

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

March 14, 2022, 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. (All were present)

Approval of Minutes – February 14, 2022, Regular Meeting

The February 14, 2022, 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.

1.) PAS-21-00013

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) to Commercial (COM); for property located at 4771, 4779, 4787, 4795, 4803, and 4811 Duncan Rd., Punta Gorda, containing 1.084± acres; Commission District 1; Application No. PAS-21-00013; applicant: Food Services OPS, LLC; providing an effective date.

2.) Z-21-57-20

Quasi-Judicial

Commission District I

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Mobile Home Conventional (MHC) to Commercial General (CG); for property located at 4771, 4779, 4787, 4795, 4803, and 4811 Duncan Rd., Punta Gorda, containing 1.084±+ acres; Commission District1; Application No. Z-21-57-20; Applicant: Food Services OPS, LLC; providing an effective date.

Laura Tefft, Senior Planner, provided the findings and analysis for Petition **PAS-21-00013** are not consistent based on the reasons stated in the staff report.

Laura Tefft, Senior Planner, provided the findings and analysis for Petition **Z-21-57-20** are not consistent based on the reasons stated in the staff report.

Questions for Staff

Mr. Vieira asked under its current classification how many mobile homes or manufactured home units can be placed on this site? **Ms. Tefft** replied 1 per lot.

Mr. McCormick asked for clarification, is the recommendation denial? **Ms. Tefft** answered we do not make recommendations; however, we do not find that it meets all the criteria.

Mr. Bigness are the neighbors requesting an interest in wanting commercial property there? **Ms. Tefft** responded there have been some calls for and against this. There have been no petitions presented to us at this time.

Applicant's Presentation

James Herston, agent for the applicant, states the intent here wasn't to be intrusive but was to provide a service in the outer skirts of town. He is purposing to use it as a restaurant. Typically, with PDs there are a lot of conditions, for any changes needed, it's problematic. After the review of the arterial, transportation access we have great buffering requirements between commercial and residential. Access is good, the utilities are good, and the applicant felt that he was trying to provide a service and jobs to the community. With that being said, he doesn't have any questions for staff. He accepts Laura Tefft as an expert and is here for any questions.

Mr. Thornberry asked what kind of building are they going to build? **Mr. Herston** a 5,000 sq ft single story restaurant with seating and a drive thru.

Mr. Bigness asked are there any issues with flood level or how high you have to have the building off the ground? **Mr. Herston** believes it's flood zone X. The elevation of the site is approximately equal to US 17.

Shaun Cullinan, Planning Zoning official, asked **Mr. Herston** if water and sewer currently available to this site or would it need to be extended? **Mr. Herston** replied the water is there, and he has spoken to the City of Punta Gorda, to have a small lift station that would be pumped to their force main.

Mr. Cullinan commented that this is within the US 17 area plan. This plan was developed in the late 2000s. County staff went door to door to people in this area to find out what they were looking for. This was not designated as an area for future commercial. One of our concerns, is this is one of our lower costs of living areas and another concern is gentrification of the existing neighborhoods. This is not a community redevelopment area. There are commercial properties within a half mile of either direction of this to properly serve the commercial. This would essentially be plopping down a commercial right in the middle of an existing residential, which is the definition of spot zoning. Also, the county cannot control the uses with Commercial General (CG). CG allows anything from Bars and Night Clubs to community houses. There are a number of issues as into why this area in the US 17 plan wasn't designated as commercial or a different type of redevelopment. Instead, was kept as a mobile conventional. Where a single-family unit and a mobile home unit could go there. This is one of the last remaining affordable areas in Charlotte county for people to reside.

Mr. Vieira asked if the lot could have a mobile home built on it? **Mr. Cullinan** replied yes. This area he believes was platted around the 80s and are vested lots of record. Again, one of our main concerns of planning and the reason this was not designated as commercial, was because of gentrification. We do not want to push out the residents in an affordable area in Charlotte County.

