

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

November 18th, 2024, at 1:30 P.M.

Call to Order

Chair Michael 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. Gravesen welcomed our newest board member, Phillip Smallwood

Approval of Minutes – September 9th, 2024, Regular Meeting

The September 9th, 2024, minutes were approved as circulated.

Announcements

Shaun Cullinan, Planning and Zoning official, welcomed Mr. Smallwood.

PETITIONS

1.) PP-24-05

Quasi-judicial

Commission District II

Lennar Homes, LLC is requesting Preliminary Plat approval for a subdivision to be named, Willow Townhomes, being a replat of Tract F-3 of Tuckers Pointe Phase 1, as recorded in Plat Book 27, Pages 3A through 3Z29, of the Public Records of Charlotte County, Florida. The proposed subdivision consists of 360 residential lots and 20 tracts. This site contains 31.41± acres and is generally located north of Tuckers Grade, east of Tamiami Trail, south of Cloverly Lane, and west of Willowleaf Boulevard, within the South County area, and in Commission District II.

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

Questions for Staff

None offered.

Applicant's Presentation

Drew Fitzgerald, on behalf of the applicant, comments he doesn't have anything to add to Ms. Shaos staff report and is happy to answer any questions.

Public Input

None offered.

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

Recommendation

Mr. Smallwood moved that **PP-24-05** 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 3rd, 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.) PAS-23-00002

Legislative

Commission District IV

Pursuant to Section 163.3187, Florida Statutes, adopt a Small Scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Low Density Residential (LDR) to Commercial (COM), for property, containing 15 platted lots, located at 13343, 13377, 13385, 13393, 13401, and 13405 S Access Road, 6937 Pinedale Drive, 13420, 13410, 13402, 13394, 13386, 13378, 13370, and 13362 Hopkinton Avenue, in the West County area, containing 3.52± acres; Commission District IV; Petition No. PAS-23-00002; Applicant: Casto JBCC Hwy 70 LLC; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **PAS-23-00002** with a recommendation of approval based on the reasons stated in the staff report.

3.) PD-24-10

Quasi-Judicial

Commission District IV

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 Planned Development (PD), and adopting its associated General PD Concept Plan, in order to allow for commercial development; for property, containing 15 platted lots, located at 13343, 13377, 13385, 13393, 13401, and 13405 S Access Road, 6937 Pinedale Drive, 13420, 13410, 13402, 13394, 13386, 13378, 13370, and 13362 Hopkinton Avenue, in the West County area, containing 3.52± acres; Commission District IV; Application No. PD-24-10; Applicant: Casto JBCC Hwy 70 LLC; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **PD-24-10** 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 on behalf of the applicant, comments that he accepts Ms. Shao as an expert and has been sworn in. As she indicated this was brought to the board some time ago with the original plan that included a car wash, as one of five uses on site. This board recommended an approval. However, when we got to the board meeting the house owner that is immediately to the west was there and raised concerns. **Mr. Berntsson** mentioned he's been in contact with the owner and heard from him today that he will not be in today's meeting. He will attend the Board of County Commissioner meeting. We have removed the carwash use and also worked with the public works department and their traffic engineer to ensure a safe traffic movement in that area.

Questions

Mr. Vieira asked the home to the west; he remembers the last discussion. He sees in the staff report it shows there is 400 Linear feet of Opaque Fences. Is that still in play? So, the house has the landscape area and the 400 Linear feet of 6-foot Opaque fence? **Mr. Berntsson** replied that's correct.

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 **PAS-23-00002** 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, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Izzo**; and carried by a unanimous vote.

Recommendation

Mr. Baker moved that **PD-24-10** be sent to the Board of County Commissioners with a recommendation of Approval, with conditions "a" through "k", based on the findings and analysis in the staff memo dated **October 27, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Izzo**; and carried by a unanimous vote.

