

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

October 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 – September 13, 2021 Regular Meeting

The September 13, 2021 minutes were approved as circulated.

Announcements

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

PETITIONS

Audio Timestamp 1:32 p.m.

PP-21-07-14 Quasi-judicial Commission District I

D.R. Horton, Inc. is requesting a Preliminary Plat for a two-family attached residential tract within the Babcock Ranch Community Development of Regional Impact (DRI) for a subdivision to be named Babcock Ranch Community-Preserve. The project will consist of one hundred fifty-four (154) two-family units and a small amenity area. The site is 39.07± acres and is located south and east of Bluebird Trail, north of Cypress Parkway, west of the border with Glades County, in the East County area.

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition **PP-21-07-14** with a recommendation of approval with conditions based on the reasons stated in the staff report.

Applicant's Presentation

Todd Rebol, Banks Engineering, accepts Mr. Cullinan as an expert and accepts the two conditions of approval. Also, is available for any questions.

Public Input

None offered.

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

Recommendation

Mr. Bigness moved that **PP-21-07-14** be sent to the Board of County Commissioners with a recommendation of Approval, with the 2 conditions, based on the findings and analysis in the staff report dated August 23, 2020, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. McCormick**; and carried by a unanimous vote.

Audio Timestamp 1:35

PFP-21-06-05

Quasi-judicial

Commission District III

Andrewry North LLC, is requesting Preliminary & Final Plat approval for a four-lot Minor Subdivision to be named Katie's Cove Subdivision. The site is 4.02± acres and located East of Ainger Creek, West of Drury Lane, South of Andrews Street and North of North Lane, in the Englewood area.

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition **PFP-21-06-05** with a recommendation of approval with conditions, based on the reasons stated in the staff report.

Questions for Staff

Mr. Gravesen asked **Mr. Cullinan** if the one condition get taken care of?

Mr. Cullinan replied that will still exist until it final out with the Final Plat.

Applicant's Presentation

Michael Haymans, Michael P. Haymans Law firm on behalf of Andrewry North, LLC, has intention to build a home on this site. Lot one is 57,000 sq ft and the other lots are 39,000 sq ft each, this piece of property is intitled to under the land development, land use and zoning, which would be 14 units. However, we are asking for the 4 units. Neighbors are concerned that each of these lots might be split, that is not the intention of the applicant. The applicant offered to restrict the ability to further split, and the county said it is not necessary that they meet the criteria. This is a small family company that wants to build their home and live there, and they want to have the other lots available for others to build upon. On the Andrews side they dedicated an additional 10ft easement to widen Andrews, because it is an undersized road, and another 5ft on north lane for widening. The applicant is improving the widths of the road and it meets the criteria and we accept **Mr. Cullinan** as an expert.

Questions

Mr. Bigness asked is Lot 1 going to have any sharing or easement with docks for the other lot? **Mr. Haymans** answered there are no easements proposed for that.

Public Input

Carmen Nicotra, 1184 Andrews St, is concerned about the roads, are they going to be made wider?

Mr. Cullinan answered the county has no intentions of widening that roadway.

Mr. Haymans commented that on Andrews St it's 10ft of the applicant's property and on then on the north lane it's the 5ft on the southern side of the property. The widen roadway comes off the applicant's property.

There was some discussion on gopher tortoises and what the process is on those if found.

Mr. Nicotra expressed that he disapproves with this and is concerned that more house will be built instead of 4 with still small roads.

Charles Park, 1121 North Ln, asked if they are planning on removing the trees and mangroves?

Mr. Cullinan replied there are no building permits in house at this time. For the mangroves, they are regulated by the state of Florida DEP and would be the ones to issue a removal permit if it's requested.

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

Questions

Mr. Thornberry asked **Mr. Nicotra** what is his concerns about the roads?

Mr. Nicotra replied the roads are small and parking is a problem. If it was wider, we would have a chance to park vehicles, because where are the people who build homes here going to put their vehicles? The roads are too tight there are some occurrences where he is concerned if there is enough room for him and another vehicle. If they made the road bigger it would help.

Mr. McCormick asked **Mr. Cullinan** if there is anything in the zoning code about two street access; would the homeowner have access to both streets, or could they select a street of choice?

Mr. Cullinan replied how the zoning code goes, they could design their house however they would like. He then gave a couple examples of setbacks for both sides of the street.