Public Input

James McNeil, lives in area, and is concerned about traffic. He's concerned if a commercial property is placed here, the traffic would increase the already large amount of traffic that travels that road daily. He also asked if this is passed, would there be a light there, so an access can be obtained? He's also concerned for it to be zoned CG, like **Mr. Cullinan** said, anything could be placed there and that's very concerning.

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

Discussion

Mr. Gravesen expressed that he has an issue with it. The county has a lot of experience shallow commercial lots, that's called the US 41 corridor. Those lots are at least 150ft maybe 175ft deep and we want to go back another lot into the residential. We have the 41 overlay to do that. To intentionally created only 100ft deep commercial lot is inappropriate for US 17 in his view.

Mr. McCormick asked he would like to know if the access to the mobile home park is the only access to the mobile home park? **Mr. McNeil** answered they do have an access on Judith Lane which is about a half a mile up the road.

Recommendation

Mr. Vieira moved that **PAS-21-00013** be sent to the Board of County Commissioners with a recommendation of Denial, based on the findings and analysis in the staff memo dated December 7, 2021, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

Recommendation

Mr. Vieira moved that **Z-21-57-20** be sent to the Board of County Commissioners with a recommendation of Denial, based on the findings and analysis based on the staff memo dated December 7, 2021, Charlotte County Comprehensive Plan and the evidence and testimony presented at today's meeting, second by **Mr. McCormick**; and carried by a unanimous vote.

Audio Timestamp 1:55

3.) PAS-21-00014

Legislative

Commission District V

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 Medium Density Residential (MDR) to Commercial (COM); for property located at 130 Yorkshire Street (a portion of this property), Port Charlotte, FL, containing 1.23± acres of the total 1.95± acres; Commission District 5; Application No. PAS-21-00014; Applicant: Thomas C. D'Aprile & Delores A. D'Aprile as Co-Trustees of the Thomas C. D'Aprile Revocable Trust dated June 7, 2012 and Delores A. D'Aprile Revocable Trust dated June 7, 2012; providing an effective date.

4.) PD-21-00020

Quasi-Judicial

Commission District V

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Single-family 3.5 (RSF3.5) to Planned Development (PD), and also adopt a General PD Concept Plan; for property located at 130 Yorkshire St., Port Charlotte, containing 1.95± acres; Commission District 5; Application No. PD-21-00020; Applicant: Thomas C. D'Aprile & Delores A. D'Aprile as Co-Trustees of the Thomas C. D'Aprile Revocable Trust dated June 7, 2012 and Delores A. D'Aprile Revocable Trust dated June 7, 2012; providing an effective date.

Laura Tefft, Senior Planner, provided the findings and analysis for Petition **PAS-21-00014** with a recommendation of approval with conditions, based on the reasons stated in the staff report.

Laura Tefft, Senior Planner, provided the findings and analysis for Petition **PD-21-00020** with a recommendation of approval with conditions, based on the reasons stated in the staff report.

Questions for Staff

Mr. McCormick inquired if the canal is an active canal? **Mr. Cullinan** answered this is a drainage ditch. It does flow down from the CoCo Plum Waterway in Hillsborough, and it makes its way eventually down to Charlotte Harbor.

Applicant's Presentation

Geri Waksler, representing the applicant, explains the D'Aprile's own a 1.95-acre track at the corner of Veterans and Yorkshire St. They are requesting a small-scale Plan Amendment to Commercial for the southern 405ft of the property, across Yorkshire from the existing Dollar General. The remainder of the property will retain its medium density residential land use. At the same time the D'Aprile's are requesting a rezoning to plan unit development which would allow the purposed commercial portion of the site to be develop with a commercial building. With the medium density residential portion of the site to developed with two multi-family buildings each with three units. To facilitate the integration of this site with the adjacent residential community a Type D landscape buffer, which is your most intense landscape buffer. That will consist with an opaque fence with a mix of trees, shrubs and understory plants, will be placed outside the fence and along the full length of Yorkshire across from the single-family residential areas. Basically, adjacent to the multi-family as well as extending all the way down through the parking lot area. They are purposing 24ft in the commercial portion of the site and 26ft in the residential portion of the site. Within the parcel itself the multi-family portion of the site is separated from the commercial area by a 52ft wide stormwater retention area and a Type-T buffer with an opaque fence. There is an additional Type D buffer along the portion of the commercial adjacent to the canal. Staff has reviewed the proposal and finds it consistent with the Comprehensive Plan and with the code of ordinances we join the staff's analysis and conclusions and request a recommendation of approval.