4.) Z-24-14

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) to Commercial General (CG) in order to correct an inconsistency between the Future Land Use Map designation and the zoning district, for property generally located north of Jones Loop Road, southwest of I-75 and east of Mac Drive, in the Punta Gorda area, containing 4.81± acres; Commission District II; Petition No. Z-24-14; Applicant: McBrosPG, LLC; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **Z-24-14** with a recommendation of approval based on the reasons stated in the staff report.

Applicant's Presentation

Robert Berntsson, Big W law on behalf of the applicant, comments that he accepts Ms. Shao as an expert and has been sworn in. He explained that this was a property that was separated in the old zoning maps and was not zoned commercial as the others around it were. This is straight forward, and any development will go through the site plan review process and address any issues. As of right now we are saying it's commercial property.

Public Input

None offered.

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

Recommendation

Mr. Izzo moved that **Z-24-14** 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 14th, 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-24-12

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 to the existing PD, Ordinance Number 2021-049, by amending the adopted PD conditions "e", "k.i". and "k.iii" to increase the maximum height for the rear wall of the covered storage from 14 feet to 24 feet in order to allow for proper clearance for stored vehicles; for the subject property located at 25505 Old Landfill Road, in the Port Charlotte area, containing 20.97± acres; Commission District I; Petition No. PD-24-12; Applicant: Sitti Engineering Group; Amjad Sitti, P.E.; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **PD-24-12** with a recommendation of approval based on the reasons stated in the staff report.

Applicant's Presentation

Amjad Sitti, on behalf of the applicant, comments this is clarification to the approved plans. We had 14 ft on the previous approval, and it was not sufficient for a vehicle to park and the building to be constructed. We are asking for 24 ft allows the applicant to get a little bit of slope and were still in the underling zoning of 30 and 40 feet and 35 feet. We are not asking for the maximum; we are only asking for what is needed to construct properly.

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-24-12** 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, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Baker**; and carried by a unanimous vote.

**6.) TLDR-24-02 Revisions to Manasota and Sandpiper Key Zoning District Overlay
Commission District III**

Legislative

An Ordinance of the Board of County Commissioners of Charlotte County, Florida, amending Charlotte County Code Chapter 3-9, by amending Section 3-9-50, Manasota Key Zoning District Overlay to 1) amend (a) Definitions by removing the definition of "building setback calculation", "height", "highest constructed element", "maximum building height", "maximum building height calculation", "minimum finished floor elevation", "NGVD", "setback", and "structure height", which have been established in Section 3-9-2; 2) amend the maximum height to 38 feet under the MES, MSF-1, MSF-3.5, MSF-5 zoning; and amend code where needed to reflect proposed height; 3) amend the maximum height to 45 feet under the MCG and MCT zoning; and amend code where needed to reflect proposed height; 4) reduce the side yard setback for interior lots from 10 feet to 7.5 feet, and 10% of the lot width or five feet, which is greater for all non-conforming lots; 5) reduce the width of the side yards abutting any water for legally non-conforming lots to 10% of the lot width or five feet, whichever is greater; 6) reduce the width of Peripheral Landscape Strip from 10 feet to five feet; 7) amend the MPD requirements to be user friendly; 8) remove (7) Maximum building height under (i) Development standards; 9) update (12) Nonconforming lots under (i) Development standards to remove the variance requirement; 10) remove the administrative waiver requirement; 11) amend (14) Disaster recovery to ensure legal non-conforming structure and/or use can be rebuilt under (i) Development standards; 15) create new subsection (18) the requirement for non-conforming structures to be rebuilt under (i) Development standards; and 16) amend other subsections for consistency; Application number: TLDR-24-02; Commission District III; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **TLDR-24-02** with a recommendation of approval based on the reasons stated in the staff report.