Rebuttal

Mr. Haymans explains that 14 units is what they are entitled too, and that he understands the neighbor's concerns. However, there are rules and regulations and procedures, if a permit is pulled for the mangroves, they will get notices. The DEP sends out notices for permits pulled. Worst case senero if every one of these was going to be split in half, you would end up with 8 instead of 14. He appreciates the neighbors coming and is open to talk to them during the process.

Comments

Mr. Bigness commented that what is being purposed is less of an impact of what could be done. Development and construction will all have to be regulated by the building department and the zoning department process, which will require approval processes. The citizens will have another opportunity to comment at the Board of County Commission meeting on October 26th.

Recommendation

Mr. Bigness moved that **PFP-21-06-05** be sent to the Board of County Commissioners with a recommendation of Approval, with a condition based on the findings and analysis based on the staff report dated October 2, 2021, Charlotte County Comprehensive Plan and the evidence and testimony presented at today's meeting, second by **Mr. Thornberry**; and carried by a unanimous vote.

Mr. Gravesen asked **Mr. Cullinan** they had 14 units on this property, they are developing it into 4; could they sell off as TDUs the other the 10? **Mr. Cullinan** answered yes, they are ways they could certify off density. The density could stay in west county or could be moved out.

Audio Timestamp 2:01

PAL-21-00001

Legislative

Commission District II

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) (6.36± acres) to Commercial (COM), and from Commercial (COM) (25.55± acres) to Low Density Residential (LDR); and 2) to remove an annotation to limit the overall intensity of the site (59.83± acres) to 480,000 square feet of commercial uses and 400 hotel rooms; for property located at the northwest portion of the interchange of I-75 and Tuckers Grade, in the Punta Gorda area, containing 31.91± acres for the Future Land Use Map designation changes; Commission District II; Petition No. PAL-21-00001; Applicant: Tuckers Point I Limited Partnership; providing an effective date.

PD-21-00002

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 to an existing PD, Ordinance Number 2018-034, to revise the PD Concept Plan and its associated PD conditions in order to have a mixture of residential and commercial development, containing up to 1,689 residential dwelling units (no change) and 380,000 square feet of commercial uses and 400 hotel rooms, increasing the base density from 19 units to 1,689 units; for property located at the northwest portion of the interchange of I-75 and Tuckers Grade, in the Punta Gorda area; containing 565.74± acres; Commission District II; Petition No. PD-21-00002; Tuckers Point I Limited Partnership; providing an effective date.

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

Jie Shao, Principal Planner provided the findings and analysis for Petition **PD-21-00002** with a recommendation of approval with conditions A- W, based on the reasons stated in the staff report.

Questions for Staff

None offered.

Applicant's Presentation

Geri Waksler, McCrory Law Firm representing Tuckers Point I Limited Partnership, she accepts **Ms. Shao** as an expert and has been sworn in. The project was rezoned in 2018 at that time the PD was placed over the entire 565.74 acres. For any land use change for any portion of the 565.74 you have to come back in and change the land use and then change the PD concept plan. They are extending the residential by taking away some of the commercial land use. They are not asking for any more units than what was originally approved, they are going to take the existing number of units and have more land to spread it over. Along with that the main entrance drive has also been incorporated into the residential area for a gateway entrance. The commercial area has an extension to the west along Tuckers Grade, there are separate entrances for the both the east and west side of the commercial. Also, there will be an entrance way from the residential into the commercial so any of the residential development will not have to go out onto Tuckers Grade to be able to access the commercial area. Commercial entitlements are being reduced by 100, 000 sq ft retaining the 400 motel rooms. Which would reduce traffic impacts, and demand on water and sewer. Extension on water and sewer utilities will be occurring from the Burnt Store plant up Burnt Store Rd down Notre Dame and ultimately across 41 to this site, a contract has already been signed on that. They will work with public works and FDOT to address transportation impacts on the intersection of Tuckers Grade and 41. All proposed PD conditions of approval are accepted and request a recommendation of approval for the land use amendments and the PD modification.

Public Input

None offered.

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

Discussion

Mr. McCormick commented having seen this site he is in favor of the development that they are proposing today.

Mr. Gravesen mentioned that an email commentary has been printed and read by the board and asked **Ms. Shao** if she's read it? **Ms. Shao** replied yes, she also reached out to the citizen and had a discussion with her.

