

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

June 14, 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 – April 12, 2021 Regular Meeting

The May 10, 2021 minutes were approved as circulated.

Announcements

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

PETITIONS

Audio Timestamp 1:32

PP-21-03-07

Quasi-judicial

Commission District I

Lennar Homes, LLC., has requested Preliminary Plat approval a subdivision to be named, Babcock National Phase 4, consisting of 59 residential lots. The site is 16.74± acres, and is located south of Bermont Road, north of the border with Lee County, east of Babcock Ranch Road, and west of the border with Glades County.

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition **PP-21-03-07** with a recommendation of approval with a condition, based on the reasons stated in the staff report.

Questions for Staff

None offered.

Applicant's Presentation

Rob Berntsson, Big W Law on behalf of Lennar Homes, LLC, accepts Mr. Cullinan as an expert and has been sworn in. They join in the staff report, for this continuation on the development that is going on in Babcock Ranch. With respect recommends for the board's approval.

Public Input

None.

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

Recommendation

Mr. Vieira moved that **PP-21-03-07** be sent to the Board of County Commissioners with a recommendation of Approval, with condition based on the staff report dated May 24, 2021, and testimony presented at today's meeting, second by **Mr. McCormick**; and carried by a unanimous vote.

Audio Timestamp 1:34 p.m.

PP-21-03-10

Quasi-judicial

Commission District I

Babcock Property Holdings, has requested Preliminary Plat approval and for a subdivision to be named, Babcock Ranch Community, Phase 2D., consisting of 172 single-family lots, 21 villas lots and 8 tracts. The site is 62.48± acres, and is located south of Bermont Road, north of the border with Lee County, east of Babcock Ranch Road, and west of the border with Glades County, in the East County area and within the Babcock Ranch Community Development of Regional Impact.

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition **PP-21-03-10** with a recommendation of approval with condition, based on the reasons stated in the staff report.

Questions for Staff

None.

Applicant's Presentation

Rob Berntsson, Big W Law on behalf of Babcock Property Holdings, accepts Mr. Cullinan as an expert and has been sworn in. They join in the staff report, accepts the condition and with respect recommends for the board's approval.

Public Input

None.

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

Recommendation

Mr. Vieira moved that **PP-21-03-10** be sent to the Board of County Commissioners with a recommendation of Approval, with condition, based on the findings and analysis in the staff report dated May 27, 2021, along with the evidence presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

Audio Timestamp 1:37

PP-21-03-08

Quasi-Judicial

Commission District IV

Forestar (USA) Real Estate Group Inc. has requested Preliminary Plat approval to Replat a portion of the previously approved Final Plat for West Port, approved March 24, 2020 by the Charlotte County Board of County Commissioners, for a subdivision to be named, Cove at West Port Phase 4, consisting of 149 lots. The site is 37.57± acres and is generally located north of El Jobean Road, south of Tamiami Trail, east of Cornelius Boulevard, and west of Toledo Blade Boulevard, in the Port Charlotte area and within the Murdock Village Community Redevelopment Area (CRA).

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition **PP-21-03-08** with a recommendation of approval with four conditions, based on the reasons stated in the staff report.

Questions for Staff

Mr. Gravesen confirmed if there are four conditions in the staff report?

Mr. Cullinan answered yes.

Applicant's Presentation

Jackie Larocque, Waldrop Engineering, she has been sworn and accepts Mr. Cullinan as an expert. This is Phase 4 of Cove at West Port with another 149 coming online and were looking forward to getting this approved and accepts the conditions.

Questions for applicant

None offered.

Public Input

None offered.

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

Comment

Mr. Vieira is the only point of egress on this portion just from Tamiami Trail?

Mr. Cullinan answered no, this ties into the southern portions as well. There's two on 41 and then through the existing roadways that have been redeveloped, it can also go down centennial to 776.

Recommendation

Mr. Bigness moved that **PP-21-03-08** be sent to the Board of County Commissioners with a recommendation of Approval, with conditions, based on the findings and analysis in the staff report dated May 24, 2021, along with the evidence presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

Audio Timestamp 1:41

PP-21-03-09

Quasi-Judicial

Commission District II

Punta Gorda Acquisition II, LLC, is requesting Preliminary Plat approval for a commercial subdivision called Punta Gorda Commons, which was originally approved on October 20, 2009 by The Charlotte County Board of County Commissioners as PP-20-02-02 Punta Gorda Crossings. Several extensions have been granted. Staff is requiring that a new submittal be applied for due to a change in the owner's plans. The project consists of three commercial/industrial lots, and three future tracts on 94.17± acres, located within the ECAP Zoning District, on the south side of Duncan Road between I-75 and Golf Course Boulevard.