Mr. Cullinan explained this has been something that has gone through the process very quickly. We understand that. After hit number two with Milton, it was discussed at the Emergency Operation Center. Looking through the codes once we found out the extent of the damage from the two combined storms. We looked into what would be some barriers for recovery. He then workshopped with the Board of County Commissioners (BCC) twice since then; at the Hurricane update and at the November 12th BCC where a presentation was given. We're not getting rid of height limitations what we are doing is revising how we calculate the heights. Back in 2015, when the code was amended, and some changes were made to the height. An attempt was made to offset the ground level starting of measurement by adding 8 ft in height. What we are finding with Florida Department Environmental Protection (FDEP) and new permits being issued is everything seaward of the Coastal Construction Control line

seems to be coming into about 18-19 ft. That's where FDEP is setting the base flood elevation. The current numbers don't cover that increase. What we are trying to do is fairness. The discussion was had many times in the past of taking small lots and further reducing the footprint availability. Legal and morally he cannot approve something that doesn't meet code. He has to tell people today that some of their lots may not be able to be built on or may not be able to have the same footprint as they currently have. Some of these set back issues relating to the Gulf of Mexico and abutting water. Those first tiers of lots are 50 foot wide and we have a side set back of 50 ft when you are abutting the Gulf of Mexico, and we go from property line. Many of these houses that were below base flood, older cottages build at grade, don't meet the current code standards for setbacks, for peripheral landscapes or anything. Today those folks will have to shrink in and have even less buildable space on a 50x80 lot. That is a very small lot in anyplace, to increase the setbacks and such. Staff does understand that these are some relatively large changes, but we felt that it's the right thing to do. Along with your recommendation to the BCC things could always be dialed back. Ms. Shao also stated that since that code was revised, we've had a number of things from the state and federal government that have changed regarding regulations. One of which was after Hurricane Ian the FEMA flood zone maps have changed. Which has some conflicts with some of the way the code is written and interpreted and applied. As well as the state what required a property rights element to be put into our Comprehensive Plan. It's become stricter with how we can regulate. Some groundwork to why we did this; normally this would be a 6month to 1 year process. But again, we are already fielding calls/permits for people looking to rebuild and what they are going to do for redevelopment. We need to move this through quickly. We have to tell them what the regulations are in place at this time. That is devastating news to many people.

Questions

Mr. Vieira asked if the height restriction could be explained. You said that you're looking at new regulations where the home is going to have to be at 18ft above?

Mr. Cullinan explained when you are seaward of the Coastal Construction Control Line, it's roughly around Gulf and Beach Rd, that the elevations are set by FDEP. Back when the codes were written we were seeing the FDEP elevations coming in at 7-9 ft and now they are coming in at 18-19ft. So, with the way the code is currently written even though about 8ft or more had been added into the overall height with that calculation being at the ground. They would still be losing structure height. That overall, the house box were bringing that 8ft back down to 38ft. So, your house box, as he puts in his head, is that structure staying the same it's just at what elevation do we start measuring that at? That 38 ft is no different than any house box if you will out there today. It's just where do we start that bottom measurement house box. We are also purposing to allow an extra up to 5 ft of freeboard as well as if somebody who has not been destroyed but want to elevate their structure, we are looking to allow that. That is something we feel strongly about from a floodplain standpoint.

What we are looking to do is to put in a provision so at least the houses behind the Coastal Construction Control Line (CCCL) will be pretty uniform in height. Regardless all those properties seawards of the CCCL will be higher than normal. We understand the charm and quantnes of the Key, unfortunately that has now changed. Hurricane Milton and Helene there's no way that you can put it back on grade if it's stripped the 50% rule. So those cottages and grade that were majorly damaged and have to be replaced they will not be able to go back. The visuals of the Key have been irreparably changed moving forward. These storms are getting stronger and were doing our best to make sure this is a one-time thing. That the structures out there are as safe and resilient as possible.

Mr. Vieira stepping back from the CCCL the homes that are behind that, does this regulation mandate that they have to raise their homes if unaffected at this point and time? Do they remain as is, or do they have to raise or will them be a mandate to raise if they are allowed to rebuild? **Mr. Cullinan** replied their will be no mandates to raise unless they exceed the 50% rule and have to replace. That is not just our regulation. If someone is at grade and did not meet the 50% rule but want to choose to elevate to bring their house up, we would allow that with up to additional 5ft freeboard.

