

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
Thomas P. Thornberry



District

District V
District III
District I
District II
District IV

MINUTES
REGULAR MEETING

January 11, 2021 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 – December 14, 2020 Regular Meeting

The December 14, 2020 minutes were approved as circulated.

Announcements

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

PETITIONS

Audio Timestamp 1:31

FP-20-10-14

Quasi-judicial

Commission District V

Casto Port Charlotte Cochran, LLC has requested Preliminary & Final Plat approval for a two-lot commercial subdivision to be named Veterans Corner. The site is 1.32± acres and located south of Kenilworth Boulevard, north of Veterans Boulevard, east of the Pellam Waterway, and west of Cochran Boulevard, in the Port Charlotte area.

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition **FP-20-10-14** with a recommendation of approval with one condition, based on the reasons stated in the staff report.

Questions for Staff

None offered.

Applicant's Presentation

Dan Moyer, Agent for the applicant, states he has been sworn and is here to answer any questions.

Public Input

None.

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

Recommendation

Mr. Bigness moved that **FP-20-10-14** be sent to the Board of County Commissioners with a recommendation of Approval, with the one condition based on the staff report dated December 14, 2020 presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

Audio Timestamp 1:34 p.m.

FP-20-11-17

Quasi-judicial

Commission District I

Blue Broadway Land, LLC. has requested Preliminary and Final Plat approval for a Two-lot subdivision to be named, Jacaranda. The site is 15.48± acres and is located at 1200 Loveland Boulevard, within the Sandhill DRI, in the Port Charlotte area.

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition **FP-20-11-17** with a recommendation of approval with conditions, based on the reasons stated in the staff report.

Questions for Staff

None.

Applicant's Presentation

Todd Rebol, Banks Engineering, comments he has been sworn. He's in attendance on behalf of Blue Broadway Land, LLC we share on staff findings and are here for any questions.

Public Input

None.

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

Recommendation

Mr. Vieira moved that **FP-20-11-17** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated December 14, 2020, along with the evidence presented at today's meeting, second by **Mr. McCormick**; and carried by a unanimous vote.

Audio Timestamp 1:36

SV-20-10-05

Legislative

Commission District III

Michael & Lynda Lee is requesting to vacate an undeveloped portion of Pelican Road, within Pine Lake Subdivision, a total of 0.18± acres as recorded in Plat Book 3, Page 37B, of the Public Records of Charlotte County, Florida, and located south of Cypress Road, north and east of Placida Road, and west of Everington Road, in the Placida area.

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition **SV-20-10-05** with a recommendation of approval, based on the reasons stated in the staff report.

Questions for Staff

Mr. Gravesen asked about the vacation next to it, isn't the date or the ordinance number listed on GIS? **Mr. Cullinan**, answered it's not typically on GIS. If you go into the petition layers on GIS, that will bring up when that was done. The layer must be clicked in order for that information to be displayed. **Mr. Gravesen** asked also on the vacation, wouldn't that area's lot lines be changed to include it? **Mr. Cullinan** answered yes, usually when someone owns it, there would be a dashed yellow line. This portion won't come yet, because it hasn't been approved.

Mr. Bigness asked if owner of property #6, granting this application, should that lot be sold separately, how would that lot gain access? **Mr. Cullinan** answered lots 5 & 6 are currently owned by the same property owner. They would have to provide an easement, to them. **Mr. Bigness** also asked when the vacation is granted, does the

property taxes go up? **Mr. Cullinan** answered typically if you have more land attached to your parcel, then yes more than likely the property taxes will go up some.

Applicant's Presentation

Linda Kuznik, representing for Michael & Lynda Lee, states she is here on behalf of Michael & Lynda Lee and would answer any questions.

Public Input

Steven Bouffard, Kirk Bouffard Plumbing, Inc, he owns the properties directly to the left, Lots 1, 2, 7 & 8, his main concern is, once this is vacated, he'll have no access to those properties if he decides to sell in the future. **Mr. Cullinan** states the land locking was due to them vacating as well. We would not have been able to recommend approval if there was still a remaining piece. There is still access through their other portions of property. Michael & Lynda Lee are utilizing the same allowances per code as Mr. Bouffard did.

Mr. Bouffard stated that he hasn't joined any of his properties and if he sells his lots independently of the other lot that he's currently running a business out of, then he has no access to lots 1, 2, 7 & 8. Except through his business property.

