr. Gravesen expressed that it would end up being a large enough parcel that it could be platted out differently to sell a lot or two out of it, that's your property rights. It's difficult to do a consolation when there's a street right of way in the middle of the properties. By vacating the street, you are able to then consolidate the properties that are around it. You are on the step of consolidating the properties for your use.

Public Input

None offered.

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

Recommendation

Mr. Vieira moved that **SV-23-03-01**, be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated June 6th, 2023, 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.

2.) PP-22-12-27

Quasi-judicial

Commission District I

Lennar Homes, LLC is requesting Preliminary Plat approval for a residential subdivision to be named, Tucker's Cove, consisting of 659 single-family lots and 44 tracts for future development of multi-family homes, lakes, preservation areas, roads, common areas, and an amenity site. This site contains 723.41± acres and is generally located south of Bermont Road, north of Babcock Trail, and east of SR 31, 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.

Jenny Shao, Project Coordinator, provided the findings and analysis for Petition **PP-22-12-27** 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

Rob Berntsson, Big W Law, representing Lennar Homes, comments he accepts Ms. Shao as an expert and has been sworn. This is another subdivision within the Babcock Ranch project and respectfully request for the board's approval.

Questions for Applicant

Mr. Vieira inquired on the plat application it says that the number of lots purposed is 659 but the number of lots allowed are 17, 870? **Mr. Berntsson** responded that is the total for residential density allowed for Babcock.

Public Input

None offered.

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

Recommendation

Mr. Vieira moved that **PP-22-12-27** be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis in the staff report dated June 2nd, 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**; and carried by a unanimous vote.

3.) PP-23-03-03

Quasi-judicial

Commission District II

Zemel Land Partners, LLC, is requesting Preliminary Plat approval for a residential subdivision to be named, Residences at Burnt Store East, consisting of 344 single-family lots and 20 tracts. This site contains 338.02± acres and is located at 26901 Zemel 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-23-03-03** 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. Shao** as an expert and has been sworn in. We previously reinstated the PD that had expired, and we transferred the density of this site for this plat. We are now ready to move forward with the platting.

Questions for Applicant

None offered.

Public Input

None offered.

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

Recommendation

Mr. McCormick moved that **PP-23-03-03** be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis in the staff report dated June 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**; and carried by a unanimous vote.

4.) PP-23-03-04

Quasi-judicial

Commission District I

Lennar Homes, LLC is requesting Preliminary Plat approval for a residential subdivision to be named, Webb's Reserve, consisting of 174 single-family lots and 57 tracts for lakes, preserve areas, roads, common areas, a future amenity site and golf course. This site contains 646.51± acres and is generally located south of Bermont Road, north of Babcock Trail, west of the County line with Glades County, and east of SR 31, 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.

Jenny Shao, Project Coordinator, provided the findings and analysis for Petition **PP-23-03-04** with a recommendation of approval, based on the reasons stated in the staff report.

Questions for Staff

None offered.

Applicant's Presentation

Rob Berntsson representing the applicant, accepts **Ms. Shao** and has been sworn in. This is another subdivision within the Babcock Ranch Community that Lannar is pursuing, and it will be another step towards completion.

Public Input

None offered.

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

Recommendation

Mr. Vieira moved to submit, **PP-23-03-04**, be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis in the Board memo dated June 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**; with and carried by a unanimous vote.

Mr. Cullinan announced that the next two items' PAS-22-00009 and PD-22-00016 together by Planner **Folakemi Gangbo**. We have provided you all with new conditions and another copy of the concept plans to your desk. As we were reviewing this in preparation for hearings, we found some things that we needed to address. So, we just wanted to give these revised conditions to you so we can continue to keep this project on its track. We will be able to answer any questions and I will now turn it over to **Ms. Gangbo** to do the presentation.