Mr. Baker asked in a rebuild how much of a stem wall or fill could they do verse having to go to stilts? Lets say I'm neighboring a property that's at 8ft and I'm being told I have to be at 18ft. How high can I go with dirt or is it just a restriction of 6 to 1 slope that I have meet? **Mr. Cullinan** answered that **Shawn McNulty, Building Official and Floodplain administrator**, is coming up to answer this. **Mr. McNulty** replied that it depends on what zone your in. In a V zone you are limited on the amount of fill – it's nonstructural fill for a maximum of one foot. When you get into an A zone you can start bringing in a certain amount of structural fill. The majority of structures seaward of the CCCL are also in V zones. **Mr. Baker** so that would be stilts or pilings? **Mr. McNulty** that's correct. **Mr. Izzo** asked what is that maximum height? **Mr. Cullinan** commented the maximum height would be about 56ft above grade, with the structure height being 38 ft.

There was a discussion about the height.

Thomas David, Deputy County Attorney, gave a conclusion of the discussion. That staff will take this feedback and work on figuring out if they should tag a maximum building height number before going in front of the BCC.

Mr. Izzo inquired what's the height for commercial? **Mr. Cullinan** commented the height will be 45ft like it was before with the same restrictions that will apply.

Public Input

Jerry Mylar, lives on Manasota key, comments that he fully supports any efforts to expedite recovery for those who've experienced losses. Initially he understood the purposed changes to the Manasota Key overlay code as allowing property owners to rebuild under their existing footprints while adhering to update FEMA requirements to first floor living space elevations. However, he's shocked to discuss the changes purposed to the Planned Development (PD) restrictions. Which our community has worked to establish and upload. The removal of the entire sections of the Overlay code related to PD is particularly concerning. Staff is purposing the following changes to allow Legally non-conforming structures and uses to be rebuilt and make the PD a viable option for the redevelopment of the properties within this overlay. When limiting restrictions on PD does not impact the rebuilding of non-conforming structures. It seems unrelated to the stated goal of recovery. Using the phrase within this overlay is misleading particularly when the proposal seeks to eliminate the overlay requirements. He strongly opposes any amendments beyond those necessary to help property owners rebuild what they had before. He also urges the board to concentrate exclusively on measures that facilitate recovery efforts and refrain from including changes that would weaken our communities hard earned standards. Any proposed changes to the PD should be excluded from this proposal.

David Smith, lives on Manasota key, asks if there is anything in this proposal and the revisions that would allow a high rise, of something over 5 stories? Does anything prevent that from happening? If there is anything that allows for this it will put unnecessary strain on our infrastructure, our resources and will demolish the stewardship of the community. If there is anything allowing of this, he is opposed to it and hopes the board will make sure it doesn't happen.

Lynn Johansen, live on Manasota Key, explains that she worked on the Manasota Key MSTU for 9 years. She explains that it took 7 years to get side walks and lighting passed. You could imagine why they think this time frame is hasty. She doesn't see how changing the setbacks gives any due diligence from the county. This change will cause more problems in the future. The new homes being built right now are already going up 12 to 14ft. she understands they want to help the people that have been effected by the Hurricane to rebuild, she believes what's in place now is effective and will do so. She suggests for this board to recommend to the BCC to table this for now. Do the due diligence and wait for everyone to return.

Tina Bernd-Cohen, lives on Manasota, comments she was apart of the previous overlay code back in 2013-2015. They did increase the height because the increased height elevation. We're going to have to increase the height

because of the increased FEMA height elevation requirements. Two things are not very clear. One is there's no provision which is in the current code, that limits single-family and commercial to two story over parking and limits multi-family to three stories over parking. We want that provision retained in there. With no more than two stories. She urges staff to recalculate the envelope of the building. The second issue is the freeboard. Why five feet? FEMA doesn't give any credits for anything over 4ft preboard. If staff could lower that cap that would help maintain this low density feeling on the island.