Mr. Gravesen mentions that generally the county code access to a commercial property through a residential neighborhood is generally prohibited. **Mr. Cullinan** stated it's the opposite. Commercial access through residential is prohibited, but residential could go through commercial.

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

Rebuttal

Ms. Kuznik handed the board members a picture of the plat and the reasons they feel they can vacate.

Mr. Vieira wanted to have clarification that there is no legal access to this property from the Cypress Rd. correct?

Mr. Cullinan said I believe not. I am not sure if they own Lot #2. If they own Lot #2, they can possibly get access to Lot 7 & 8 through Lot 2.

Mr. Vieira said what I was referring to it seems to be a well-worn path that leads from the property on Placida Road up to Cypress Road. I did not know if there was a legal right of way or an easement that was given.

Mr. Cullinan said if it was an easement it would be privately granted and we would not have any say for or against that.

Mr. McCormick asked the person opposing the application owns Lot 1, 2, 8 & 7, but he also owns additional property abutting that?

Mr. Cullinan said yes he owns Lot 13.

Mr. McCormick said then he would be required to give right of way to his two lots.

Mr. Bigness asked there was an issue brought up by Phil Aiuto regarding the swale, was there an easement granted? I thought I read that.

Mr. Cullinan said I believe that was worked out with Mr. Aiuto and County stormwater. Many times this does not happen until the petition is approved because if it is not approved, it would not be needed.

From there they had some back to back discussion on the zoning. Then Mr. Gravesen ended the conversation saying that he would agree with the staff report.

Recommendation

Mr. Bigness moved that **SV-20-10-05** be sent to the Board of County Commissioners with a recommendation of Approval with one condition based on the staff report dated December 11, 2020 presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

Audio Timestamp 1:54

Z-20-49-21

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 2006-013, 1) to approve the PD Concept Plan, and 2) to add as an additional allowed use, a Recreational Vehicle Park to allow for up to 439 Recreational Vehicles and its associated uses and development standards; for property generally located southeast of Riverside Drive and Northwest of Duncan Road (US 17), in the Punta Gorda area, containing 90.89± acres; Commission District I; Petition No. Z-20-49-21; Applicant: David Anthony, Sr.; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **Z-20-49-21** with a recommendation of approval with conditions A-W, based on the reasons stated in the staff report.

Questions for Staff

Mr. McCormick asked if this plan anticipates no access from this development onto Duncan Road? Ms. Jie replied no, the access will be US-17.

Applicant's Presentation

Geri Waksler, McCrory Law Firm, states she has been sworn and that she is representing David Anthony, Sr. Who is requesting a major modification. To an approved planned development zoning district. To add a recreational vehicle park and associated uses as a permitted use with specific conditions related to that use. Mr. Anthony is the contract purchaser of this site. If the modifications are approved, he plans to develop a recreational vehicle park with 439 spaces.

The owner having obtained approval of its PD re-zoning for residential community. Also completing its transfer of destiny units to the site and having obtained approval for multiple extensions of its preliminary plat. Would not permit Mr. Anthony to submit an application that would eliminate its existing approval. Just in case something happens, and the deal doesn't close.

Hence, the modification with conditions an exhibit to the conditions. Depicting how the site would look if it is developed as an RV park. The application is consistent with the comprehensive plan. **Ms. Waksler** then goes into detail on how this is consistent with the comprehensive plan. Staff has found the application consistent with the comprehensive plan, with all that was presented address the criteria for approval.

Mr. Thornberry asked if the City of Punta Gorda will be supplying 438 water meters? **Ms. Waksler** explained that the site will not be platted if it's an RV park. There will be a master meter and then distributed from there.

Mr. Thornberry asked if the sewer will be gravity to the waste treatment? Also, he wanted a clearer definition of a comfort station. **David Anthony, Sr**, Applicant, answered they are large showers provided for the guest. They also have laundry facilities provided for the guest.

Mr. Viera asked there are no single-family residential component here at all? **Ms. Waksler** stated there is potential for Manufactured Homes, if the applicant decides to go that route. Only for areas outside the Coastal High Hazard area.

Public Input

Greg Martin, 4725 Duncan Rd, is concerned for a wetland that is behind his property that drains his property. That has not been included in the site plan. He expresses the importance to preserve the wetlands. He's also concerned about the general downgrading of the value of zoning for this area. He goes into detail of some zoning that has been developed over the years.

