

**CHARLOTTE COUNTY PLANNING AND ZONING BOARD
REGULAR MEETING
Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida**

Board Members

Michael Gravesen, Chair
Doug Izzo
Stephen Vieira, Secretary
Vacant
Clint Baker



District

District V
District III
District I
District II
District IV

**MINUTES
REGULAR MEETING**

August 12th, 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. **Don McCormick** was absent.

Approval of Minutes – July 8th, 2024, Regular Meeting

The July 8th, 2024, minutes were approved as circulated.

Announcements

None offered.

PETITIONS

1.) PP-24-01

Quasi-judicial

Commission District I

Lennar Homes, LLC is requesting Preliminary Plat approval for a subdivision to be named, Tuckers Cove – Phase 2, being a replat of a portion of Tract F-1 of Tuckers Cove, as recorded in Plat Book 27, Pages 7A through 7Z48, of the Public Records of Charlotte County, Florida. The proposed subdivision consists of 505 residential lots and 7 tracts. This site contains 116.15± 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, Planner, provided the findings and analysis for Petition **PP-24-01** with a recommendation of approval based on the reasons stated in the staff report.

Questions for Staff

None offered.

Applicant's Presentation

Robert Berntsson, Big W. Law Firm, representing the applicant, said we accept Ms. Shao as an expert. This is continuation to development in the development of the Babcock Ranch community. This is coming to an end of an era of Preliminary Plats that you will be seeing.

Public Input

None offered.

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

Comments from Board

Mr. Vieira asked if this is approved here today when does this go before the Board of County Commissioners? **Ms. Shao** replied September 24th, 2024.

Recommendation

Mr. Izzo moved that **PP-24-01** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated **July 23, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

2.) PP-24-02

Quasi-judicial

Commission District I

Lennar Homes, LLC is requesting Preliminary Plat approval for a subdivision to be named, Webbs Reserve – Phase 2, being a replat of a portion of Tract F-3 of Webbs Reserve, as recorded in Plat Book 27, Pages 8A through 8Z53, of the Public Records of Charlotte County, Florida. The proposed subdivision consists of 142 residential lots and 10 tracts. This site contains 58.85± 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, Planner, provided the findings and analysis for Petition **PP-24-02** with a recommendation of approval based on the reasons stated in the staff report.

Questions for Staff

None offered.

Applicant's Presentation

Robert Berntsson, Big W. Law Firm, representing the applicant, said we accept Ms. Shao as an expert. This is continuation to development in the development of the Babcock Ranch community.

Public Input

None offered.

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

Recommendation

Mr. Vieira moved that **PP-24-02** 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 24, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Baker**; and carried by a unanimous vote.

3.) PV-24-01

Legislative

Commission District III

ARR Holdings, LLC is requesting to vacate a portion of Rotonda Heights consisting of lots 1944 through 1952, lots 1955 through 1959, and lots 1973 through 1981, as recorded in Plat Book 8, Pages 26A through 26Z, of the Public Records of Charlotte County, Florida. The properties consist of 9.307± acres and are generally located north and west of Rotonda Boulevard West, south of Flower Road (Rd), east of Placida Rd, in the Rotonda West and West County area, and located in Commission District III.

Jenny Shao, Planner, provided the findings and analysis for Petition **PV-24-01** with a recommendation of approval based on the reasons stated in the staff report.

Applicant's Presentation

Robert Berntson, Big W Law, representing the applicant, we accept **Ms. Shao** as an expert. Explains his client is seeking to vacate these parcels to provided unified tracks that they will develop in the future. Just for the record, **Ms. Shao** read "consisting of lots 1944 through 1953; it's actually 1952. Just to clear the record.

Mr. Baker asked lots 53 and 54 would remain, and the road will stay there? This will allow for it to go back to RMF-15 to be a little higher density? **Mr. Berntson**, it will be the same density without the platted easements that run through the property, things of that nature.

Public Input

Andrea DiRienzo, 3407 Island View Dr. Punta Gorda, commented that the area they are purposing floods

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

Recommendation

Mr. Izzo moved that **PV-24-01** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated **July 25, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Baker**; and carried by a unanimous vote.

4.) PD-24-04

Quasi-Judicial

Commission District II

An Ordinance, pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Estate 1 (RE-1)(34.1± acres) and Planned Development (PD)(315± acres) to Planned Development (PD) in order to have a residential development up to 1,000 residential units (no change); adding a Land Use Equivalency Matrix for a mixture of residential and commercial development, and the maximum development rights would be 1,000 residential units with no commercial square footage, or a maximum of 100,000 square feet of commercial uses with 466 residential units; requiring transferring density of 779 units for residential development above the base density of 221 units; adopting a General PD Concept Plan, for property, including four parcels, three parcels located at 15162 and 15170 Burnt Store Road and 26000 Zemel Road, and one parcel generally located north of Zemel Road, south of Shotgun Road, and east of Burnt Store Road, in the boundary of the Burnt Store Area Plan area and in the Punta Gorda area, containing 349.1± acres; Commission District II; Petition No. PD-24-04; Applicant: Zemel Land Partners LLC; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **PD-24-04** with a recommendation of approval based on the reasons stated in the staff report.