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition **PP-21-03-09** with a recommendation of approval with conditions, based on the reasons stated in the staff report.

Questions for Staff

None offered.

Applicant's Presentation

Geri Waksler, McCrory Law Firm Representing Punta Gorda Acquisition II, LLC, states she has been sworn and accepts Mr. Cullinan as expert. When the replat was originally done it was a concept of what they thought would happen, we now have buyers looking at the site and this being done to accommodate their needs. They stand with the staff's report and are available for questions.

Public Input

None offered.

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

Recommendation

Mr. McCormick moved that **PP-21-03-09** be sent to the Board of County Commissioners with a recommendation of Approval, with conditions one through six, based on the findings and analysis in the Comprehensive Planning Division staff memorandum dated June 2, 2021, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, second by **Mr. Vieira**; and carried by a unanimous vote.

Audio Timestamp 1:45

PAS-21-00002

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) and Medium Density Residential (MDR) to Medium Density Residential (MDR); with an annotation limiting the maximum density up to 24 units, increasing density from 13 units to 24 units, for property located at 2500 and 2520 Luther Road (Parcels P1-26-1 & P1-30-4), Punta Gorda, containing 2.577± acres; Commission District I; Petition No. PAS-21-00002; Applicant: Ron Gustaveson, representing Gust Real Estate LLC; providing an effective date.

Z-21-30-13

Quasi-Judicial

Commission District I

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Estate (RE-1) to Residential Multifamily (RMF-10), increasing density from one unit to 12 units; for property located at 2520 Luther Road (Parcel P1-30-4), Punta Gorda, containing 1.289± acres; Commission District I; Petition No. Z-21-30-13; Applicant: Ron Gustaveson, representing Gust Real Estate LLC; providing an effective date.

Laura Tefft, Senior Planner, provided the findings and analysis for Petition **PAS-21-00002** and **Z-21-30-13** with a recommendation of approval, based on the reasons stated in the staff report.

Questions for Staff

None offered.

Applicant's Presentation

Jason Green, Axis Company, states he has been sworn and accepts Ms. Tefft as expert and asks the board to accept him as an expert witness with 18 years of Planning experience in Charlotte County. Explained that in the staffs finding they discovered that part of the property used to be RMF-10. It was rezoned to RE1 previously. This is taking the RMF-10 back to what it used to be.

Questions

Mr. McCormick asked does Luther Rd dead end, or does it have a through street?

Mr. Green answered it's a dead end.

Mr. Vieira asked if this petition will be together with the Utilities work that is happening off Luther Rd?

Mr. Green answered no, not yet, those plans are under review for the other phase. There are utilities out there, however he doesn't know if Utilities themselves are doing any repairs or not.

Public Input

Edward Blackwell Jr., a resident in the area, is opposed to the designation being changed from single-family to multi-family because it keeps encroaching multi-family divisions closer to his home. Which he is concerned it may decrease value of his property. In addition, he has experienced people driving cars on the 1A section, behind Montpelier Rd, shown on the map and is concerned if this passes this could increase the traffic he sees behind his property. He asks for the members to consider this carefully.

William Srader, a resident in the area, would like confirmation if a road or a wall will be placed behind his home on Montpelier Rd? He also asked, what will the height be for the development?

Mr. Cullinan answered that the Luther Rd is a formal road, it's an unmaintained and an unfinished roadway. Currently, this development and many around it are already zoned RMF-10, this is taking just one lot. The state of purpose for this is for some duplexes and the max height is 60 feet in residential multi-family.

Mr. Vieira asked in the applicant's narrative, they are asking for a total of 24 dwelling units per the annotation. Is that a maximum where they cannot exceed that number? Also, in the description of what they would like built is that something the develop can be held too as far as design goes?

Mr. Cullinan answered the density annotation yes, they are capped at 24 units. If they so chose to change the format from the state of duplexes to some other multi-family type of construction, they would be able to do that. As this is not a PD, if it were then we could condition it to having to be duplexes, but this is a straight residential multi-family designation. For them to be able to choose in the future; one 24-unit building or two 12-unit buildings or whatever they would like to choose.

Mr. Vieira asked is there a height restriction to them?

Mr. Cullinan answered RMF is 60 feet height restriction.

Estralita Doheny expressed her concerns for the noise of this being constructed and her property value to be affected by this.

There was some discussion about the residents in the areas not receiving notification on this matter.

Mr. Gravesen stated there is a public notice published in the paper, posted on the website and there is also a posting on the subject property. As far as the post cards, they are mailed out via the post office to a thousand-foot radius of the subject property.

At 2:02 p.m. Mr. Bigness was excused from the meeting due to other appointments.