Recommendation

Mr. McCormick moved that **PAL-21-00001** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated September 29, 2021, Charlotte County Comprehensive Plan and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, second by **Mr. Thornberry**; and carried by a unanimous vote.

Mr. McCormick moved that **PD-21-00002** be sent to the Board of County Commissioners with a recommendation of Approval, with conditions A – W, based on the findings and analysis in the staff report dated September 29, 2021, Charlotte County Comprehensive Plan and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, second by **Mr. Thornberry**; and carried by a unanimous vote.

Audio Timestamp 2:19

TCP-21-01

Legislative

County-wide

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large-scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State agencies for review and comment; the text amendment request is to amend the County's Comprehensive Plan to 1) create a new element, called Property Rights Element (PR), to include one goal, two objectives and underneath policies, and 2) delete Future Land Use Element (FLU) Objective 1.4: Protection of Private Property Rights and replace with PR Objective 1.2: Protection of Private Property Rights, delete FLU Policy 1.4.1: Vested Rights Protection and replace with PR Policy 1.2.1: Vested Rights Protection, delete FLU Policy 1.4.2: Notice of Property Owners and Neighboring Lands and replace with PR Policy 1.2.2: Notice of Property Owners and Neighboring Lands, delete FLU Policy 1.4.3: Agricultural Primacy and replace with PR Policy 1.2.3: Agricultural Primacy, and delete FLU Policy 1.4.4: Alternative Development Options and replace with PR Policy 1.2.4: Alternative Development Options; Petition No. TCP-21-01; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **TCP-21-01** with a recommendation of approval, based on the reasons stated in the staff report.

Public Input

None offered.

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

Comments

Mr. Gravesen commented that this is a response to Legislature and there's no verbiage change, just numbering changes.

Recommendation

Mr. Thornberry moved that **TCP-21-01** be sent to the Board of County Commissioners with a recommendation of Approval, to transmit Petition No. TCP-21-01 to the Department of Economic Opportunity (DEO) and other State review agencies for Review and Comment, based on the findings and analysis in the Board memo dated September 20, 2021 and the evidence presented at the public hearing held by the Planning and Zoning Board, second by **Mr. Bigness**; and carried by a unanimous vote.

Mr. McCormick informed the board that he attended the Florida Groundwater Conference and because of some comments that came from the conference he asks the board to endorse/comment on rolling easements. Regarding where the future seawater line lies, he believes Charlotte County will be affected by seawater rise in the future. Looking at the impact of seawalls on the migration of things like the mangroves, as the seawater rises the mangroves will try to migrate and if there are seawalls it's going to be a problem. He wanted to bring these points to the board to see if they would like to join him in suggesting that we motion to pass this discussion on to our County Commissioners for them to consider asking staff to look into the implications of what he just described.

Mr. Bigness explained that he is not informed enough on a rolling easement, therefore he would not vote on something that he is not aware of or informed about.

Mr. Cullinan explained a rolling easement is when it moves with the erosion and encroachment. Some cases the owner happens to get more or less land and the easement would go with the property.

Mr. Bigness commented that he is all for conservation and believes we need to protect our shorelines, our beaches and the inland.

Mr. McCormick specified that if the sea-level rises is a reality it will impact this concept of rolling easements. If it is a reality it will impact our mangrove fringes. We also will have to deal with how do compensate people who have seawalls that were destroyed due to the sea-level increase.

Thomas David, Asst. County Attorney, informed **Mr. McCormick** that **Claire Jubb, Asst. County Administrator**, is the designee on the regional compact and is aware that these issues have been circulated around. He's certain this will work its way into the legal constructs at some point.

There was a discussion on if the county has looked in this.

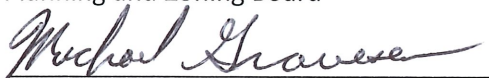
Mr. Gravesen commented that he believes that what **Mr. McCormick** is trying to do is bring his idea forward to staff and the Board of County Commissioners of something he learned at a conference. That needs to be on people's radar and discussions need to be had. That not necessarily regulations or agendas have to be completed but the need of a rolling discussion on.

Mr. Bigness and **Mr. Thornberry** are both in favor of supporting this. This is now on the county's radar **Mr. Cullinan** will bring it up to the commissioners.

ADJOURNMENT

The meeting was adjourned at 2:40 p.m.

Accepted on behalf of the Charlotte County
Planning and Zoning Board



Michael Gravesen, Chair