Applicant's Presentation

Robert Berntson, Big W Law, representing the applicant, we accept **Ms. Shao** as an expert. Basically, what has been done is we've taken the original approval of 1,000 units and added 34 acres but did not add any additional density to the site. It's reducing the density overall, with a potential for a commercial area along Burnt Store Road. We don't know if we will or not. The matrix allows us to go to the maximum 1,000 units of residential with no commercial and go to the maximum commercial square footage with the reduced residential or some mix in between. Which allows flexibility as the market develops. His client is also pursuing the property to the south which is the next petition that you will hear today. What's nice is that it allows for unified development between the two, although they are 2 separate PDs they can be designed with common intersection on Zemel Rd for better traffic management. Our teams is her for any specific questions.

Public Input

Kathleen Sova, Lives in Burnt Store Village, comments there is a significant amount of wetlands around this area. There is significant flooding that happens in the area. Are these single-family homes or larger units? **Assistant County Attorney, Thomas David,** commented that the applicant can answer those questions. She believes we

need to look at the amount of traffic and the amount of building that's happening on Zommel and Burnt Store Road. This effects the wildlife. She doesn't think more development is needed until all the empty ones are filled.

Richard Linkin, lives on Water Circle, submitted pictures from 3 years ago. Where it shows flooding in his front and back yard. He explained that a lot of the wildlife has been lost with the amount of development that's happening. He encourages for development to be slowed down and to address our current issues.

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

Rebuttal

Mr. Berntson commented that they are adding 34 acres, but they are not adding any density to the site. It's already approved for the 1,000 units on this site. Were reducing the overall density per acre based on adding additional acreage. There will be single-family, attached and detached homes, along with town homes. Their proposal is preserving 93% wetlands on site and will have additional lakes for Stormwater management. Again, we're not increasing the density over what's already been approved, which addresses a lot of the comments that were made.

Mr. Vieira asked what point does the determination as to whether you are going to have a commercial component or reduce your residential? **Mr. Berntson** replied as it develops.

Mr. Gravesen asked when the 100,000 sq ft of commercial is discussed what kind of acreage does that translate too? **Mr. Berntson** responded roughly 12+ acres in the designated area of the plan.

Mr. Cullinan addresses that the application says that there will be single-family detached and single-family attached villas and town homes. **Ms. Shao** commented that the maximum height is 38. Which is the same as RSF-3.5. The units will be 2.86 units per acer. Which is less than already established neighborhood there it's 3.5 or 5 units per acre.

Recommendation

Mr. Baker moved that **PD-24-04** be sent to the Board of County Commissioners with a recommendation of Approval, with conditions "a" through "x", based on the findings and analysis in the staff memo dated **August 5, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

5.) PD-24-05

Quasi-Judicial

Commission District II

An Ordinance, pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Estate 1 (RE-1)(47.85± acres) and Planned Development (PD)(96.99± acres) to Planned Development (PD) in order to have a residential development up to 273 residential units (a reduction of 86 residential units); requiring transfer of density of units for residential development above the base density of 14 units; adopting a General PD Concept Plan for the property, including multiple parcels, generally located north and east of Prada Drive, south of Zemel Road, east of Burnt Store Road, and west of Charlotte County Landfill and Weigh Station, in the boundary of the Burnt Store Area Plan area and in the Punta Gorda area, containing 144.84± acres; Commission District II; Petition No. PD-24-05; Applicant: Zemel Land Partners LLC; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **PD-24-05** with a recommendation of approval based on the reasons stated in the staff report.

Applicant's Presentation

Robert Berntson, Big W Law, representing the applicant, we accept **Ms. Shao** as an expert. Explained we are adding additional lands to but in this case, we are reducing density by 86 units. What was approved previously allowed for 180 multifamily units and 175 single-family units. What we are purposing are single-family, attached and detached and town homes. That will be within the 38 ft height, which is the same height as single-family. The project before would've had multi-family buildings that exceeded that height. They have designed this to where the entrance will share the entrance with the project to the north. We accept all the conditions, stated by **Ms. Shao**. We are only impacting 1.03 acres of the wetlands out of 54.96 acres, which is the only way we can connect the road through that area. We hope to impact less than that, this is the worst-case scenario, preserving 98% of the onsite wetlands. As you can see there is a large preserve area that runs down the middle of the project and the southeast portion of the property.