Lorraine McBride, 1180 Shore View Dr, comments that she applauds the staff for trying to make it easier for residents to raise their home and rebuild after these devastating Hurricanes. She addressed the 10ft set back change to 5ft. She explained she needed to bring in a lift for repairs on her home and the size of it was about 8 feet wide. If you have an 8ft wide lift and you have a 5ft set back, how are you going to do any repairs to the side of your home? What she read all the height requirements were crossed out, which would allow for a six-story building to be built next to her place with 15ft in-between. This would ruin the Florida charm of the Manasota Key. There has to be some ways to allow grandfathered properties to be rebuilt with out running the whole concept of Manasota Key. She's in favor to find a way to help the residents that want to elevate their homes and rebuilt what they have lost, but not to forever change the vision of the Key by signing this new code.

Damien Ochab, president of the South Manasota Sandpiper Key Association (SMSKA), comments that he is not in favor of some of the changes being purposed. He questions why staff is bring these changes up without a community workshop? It seems that staff is supporting the need to change some elements of our Overlay Code to help some highly effected owners to reconstruct their homes devastated by the recent hurricanes. Especially those lots that are considered non-conforming. In these cases, owners that have homes constructed on the Gulf or the Bay would not be able to reconstruct what they had. Why not provide a temporary 2 year wavier? For new owners or developers should build to existing codes. However, in this request to overlook the codes so many can reconstruct is the attempt to change and, in some cases, remove the height restriction that was agreed upon 9 years ago. It looks like they are trying to eliminate any verbiage regarding the Planned Development (PD) special purpose district in our overlay code and go to the county standard on Planed Development. This would allow for a developer to come and build however high they want and become a single night hotel or short stay commercial resort complex. By eliminating this restriction, we feel they would try to receive a permit to build higher than the current 58 ft restriction. This would also allow for other landowners to ban together and create larger lots and get approved as a PD and get a approved for a higher building in small lots. This would change the current density restriction in our overlay code. The worst thing in this document is the removal of section 7f – which is on page 20 on the staff report. It states "The maximum number of stories shall be no greater than three (3) stories over parking in MMF, MCT-residential and MCT-mixed use zones; and no greater than two (2) stories over parking in MSF, MCG, and MCT-commercial zones. "– that section needs to be added back in, it was removed. We ask the county and this board to reconsider engaging in a workshop to air all the concerns and to come to some agreement like we did together 9 years ago.

John Kaus, lives on Manasota Key, he thanks the staff and the board for their work accommodating people. He's here to express that his objection of these changes. We are concerned about high rises because of the infrastructure that it brings. The whole county enjoys Englewood beach, and this would affect them as well with traffic congestion. If there's a traffic jam on Tom Adams bridge, there's no way an ambulance can get on the island. He suggests for this to be tabled and defeated at this time until some of these height restriction concerns can really be addressed to everyone's satisfaction for all the residents of Charlotte County.

Unknown name of citizen, lives on Manasota Key, request for the county to consider an public easement to the beach on the North end of the Key. Many homeowners have been paying for the beach renourishment and we can't get to the beach. For some reason we didn't know or find out in time that we didn't have a beach easement. This would benefit the county in many ways, with an extra credit you need when it comes to emergency funding. For beach renourishment that needs more access, this would be great on the north end by the county line. Please think about this and the additional revenue would bring to the county.

Phil Eason, lives on Manasota Key, comments that he was on the Manasota Sandpiper Overlay Committee in 2010 and saw that the residents at that time was basically trying to stop all building at that time. The rules were overly restrictive. He hopes that on the small lots that changes do happen.

Natalie Kharitonova, lives on Manasota Key, comments about not having a drain on Little Court. She explains that the drains clog up very quickly and no one has fixed the issue.

