

**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**

January 8, 2024, 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. Paul Bigness was absent.

Approval of Minutes – December 11, 2023, Regular Meeting

The December 11, 2023, minutes were approved as circulated.

Announcements

None offered.

PETITIONS

1.) Z-23-33-18

Quasi-Judicial

Commission District V

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 Industrial General (IG) in order to correct an inconsistency between the Future Land Use Map designation and Zoning District; for a portion of Charlotte County Right-of-way, located at 19645 Kenilworth Boulevard, in the Port Charlotte area, containing 0.543± acres; Commission District V; Petition No. Z-23-33-18; Applicant: Eco-South Services; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **Z-23-33-18** with a recommendation of approval based on the reasons stated in the staff report.

Questions for Staff

Mr. Vieira asked on the matter of house keeping would we not want to take the entire right-of-way along Kenilworth? **Ms. Shao** responded the issue is there is an ordinance with the rezoning that requires a legal description. We don't have it right now, so the applicant provided this stretch.

Applicant's Presentation

Robert Berntsson, Big W. Law Firm, representing the applicant, they were going for their site plan approval on the project and the county staff requested that they provide a secondary access directly to Kenilworth rather than all the traffic onto Cochran Blvd. The applicant agreed to do so, but they found out that we have a conflict between the Comprehensive Plan (CP) and the Zoning. Where you can't put a commercial driveway in a residential zoning district. We originally applied for a Plat Vacation to vacate that strip. However, we were still going to have the same problem. We don't need to own it, so it was determined the easiest thing to do would be the rezoning to bring the zoning into compliance. Ms. Shao did a lot of background work on this. Kenilworth originally was a divided roadway with a park strip down the middle then through some work that was done. Half the road was vacated on the south half, but the park strip was left and the remainder of Kenilworth was left. Under the zoning

maps the zoning went along with the previous right-of-way. Nobody intended for this to be a single-family residential. Just as the steps took place over many years it fell through the cracks so to speak. We would respectfully request your recommendation of approval, that would allow us to put a driveway onto to Kenilworth that would reduce some of the congestion on Cochran portion of the Boulevard. He has been sworn and accepts Ms. Shao.

Public Input

None offered.

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

Discussion

Mr. Gravesen agrees with Mr. Vieira about continuing up the roadway here to changing the zoning. He went back and checked into the GIS map; where he zoning it says prior to 2014 seemed like the zoning district was in the lot lines and not over rights-of-way. After 2014, this zoning appears to go over all the roadways and rights-of-way. He thinks if staff could generate the appropriate paperwork to change the zoning for the next parcel. There's this parcel then the next one and then we hit the canal and the county owned property. The two lanes of Kenilworth are there. These two lots, two parcel strip, should be the same and I would recommend the staff try to create that and have it go through according to procedures and the policies. That have it accompany this petition or at least follow it up. Being that it's a correction because the zoning and the land use map do not agree, I thought our CP was if they don't agree theoretically the county was supposed to come forward and correct those. The applicant is having to correct this to be able to use the parcel and is costing him the application fee for this fix. He would like to recommend that the county consider waving or rebating that application fee. I thought when it's inconsistent that the county was supposed to go back and change it. Ms. Shao commented we did a lot, and we still have a lot with the years we turned the FLUM and Zoning Map digitally. There are some inconsistencies throughout the county. Because it takes staffs time, we have not done that. For this case, if they want to move forward for their development, we give them the choice to wait, or the can move forward by themselves. **Mr. Gravesen** commented they could come forward and he can see how the county should consider waving the fee after they have done all the work and have this go through. The applicant has done the work for you for finding the inconsistency. The county should consider to waving or at least rebating part of or all of the application fee to correct this. That's just my opinion.

Recommendation

Mr. Baker moved that **Z-23-33-18** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated December 16, 2023, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

Recommendation

Mr. McCormick moved to the County Commissioners the necessity for extending this correction to the next parcel to the canal. By cleaning up this inconsistency and further indicated it would be a good idea to wave the fees involved, second by **Mr. Vieira**; and carried by a unanimous vote.

Election of Officers

Attorney David opened the floor for nominations for the office of Chair.

Mr. Vieira made a motion nominating **Mr. Gravesen** for Chair, second by **Mr. Baker**; motion passed unanimously.

Mr. McCormick made a motion nominating **Mr. Bigness** for Vice-Chair; second by **Mr. Vieira**; motion passed unanimously.

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Mr. McCormick made a motion nominating **Mr. Vieira** for Secretary, second by **Mr. Baker**; motion passed unanimously.

ADJOURNMENT

The meeting was adjourned at 1:45 p.m.

Accepted on behalf of the Charlotte County

Planning and Zoning Board



Michael Gravesen, Chair