5.) PAS-22-00009

Legislative

Commission District I

An Ordinance pursuant to Section 163.3187(1)(C), Florida Statutes, adopt a Small-scale Plan Amendment to change Charlotte County Future Land Use Map Series Map #1: 2030 Future Land Use, from Low Density Residential (LDR) to Commercial (COM); for property located at 4771, 4779, 4787, 4795, 4803, and 4811 Duncan Rd., Punta Gorda, containing 1.084± acres; Commission District I; Petition No. PAS-22-00009; applicant: Food Services OPS, LLC; providing an effective date.

Folakemi Gangbo, Planner, provided, provided the findings and analysis for Petition **PAS-22-00009** based on the reasons stated in the staff report.

6.) PD-22-00016

Quasi-Judicial

Commission District I

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Mobile Home Conventional (MHC) to Planned Development (PD); for property located at 4771, 4779, 4787, 4795, 4803, and 4811 Duncan Rd., Punta Gorda, containing 1.084+ acres; Commission District I; Application No. PD-22-00016; applicant: Food Services OPS, LLC; providing an effective date.

Folakemi Gangbo, Planner, provided the findings and analysis for Petition **PD-22-00016** based on the reasons stated in the staff report.

Mr. Cullinan explained the Concept Plan that he handed out is the proposed site plan. As we were reviewing some of the documents preparing for hearing to keep this on the trajectory that it was going, we needed to do some revisions. Such as stating that there is no when they go to PD they are going to Commercial PD, this is not to be a Mixed Used Planned Development. As well as some tweaks to some of them to address some concerns we have originally had with spot zoning. By virtue of this going the PD route instead of a straight rezone the intent of that is to be able to alleviate any such concerns by be able to further add conditions on to it. Moreso than a straight rezone such as limiting the types of uses and limiting their impacts and also mitigation such as increase land scape buffers. With that should you move this forward we respectfully request that when you refer to the conditions refer to the amended conditions as presented at the hearing.

Questions for Staff

Mr. Gravesen clarified the conditions that you want to apply are the ones that were handed out and the ones in the electronic staff report are to be disregarded? **Mr. Cullinan** replied that is correct. These will all be cleaned up prior to the public hearing with the Board of County Commissioners.

Mr. Gravesen commented that in the report under conclusions it may be inconsistent with the county Comprehensive Plan, does that continue to exist or have you got the inconsistencies removed by changing the conditions? **Mr. Cullinan** that is correct. That is some of the issues we were having originally this started with a Small Scale Planned Amendment and Rezone to straight Commercial General. That was then pulled where they went the Planned Development route and to keep it heard in September when the board comes back from there recess, we needed a bit more time and wanted to get it to Planning and Zoning to get your thoughts on this. To see if anyone from the general public were out either for or against the project and see how that went. The newly proposed conditions will alleviate those concerns that we had. Which is why we said that it may not meet the requirements of the Comprehensive Plan. These should alleviate that assuming the board feels the same. **Mr. Gravesen** inquired would you change your conclusion then from maybe inconsistent to maybe consistent? **Mr. Cullinan** replied yes sir, that is the intent for moving forward to the Board of Commission Commissioners.

Mr. McCormick inquired the normal procedure is we have conditions "a" through "j", what we are going to ask is that the applicant accepts the conditions unspecified in that manner? **Mr. Cullinan** replied it would be conditions "a" through "j" as proposed at the hearing dated July 10th, 2023 as was presented.

Mr. Baker asked of all the currently zoned manufactured housing, of the ones in the surrounding area built out? Is it sparsely built? **Mr. Cullinan** it's well built in that general area, probably about 90 percent of it. The ones along Duncan Road are some of the last ones to be built because of access onto Duncan Road can sometimes be difficult for residential use. **Mr. Baker** inquired on condition "c" it looks like an accessory structure is allowed so they could have a house on there as well? **Mr. Cullinan** answered that is allowed under the Commercial Zoning designation, you can have one caretaker housing. There is the live Local provision, but this being a Planned Development zoning Live Local was specific to commercial and Mixed Use also Industrial zone properties. This is none of those, this is a Planned Development, they would still be able to have their one accessory for caretaker housing.