Robert Berntsson, Big W Law Firm, explains that staff is not deleting height regulations on Manasota Key. He explains that the changes they are making regard to height is matching how height is measured everywhere else in the county. From a fix line starting point you get a “box”, as Mr. Cullinan referred too, that you can build within. Also, Manasota Key is a prohibited receiving zone except for the fact that on Manasota and Sandpiper Key you can move density within the key. In order to make a high-rise condo that means you would have to strip density from all the other properties in order to make a high-rise condo. There’s no provision in this code that allows for high-rise condos because your density is limited to what the density on the Key is today. He explains that he had a client on the Key who was concerned for the damage of a storm one day. They hired him to talk to the county to help with them being able to raise their house above the current level that it was. The house was legally nonconforming because of all the rules within the Manasota Key, and they were unable to do so. They did receive some damage from these latest storms. The current code prohibited people from raising their home out of dangers way. The current code leaves lots unbuildable today. That’s why the Commissioners have asked the staff. Staff has put in a tremendous amount of time to turn this around to bring a workable code that allows reasonable redevelopment on the Key.

Heather Nighbird, lives on Manasota Key, asks that Mr. Berntsson just said that it will preserve the densities. On section 6 that intent of the MPD district is to provide a viable option for redevelopment of the keys, it says. However, it has “to retain standards that maintain current densities and zoning districts consistent with the goals of the Manasota Key community plan and provide standards for new planned developments” – that’s crossed out. What is “viable option” if were not maintaining the current density to his point. **Thomas David, Deputy County Attorney**, commented that **Mr. Berntsson** was referring to Pg. 24 number 17. Which is that density can not be moved around like the rest of the county.

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

Comments by board

Mr. Izzo comments that his question was answered; that no new density can come to Manasota Key? The same for a hotel? **Mr. Cullinan** explains that a hotel is only allowed in certain zoning districts. **Mr. Izzo** none of that changed in this did it? **Mr. Cullinan**, no. **Mr. Izzo** comments about the 2 and 3 stories over parking and is not clear as into why that can’t be put back in? **Mr. David** comments that he has some of those notes from the speakers and we will go back and see if that’s something we can insert. Staff understands that they are some things that the community would like to see about the language, and we will try to tighten it up before we go in front of the board.

Mr. Vieira concerned about the timing and what if this gets approved and later, we discover we missed a lot. How do we go back and correct that error? **Mr. Cullinan** we would process a code change.

Mr. Gravesen commends the staff for getting this done quickly. There are people out there that are being impacted by the current regulations and making it difficult for them to rebuild. To do a Highrise you have to have a property large enough to pull a building permit and then have the density to move onto that property.

Mr. Smallwood comments he’s not certain the reasoning for setbacks being changed? Could a variance be given whenever that’s needed in stead of changing all the setbacks. **Mr. Cullinan** there’s a lot of history on that as well.

These properties had all been a standard zoning district. They all have an “M” designation for Manasota, when they were done, they increased the setbacks. The original setbacks under our standard code are what were in place on them. When the overlay code was first put into place, that’s when the buildable area was shrunk down. Now 85-90% of the houses at that time were already built so their called “legally non-conforming”. That means they can do repairs and stay as they are unless they want to do something more than normal repairs.

Recommendation

Mr. Baker moved that **TLDR-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 **October 15, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today’s meeting, second by **Mr. Vieira**; *motion passed with a 4-1 recommendation. (Mr. Vieira, Mr. Baker, Mr. Smallwood, and Mr. Gravesen voted yes to approve – Mr. Izzo voted no against the approval).*and carried by a unanimous vote.

ADJOURNMENT

The meeting was adjourned at 3:35 p.m.

Accepted on behalf of the Charlotte County
Planning and Zoning Board

A handwritten signature in black ink, appearing to read "Michael Gravesen", is written over a horizontal line.

Michael Gravesen, Chair