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

Comments by Chair

Mr. Gravesen stated they are looking to go to 24 units, but from what they have now they are capable of building 14. The area is also in a maturing neighborhood and he agrees with the following staff report.

Recommendation

Mr. Vieira moved that **PAS-21-00002** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the Comprehensive Planning Division staff memorandum dated June 14, 2021, 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.

Recommendation

Mr. Vieira moved that **Z-21-30-13** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the Comprehensive Planning Division staff memorandum dated June 14, 2021, 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.

21LAD-00000-00001

Quasi-Judicial

Commission District I

A Resolution pursuant to Section J(1)(k) of the Sandhill Development of Regional (DRI) Development Order, Resolution Number 2019-167, Section 380.06(7), Florida Statutes (F.S.) and Section 3-9-10.1, Development of Regional Impact (DRI) Development Order (DO) Amendment Process and Procedure under Chapter 3-9, Zoning, the County's Land Development Regulation, an amendment to the Sandhill DRI Development Order (DO) by 1) using the approved equivalency matrix to exchange 40 single-family residential units for 63 multi-family residential units on Parcel C-19B and R-2 of Tract 4 of the Sandhill DRI, 2) revising Exhibit B, Map H Notes #1 and Map H, Exhibit #2 Notes; and 3) revising the build out date to reflect the extension of the buildout date of this DO per Governor's Executive Orders; for 31.28± acres of the property located at 24750 Sandhill Boulevard, in the Port Charlotte area; Commission District I; Petition No. 21LAD-00000-00001; Applicant: NGI Acquisitions, LLC; providing for an effective date. The Sandhill DRI is located south of the DeSoto County Line, north of Rampart Boulevard, east of Loveland Boulevard and west of the Deep Creek area; Section 7, Township 40 South, and Range 23 East, in the Port Charlotte area, currently containing a total of 713.12± acres.

PD-21-00004

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 an existing PD for the Sandhill Development of Regional Impact (DRI) to revise PD conditions established in Ordinance Number 2018-011 for 74 single-family dwelling units, multi-family development up to 270 dwelling units and its associated accessory uses to be consistent with development rights set forth in Petition 21LAD-00000-00001 on Parcels C-19B and R-2 of Tract 4 of the Sandhill DRI; for 31.28± acres of the property located at 24750 Sandhill Boulevard, in the Port Charlotte area; Petition No. PD-21-00004; Applicant: NGI Acquisitions, LLC; providing an effective date. The Sandhill DRI is located south of the DeSoto County Line, north of Rampart Boulevard, east of Loveland Boulevard and west of the Deep Creek area; Section 7, Township 40 South, and Range 23 East, in the Port Charlotte area.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **21LAD-00000-00001** with a recommendation of approval, based on the reasons stated in the staff report.

Ms. Shao also provided the findings and analysis for Petition **PD-21-00004** with a recommendation of approval, with conditions A through L, based on the reasons stated in the staff report.

Questions for Staff

None offered.

Applicant's Presentation

Geri Waksler, McCrory Law Firm Representing NGI Acquisitions, LLC, states she has been sworn and accepts Ms. Shao as an expert. The client is requesting an amendment to the Sandhill DRI Development order and Major modification to the Sandhill Planned Development zoning district. NGI has applied to convert existing single-family entitlements on the adjacent parcels in the DRI to a multi-family residential entitlement. The proposed development order will modify the use on parcels C-19B and R-2 in Tract 4, by exchanging 40 single-family residential units for 63 multi-family units. The remaining 74 single-family units will be retained for future transfer of the DRI. Total entitlement on the site will be 344 units across both parcels. The equivalency matrix formula is based on transportation impacts, so when the matrix is utilized no new transportation impacts are created. The amount of single-family that is being transferred to multi-family would have generated the same amount of traffic on Sandhill Blvd. The only modification to the Planned Development is to change the condition setting forth the development standards for these two parcels to reflect the new multi-family and single-family unit totals. As we use the matrix the conditions set forth what the current total is. We need to modify that Planned Development condition to set forth the totals that are being asked. Upon approval, NGI amendments intends to develop an apartment community. Staff has found the proposal consistent with the comprehensive plan with the remaining provisions of the Sandhill DRI and with the criteria for re-zoning. They join with the staff report and request a

recommendation of approval for this amendment to the Sandhill DRI development order and Planned Development. She is available for any questions.

Pictures were presented to reflect an example of what the community would look like.

Questions

Mr. Vieira brought to the public's attention that there is no additional traffic impact. When looking at the bare numbers it looks as though Sandhill Rd will be impacted by what can be produced from the development. Understanding what the development order was and how the equivalency matrix is working, road or traffic trips are not being increased. We are staying to the same development order that was issued and approved previously.