Applicant's Presentation

James Herston, representing the applicant, He has brought the applicant in case anyone has questions. He agrees with everything he has heard today; they once came in and now were back under different conditions. He personally agrees with everything that he is hearing. He asked **Mr. Cullinan** if he could read the conditions that was discussed. **Mr. Cullinan** responded of course; we can read them into the record. He just wanted to layout the rationale for why we were proposing it. **Ms. Gangbo** will read them into the record.

Gary Grossman, President of Food Service Ops, LLC, commented that the accessory building is a Small-Scale warehouse for equipment associated with the restaurant. It is not intended to be residential housing. Other than that, he understands the conditions and agrees with **Mr. Herston's** request to have them read into the record, so he understands specifically the conditions. At this time, he doesn't offer any objects to them.

Questions

Mr. Bigness inquired with the applicant how is drainage being handled? **Mr. Herston** explained the site will fall under the Southwest Florida water management district review and also FDOT. **Mr. Herston** asked **Mr. Thomas David** what sheet number he was looking at. **Mr. David** responded that he is looking at page 3 of 4. **Mr. Herston** explained that page shows the buffer area, which is a PD buffer, which is 25 feet in width. The blue shows where we would have storm water management, and it would have to meet the water quality and water quantity requirements.

Assistant County Attorney, Thomas David spoke for the record he was referring to the PD Concept Plan and Development information for Giuseppe's Brooklyn Pizza Oven.

Public Input

David Diveley, lives at 6645 Villa View Dr, commented that he has lived there since 1988, and believes that it is too small of a space for a pizza restaurant. He comments it's a small quiet community and he doesn't believe they need extra traffic. He wasn't sure what food operations they meant, if it is a warehouse situation that's one thing. If it's actually serving food where it will generate garbage the area has gone in decline and there are radiant issues in that area. He doesn't feel any food operation would be appropriate for such a small space.

Willie Campbell, lives in the area, comments that she has had a business out in that area for about 15 years and expresses that there is a great need for restaurants in that area. There're numerous subdivisions on Hwy-17 that really need restaurants in the area. It is becoming congested to go into Punta Gorda and once you do for a meal be prepared for a long wait. She thinks more restaurants are needed in this area for the people. She expresses that there is going to be growth in every county so are we going to try to stop growth? The people in this area really need restaurants, she encourages the board to approve this.

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

Mr. Gravesen checked with **Mr. Herston** if he has had a chance to review the changes to the conditions? **Mr. Herston** responded yes, he has read the purposed PD conditions to application PD-22-00016 conditions "a" through "j". He approves of the conditions. He expressed that the last speaker had a great point, not everyone can afford to drive miles into Punta Gorda and then drive north into Port Charlotte to get something to eat. From a green standpoint it is a very effective.

Questions

Mr. Vieira commented that the applicant stated that the accessory building wouldn't be used for housing. Is that something that we would need to include in these conditions, or do we need to leave it available as an assessor building without a housing provision?

Mr. Cullinan explained that staff is fine with leaving it in there. They can utilize it or not, it is an allowance within commercially zoned districts. Where you can have one dwelling unit for caretaker housing: with regulations regarding that. We can check with them moving forward to BCC, if they want to fully take it out, they may. He will leave that decision to the applicant.

Mr. Herston explained to the chair that on his site plan the second floor of the accessory building is basically a manager's quarter. They had to demonstrate that those parking space capability on site. Condition C-1 does say it includes one residential dwelling unit as the accessory structure. **Mr. David** commented to **Mr. Vieira** we will confirm with the applicant exactly what they want this condition to be. At this point, it doesn't sound like there's a problem with it at this point.

There was a discussion about the density.

Recommendation

Mr. Vieira moved to submit, **PAS-22-00009**, to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report June 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. Bigness**; with and carried by a unanimous vote.

Recommendation

Mr. Vieira moved to submit, **PD-22-00016**, to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report June 20th, 2023, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, with the proposed conditions "a" through "j" for application PD-22-00016 as presented before the board on July 10th, 2023 be included in the motion, second by **Mr. Baker**; with and carried by a unanimous vote.

ADJOURNMENT

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

Accepted on behalf of the Charlotte County
Planning and Zoning Board



Michael Gravesen, Chair