

**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  
Clint Baker



**District**

District V  
District III  
District I  
District II  
District IV

**MINUTES  
REGULAR MEETING**

*May 9, 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)  
Chair Gravesen welcomed Clint Baker.

**Approval of Minutes – April 11, 2022, Regular Meeting**

The April 11, 2022, minutes were approved as circulated.

**Announcements**

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

**PETITIONS**

Audio Timestamp 1:31 p.m.

1.) **PP-22-02-04**                      **Quasi-judicial**                      **Commission District I**

Lennar Homes, LLC. is requesting Preliminary Plat approval for a subdivision to be named, Babcock National Phase 6. The proposed subdivision is a residential development to consist of fifty-four (54) single-family lots, and it contains 18.51± acres. The subject property is located South of Bermont Road, North of Greenway Boulevard, West of Crane Marsh Court and East of Greenway Boulevard, in the East County area and within the Babcock Ranch Community DRI. Located in Commission District I.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition **PP-22-02-04** 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 Firm on behalf of the applicant**, states he accepts Mr. Cullinan as an expert and appreciates working with the staff this is a continuation of this portion of the Babcock National project. He is here to answer any questions.

**Public Input**

None offered.

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

### Questions

None offered.

### Recommendation

**Mr. Vieira** moved that **PP-22-02-04** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated April 29, 2022, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

Audio Timestamp 1:35

#### 2.) TCP-22-01

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 review agencies for review and comment; the request is to amend the Future Land Use (FLU) Element of the County's Comprehensive Plan by revising FLU Policy 1.2.15: TDU Waivers; Petition No. TCP-22-01; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

**Jie Shao, Principal Planner**, provided the findings and analysis for Petition **TCP-22-01** with a recommendation of approval, based on the reasons stated in the staff report.

### Questions for Staff

**Mr. Baker** asked what would happen to the residential TDUs from private land, prior to 2010, if a citizen came and made it commercial; would the TDUs be gone at that point? **Ms. Shao** replied yes. **Mr. Baker** asked then a private person wouldn't get the same consideration to get TDUs back. **Ms. Shao** answered this is purely for government uses. Government taxpayers pay for infrastructure, so the government would use it for that. Unfortunately, our land use category prior to 2010, did not recognize government uses in the facilities. It was supposed to be this type of use that could always be located in residential neighborhood under major roadways. The government is supposed to provide public service in the infrastructure to all the city limits as one of the uses. This will not happen anymore since 2010, we changed our Comprehensive Plan (CP) and added this use under any active land use category. Staff does not need to initiate any changes to the CP, to change it to public land and facility. That's one of the permitted uses. We are wanting to rectify this situation because we use that for government uses. Technically we should not have changed it to public land and facilities, so we just want to correct that. There is a big difference this is used for public infrastructure to serve the citizens instead of private to do that for their own purposes. **Mr. Baker** asked then citizens couldn't speak against the TDU if it automatically reverts back for a government property. **Ms. Shao** correct this not used for one person or company's gain, this is used to serve charlotte county citizens. We don't want the citizens to spend extra cost for the change to purchase the TDU and move that onto a piece of property.

**Mr. Vieira** asked if the county had a piece of property that was designated for public facilities in this category; would before 2010 the underline use have been residential if it was located in a residential zone?

**Ms. Shao** corrected two things; in 2010 we do have some properties in Charlotte County with the Land Use category of Public Land and Facilities, and they have residential zoning. There is no specific zoning to implement public land and facility. However, for that case this does not apply, because it has public land and facility there since 1997-2010. This case is used for we have prior to 2010. The county has public land and facility, for example a fire station, we put on the land, then we initiated changes for low-density residential and medium-density residential. We changed that to public land and facility, to make sure the uses are consistent with the land use category. By that case we no longer have the cases anymore, because since 2010 we changed the CP. By adding the government uses and services into any active land use category. However, we still have unintended consequences from previous years.

**Mr. Bigness** asked are there any increase in density units of the total for the whole county? **Ms. Shao** rephrased his question to; is the question, because of these changes will they increase overall density in Charlotte County? The answer is yes, it will increase the overall density.

**Mr. Cullinan** commented essentially what this is when we changed the future land use designations on some of these properties that have government facilities, for example, fire stations, sheriff offices and government facilities whatever that might be. It locked that density where you can't unlock it. This gives us the ability to be able to unlock that density that still allowed under the zoning designation.

**Mr. Bigness** inquired when it got locked, where did the density go? **Mr. Cullinan** replied they went nowhere. Essentially because the zoning stays residential single family. For example, right now we are reconstructing fire station 2, off of Cochran, that one is being relocated into the Murdock village area. The structure has gone past its useful life, so once that fire station relocates that's a residential multi-family property. We would want to get that back onto the tax rolls because we have moved that government non-tax roll use onto a new site, we want to put that back out there so it can be a producing number of the community. This would work for that as well; this gives us the ability to utilize the provisions for the limited relief in order to address this.

**Mr. Gravesen** commented that he understands this process for the government owned properties because you've changed the FLUM on them. Is there a process being considered for the privately owned properties that had parks and recreation put on them back in early days when more parks were needed? If the private lands lost their density when converted to parks and recreation, is there some mechanism that you have or considering, to allow them to get back the density units? **Ms. Shao** her understanding is at this time we do not. **Mr. Gravesen** added we may want to consider some process for the private citizens to have a change to anything that was parks and recreation instituted by the county when the CPs were done.

#### Public Input

None offered.

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

#### Discussion

None offered.

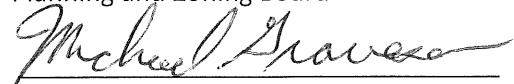
#### Recommendation

**Mr. McCormick** moved that **TCP-22-01** be sent to the Board of County Commissioners with a recommendation of approval, to transmit Petition **TCP-22-01** 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 April 18, 2022, and the evidence presented at the public hearing before the Planning and Zoning Board, second by **Mr. Baker**; and carried by a unanimous vote.

#### ADJOURNMENT

The meeting was adjourned at 1:54 p.m.

Accepted on behalf of the Charlotte County  
Planning and Zoning Board



Michael Gravesen, Chair