Ms. Waksler stated that single-family development generates more traffic than multi-family development. That's why more multi-family units are being exchanged for a lesser number of single-family units. The matrix was developed and adopted into the Sandhill DRI development order after testimony by the transportation engineer review also by the county's transportation engineer and it does not generate any additional trips. According to the traffic generation formulas.

Mr. Vieira asked if in the matrix, is only track 4 going to donate to this development? Nothing from the surrounding commercial portion of the development?

Ms. Waksler answered no, the whole track right now is for single-family development and some preservation. The density is coming entirely within in the confines of that development.

Public Input

Donald Dyer, resident in the area, comments in the 40-year-old now development order that involves the overall Sandhill area there's documentation in the order talking about increasing Sandhill Blvd to a four-lane road from the current two lane. In the order there is also documentation about widening Kings Hwy. **Mr. Dyer** asked if there is any guarantee that Sandhill won't be widened?

Ms. Shao answered yes, the Sandhill DRI does have 3 pages that talks about transportation. Keep in mind that this one was approved back in 2018, they have it approved for 140 single-family homes. In addition, Sandhill has five different sections that talks about Kings Hwy all the expansion of that, but we have section five, besides Wal-Mart with a chunk of land that is still vacant.

Geraud Gustav, resident in the area, is concerned with multi-family units bringing in a higher amount of school busses that could affect the traffic. He also mentions that across the street they are building a Beef-O-Brady's and it could draw more traffic, would this be in consideration of the matrix? He also would like for them to consider the intersection of Sandhill and Capricorn. They recently expanded the road and kept the intersection as a stop sign. Many people thought they were going to insert a traffic light instead. Considering that intersection is prone to a lot of accidents.

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

Rebuttal

Ms. Waksler addressed **Mr. Dyer** and showed him in the application the section that he referred to that has the 35-foot height limit. Those are the standards that apply to the single-family entitlements. The height limits here would revert to your standard Sandhill DRI development order, which is 60 feet.

Ms. Waksler stated that Capricorn is just slightly to the east of this project. As this project develops it is unlikely to impact the Capricorn intersection.

Comments

Mr. McCormick comments at some point the highways are going to have to be widen, they were all anticipated and planned. Regards to this project, there's nothing here that impacts outside the original plan. If it's consistent with the Plan Development, the highway is going to be in need of an expansion in the near future.

Mr. Gravesen asked the staff, at what point does the traffic impacts create the emphasis to widen the roads? He's aware of other projects in the Sandhill DRI where the developers have fronted the expansion of some intersections in the roads.

Ms. Waksler answered the Sandhill DRI has a list of improvements that were anticipated, because of the DRI development order. This DRI had some exceptions where developers have come in and asked to do improvements in exchange for impact fee credits. This DRI, the calculation was made to show the impact fees. That the proposed development would generate, and those impact fees would cover it's share of the improvements that were necessary. Ms. Waksler also mentioned that most of improvements listed in the DRI have been done. Primarily with impact fee or money, or they have been done by a developer that has gotten impact fee credits, for making those improvements.

Mr. Vieira commented that he has gone through the list and Ms. Waksler is correct, most of the improvements have been made.

Recommendation

Mr. Vieira moved that **21LAD-00000-00001** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the Comprehensive Planning Division staff memorandum dated May 24, 2021, Charlotte County's 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.

Recommendation

Mr. Vieira moved that **PD-21-00004** be sent to the Board of County Commissioners with a recommendation of Approval, with conditions A through L, based on the findings and analysis in the Comprehensive Planning Division staff memorandum dated May 28, 2021, Charlotte County's 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.

Selection of Planning and Zoning Board member for Affordable Housing Advisory Committee

Questions

Mr. Gravesen asked staff is there a number of committees that a representative from Planning and Zoning has to be on?

Mr. Cullinan answers there is a requirement that one member must be on both the Planning and Zoning Board and the Board of Zoning Appeals. That is currently held by Mr. Vieira, that does not have to be in Mr. Vieira's district or that seat. That the only requirement to be on both boards. There is also a requirement that one member, any member, of this board be on the Affordable Housing Advisory Committee.

Mr. Vieira asked if this is a time sensitive matter? Since we do not have all of our members here, he would feel more comfortable to bring this back when all are present.

Assistant County Attorney, Thomas David answered there hasn't been anyone for a few months and doesn't see any issue with holding it over for another session.

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Mr. McCormick moved that the Selection of Planning and Zoning Board member for Affordable Housing Advisory Committee be tabled onto July's agenda, second by **Mr. Vieira**; and carried by a unanimous vote.

ADJOURNMENT

The meeting was adjourned at 2:39 p.m.

Accepted on behalf of the Charlotte County
Planning and Zoning Board



Michael Gravesen, Chair