Mr. Thornberry asked if the two units on the northern end of the property are two story three-unit town homes?

Ms. Waksler responded yes and there are 6 total units.

Mr. Gravesen inquired on the height. The school district across the canal was discussed, is that still a school districted even after it being turned into Plan Development (PD)? Also, you have over 1,000 residential units in there with a height limitation of what? **Mr. Cullinan** answered that portion is still owned by the school board. They have approximately 400 units of density, the portion adjacent to it, as the county owned project has 600 units of density. The height limitations are 60 ft. He is all for the development and the plan presented however he thinks that they are limiting themselves.

There was a discussion on the height, buffers, and density for this petition.

Mr. Thornberry expressed his concern for the northern portion of the property and the residents across the street, that are all single family residential and how he wouldn't want the villas to be more than 26ft. He has no objections on this project, just was concerned for the height and not going higher.

Public Input

None offered.

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

Discussion

Mr. Bigness expressed he thinks this is a good plan. It does a good mixed use; the county is in support of it, and it looks like a well thought out taking into consideration residential and commercial piece.

Mr. Gravesen and **Mr. Vieira** also think it's a good use of the property.

Recommendation

Mr. Bigness moved that **PAS-21-00014** be sent to the Board of County Commissioners with a recommendation of Approval, with conditions A-R, based on the findings and analysis in the staff memo dated December 7, 2021, Charlotte County 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. Bigness moved that **PD-21-00020** be sent to the Board of County Commissioners with a recommendation of approval, with conditions A-R, based on the findings and analysis in the staff report dated December 7, 2021, Charlotte County's Comprehensive Plan, and the evidence presented at the public hearing held by the Planning and Zoning Board, second by **Mr. McCormick**; and carried by a unanimous vote.

Audio Timestamp 2:21

5.) PFP-21-12-08

Quasi-judicial

Commission District III

Walton Manakey, LLC is requesting a Preliminary & Final Plat approval for a residential 2- lot Minor Subdivision to be named, Replat of the westerly 200 feet of Lot 12 of the Chadwick Beach Subdivision. The subject property is 0.459± acres and located South of Whitcomb St., East of Gulf Blvd., North of Wilhelm Dr. and West of Lemon Bay, in the Englewood area. Located in Commission District 3.

Shaun Cullinan, Planning Zoning official, provided the findings and analysis for Petition **PFP-21-12-08** with a recommendation of approval, based on the reasons stated in the staff report.

Questions for Staff

Mr. Bigness asked **Mr. Cullinan** if there have been any issues seen on this? **Mr. Cullinan** replied no, the way it was designed, we worked with the applicant to make sure they would have the 10ft peripheral landscape strips on both sides.

Applicant's Presentation

Robert Berntsson, Big W Law Firm on behalf of the applicant, states he has been sworn and accepts **Mr. Cullinan** as an expert. They are making two lots out of the one. Meetings with staff have taken place to go over different iterations on how to make this work. For full disclosure, there is an easement north of lots one and two being purposed. That provides access to the property to the rear. Lot one was made wide enough to put the 10ft peripheral on the outside of the easement, so that the property would still have access to the rear.

Public Input

None offered.

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

Recommendation

Mr. Bigness moved that **PFP-21-12-08** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated March 7, 2022, 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.

ADJOURNMENT

The meeting was adjourned at 2:25 p.m.

Accepted on behalf of the Charlotte County

Planning and Zoning Board



Michael Gravesen, Chair