Mr. Martin wondered if the county has checked into if any historical sites remain from the Huckabee Ranch He recently learned of the historicalness of the Huckabee Ranch, and is concerned for any remaining remnants. Also, along the creek is that going to be sidewalks? Will there be public access to this area? He asked for an opportunity for a bike path or a pedestrian path from Riverside Dr along the creek to US 17?

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

Ms. Waksler explains that the wetlands and the creek are to be preserved. The creek or flow way are not going to be impacted at all. In addition to preserving that area, they have included an upland buffer. Adjacent to that area within our property. There will be the wetland preserved and you have a buffer beyond it, then they will be placing their buffer as well. There is no intention of opening to the public, creating a walkway along it.

Ms. Waksler comments on if there are any relics or artifacts, that is one of the conditions of approval. To clarify, they are primarily seeking for this to be an RV park. She express's that the Florida statues adopted a statue that says that within any approved RV park that Manufactured Homes approved by the Department of Business of Professional Regulation. Must be allowed regardless of local ordinances to the contrary. The real intent is for an RV park, they are leaving that option open.

Recommendation

Mr. Vieira moved that **Z-20-49-21** be sent to the Board of County Commissioners with a recommendation of Approval with the conditions A-W, along with all the sub paragraphs based on the staff report dated December 31, 2020 presented at today's meeting, second by **Mr. Thornberry**; and carried by a unanimous vote.

Audio Timestamp 2:28

TLDR-20-05 Revisions to Earthmoving Code Legislative

Countywide

An Ordinance of the Board of County Commissioners of Charlotte County, Florida, amending Charlotte County Code Chapter 3-5, Planning and Development, Article XXIII: Earthmoving by renaming Section 3-5-477 from "Operation standards" to "Operation standards; Public Nuisance; Enforcement and Remedies", and Section 3-5-489 from "Earthmoving permit modifications" to "Modifications to approved permits"; deleting Section 3-5-483: Roadway service life reduction fee (RSLR) in their entirety; and revising Section 3-5-473: Application requirement, Section 3-5-474: Staff review and action, Section 3-5-475: Nonconformities, Section 3-5-476: Exempt earthmoving operations, Section 3-5-477: Operation standards; Public Nuisance; Enforcement and Remedies, Section 3-5-478: Standard earthmoving and construction permits, Section 3-5-479: Specific earthmoving permits, Section 3-5-481: Specific earthmoving permit application requirements, Section 3-5-482: Performance assurance for land reclamation (PALR), Section 3-5-484: Specific earthmoving permit process and procedures, Section 3-5-489: Modifications to approved permits, Section 3-5-490: Earthmoving permit inspections, and Section 3-5-493: Earthmoving permit violations; providing for inclusion in the Charlotte County Code; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition **TLDR-20-05** with a recommendation of approval, based on the reasons stated in the staff report.

Questions for Staff

Mr. Gravesen asked if there was any feedback or any presentation to the agricultural community? **Joanne Vernon, Public Works Engineer**, stated that this was passed out to the community and the stake holders involved with excavations and very little was heard in response. One of the things they did hear back were, as long as you were complying with the permit, this should have no effect of you. Therefore, they were ok with it.

Mr. Gravesen explains he was thinking of the Agricultural and Natural Resources Advisory Committee (ANRAC), were they contacted? **Ms. Vernon** they were not currently. They did not change anything as far as Agricultural is concerned. If anything, we simplified the process. **Mr. Cullinan** expresses that the ANRAC hasn't been meeting lately due to lack of a quorum. **Ms. Vernon** express's that she can send this to every board member on ANRAC for them to provide their comments to the board of County Commissioners prior to them hearing it. **Mr. Gravesen**, asks for this to be circulated to them so they can have a chance to comment, incase this was not on their radar.

Mr. Bigness asked does this apply to residential construction as far as earthmoving and storing materials onsite? Or this strictly for the mining operations? **Mr. Cullinan** answered this is strictly to mining excavations.

Public Input

None.

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

Recommendation

Mr. McCormick moved that **TLDR-20-05** be sent to the Board of County Commissioners with a recommendation of Approval based on the staff report dated December 22, 2020 presented at today's meeting, 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. Bigness made a motion nominating **Mr. Gravesen** for Chair, second by **Mr. Vieira**; motion passed unanimously.

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

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

ADJOURNMENT

The meeting was adjourned at 2:43 p.m.

Accepted on behalf of the Charlotte County
Planning and Zoning Board



Michael Gravesen, Chair