Questions

Mr. Baker they are going to have to remove most of the density units to this property? **Mr. Berntson** they will have to transfer density onto the property, yes.

Public Input

Grace Torllo, lives on Juarez Cir, comments that this land is very wet and should not be developed. The area has lost a lot of the environmental animals. She and others are very upset that this land is being built on. Certain areas should not be developed and as far as commercial there's no reason for it to be brought onto to Zimmel Rd. She encourages commercial to be brought along US 41 or even Burnt Store Rd.

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

Rebuttal

Mr. Berntson stated that on this site we are not purposing any commercial. What was previously approved was for multi-family that would've most likely exceeded the 38 ft height limit. In this project we are purposing only single-family attached and detached and town homes, with the maximum height can be 38ft, which is the same as a single-family residential development. We are reducing the overall density by 86 units, preserving 98% of the wetlands on site and it's already been approved at a higher density. We respectfully request your recommendation of approval.

Mr. Vieira referenced page 85 out of the staff report to help illustrate that its not being filled over to bring the units into the project. There's a lot of wetlands set aside as well as retention ponds. He thought this illustrated it better than the black and white survey that was on the screen.

Recommendation

Mr. Vieira moved that **PD-24-05** be sent to the Board of County Commissioners with a recommendation of Approval, with conditions "a" through "u" based on the findings and analysis in the staff memo dated **July 28, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Izzo**; and carried by a unanimous vote.

6.) PD-24-07

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 of the existing PD, Ordinance Numbers 2021-031 and 2007-037, by amending the adopted PD Concept Plan and its associated PD conditions to 1) allow residential and commercial development containing up to 999 dwelling units (no change) and 200,000 square feet of commercial uses (no change); allow a transfer of 268 density units for a maximum of 999 dwelling units; 2) memorialize the prior phase and other minor modifications, and 3) adopt the General PD Concept Plan; for property, including three parcels, two parcels located at 12300 and 13000 Burnt Store Road and one parcel located

between these two parcels, in the Punta Gorda area and within the boundary of the Burnt Store Area Plan area; containing 306.51± acres; Commission District II; Petition No. PD-24-07; Applicant: CC Burnt Store LLC; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **PD-24-07** with a recommendation of approval based on the reasons stated in the staff report.

Applicant

Derek Rooney, representing the applicant, commented that he accepts **Ms. Shao** as an expert, agrees with the recommendation. He then explains that one PD expired, renewed. Three minor mods, one major mod; first phase is to receive final plat. Second phase is the part we are dealing with today. Based on that plat layout, looks like we will come into development at 844 units. Even though we are retaining the commercial uses and the maximum 999 density as you see from the layout. However, there's another phase development plan in the packet that shows less than the 999 densities.

Questions for Staff

None offered.

Public Input

None offered.

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

Comments

None offered.

Recommendation

Mr. Baker moved that **PD-24-07** be sent to the Board of County Commissioners with a recommendation of Approval, with conditions "a" through "p", based on the findings and analysis in the staff memo dated **August 1, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

7.) PD-24-06

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 2022-057, by amending the adopted PD condition "v" and the adopted General PD Concept Plan in order to remove internal sidewalks along all internal roadways except for the main corridor as depicted in the revised General PD Concept Plan; adopting the revised General PD Concept Plan; for property, which includes four parcels, three parcels located at 379 Horizon Road, 1 Horizon Road, and 102 Sydney Street, and one parcel 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-24-06; Applicant: Palm Breeze of Punta Gorda LLC; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **PD-24-06** with a recommendation of approval based on the reasons stated in the staff report.

Applicant

Derek Rooney, representing the applicant, commented this project was originally planned out as a single-family residence, the sidewalk requirement makes sense. However, as the project morphed into RVs and move towards market. It was determined the nature of the RV communities is a little more social, a lot of golf carts. What we determined was to see just the sidewalk requirement on the main corridors where it's more of a safety concern.

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With the rest of the community, we don't expect it to be needed. This is one of those carryover conditions that came over from the Planned Development. We are hoping for your support with recommendation to remove that.

Public Input

None offered.

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

Recommendation

Mr. Vieira moved that **PD-24-06** 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 28, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Baker**; and carried by a unanimous vote.

Election of Officers

Mr. Gravesen opened the floor for nominations for the office of Vice-Chair.

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

ADJOURNMENT

The meeting was adjourned at 2:52 p.m.

Accepted on behalf of the Charlotte County
Planning and Zoning Board



Michael Gravesen, Chair