

**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**

*June 13, 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 – May 9, 2022, Regular Meeting**

The May 9, 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-22-02-05**

**Quasi-judicial**

**Commission District II**

Tuckers Developers, LLC is requesting Preliminary Plat approval for a 354-lot residential subdivision with supporting infrastructure and future development tracts, to be named Tuckers Pointe Phase 1. The property contains 505.61± acres, and is located north of Tuckers Grade, east of Tamiami Trail, west and south of I-75, in Section 35, Township 41 South, Range 23 East within Commission District II.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition **PP-22-02-05** with Staff finding this meets all the standards and requirements of the Land Development Regulations and the Comprehensive Plan.

**Questions for Staff**

None offered.

**Applicant's Presentation**

**Carl Barraco, Jr, Barraco & Associates on behalf of the applicant for Tuckers Point**, states he agrees with staff's recommendation of approval and here to any questions the board may have. There are a few conditions that will need to be satisfied prior to final platting.

**Public Input**

None offered.



**Rebuttal**

**Mr. Bertsson** explains the name of the plat is the Babcock Neighborhood School Plat. The school does not own all the land in the plat, they will only own certain parcels within the plat. There is a lake behind Ms. Hinks house, it is Tract D-101 which means Drainage 101. It is a tract that will be owned by ISD, which the ISD owns lakes. Lakes are all public lakes, they are not private lakes and the ISD has adopted fishing and lake guidelines governing public fishing on the ISD lakes, which might be subject to change at a public hearing of the ISD. The shelter (Field house) is owned by the ISD not the school, which they can lease or make other arrangements. Again, this is a plat. That is simply creating parcels of land, that is not authorizing any development of any kind. He hopes this resolves any issues they may have.

**Questions**

**Mr. Baker** asked where is the lake exactly? **Mr. Cullinan** explained these are old aerials from 2020, we hope to have new aerials by 2023. **Mr. Bertsson** explains that you can see various shapes on the map, those were all upland at point and the lakes were dug to create fill for the surrounding development. Google Earth shows there is a lake where Tract D-101 is.

**Mr. Vieira** asked is the lake located to the north of Corkwood Bend Trail? That's in existence today? **Mr. Bertsson** answered yes. However, it's part of a large piece of tract right now. All of this is one large tract and now this is cutting it up into the pieces.

**Discussion**

None offered.

**Recommendation**

**Mr. Vieira** moved that **PP-22-02-06** to the Board of County Commissioners with a recommendation of **Approval**, based on the findings and analysis in the staff memo dated **June 1, 2022**, 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.

Audio Timestamp 1:46

3.) **PP-22-03-07**

Quasi-judicial

Commission District III

Lennar Homes, LLC. is requesting Preliminary Plat approval for a residential subdivision to include 171 lots and 7 tracts, to be named Lake Emily. The property contains 176.34± acres, and is located southeast of Casa De Meadows Drive, south of the Avenue of Americas, north of Cypress Road, and west of Winchester Boulevard in Section 16, Township 41 South, Range 20 East, in Commission District III.

**Shaun Cullinan, Planning and Zoning Official** provided the findings and analysis for Petition **PP-22-02-05** with Staff finding this meets all the standards and requirements of the Land Development Regulations and the Comprehensive Plan.

**Questions for Staff**

**Mr. Bigness** commented that there were a couple of replies from the county from various of departments, are any of those conditions? **Mr. Cullinan** replied yes, those would also be conditions. Typically, if he says staff find it meets it, it's implied that it's with those proposed conditions. There are always items that need to be addressed before going to Mylar and Final Plat. The purpose of the Preliminary Plat is more to just give what it's going to look like. The actual final documents for conveyances purposes are the Final Plat, that's where you have essentially everything you need to finally formally cut that land into sellable pieces.

### Applicant's Presentation

**Rob Berntsson, Big W Law on behalf of the applicant**, comments that Lennar is working to bring a residential community to this site. This was the former excavation for many years. There was an air curtain incinerator for a number of years as well. Now with the lake completed Lennar is looking to complete the subdivision and coming for Final Plat.

### Public Input

**David Brooks, lives at lot #3 off of Casa De Meadows Dr**, explains that since he's lived here no one has ever done anything with this property. Except when the current owner started his business in there. People would drive down there and climb over the fence because they thought it was a public access way. He explains that he had plans sent to him that shows an emergency access road, 20 ft wide running through his easement. However, he doesn't see it on this. Is this something that has changed? He explains that an easement is normally made for underground utilities and electrical. He feels there's no need for an emergency access road or sidewalk there. **Mr. Cullinan** explains that from his understanding that easement was put into place prior to the creation of Winchester Blvd. Winchester Blvd was just platted lots in that area, it never existed as roadway until about a few years ago. There was access through that. That is a private agreement between parties, there is only one entrance in here. In the plans there is a requirement for stabilized surface for emergency access, that is required. For if something were to happen there is a secondary means of entrance, just for emergency purposes only. As it stands right now, that is a valid easement and may be used by the property owners. **Mr. Brooks** expresses that he would just like to be in the know of what may or may not go into the easement.

**Thomas David, Assistant County Attorney**, suggested to the chair for **Mr. Brooks** to speak to the applicant's attorney. However, as **Mr. Cullinan** said that easement would not be a subject of this application today.

**Mr. Vieira** asked for **Mr. Cullinan** to defined what a stabilized access is? He recalls in the past we've had similar situations like this, where we've had limited access barriers installed when site has been designed.

**Mr. Cullinan** explained what will occur is the fire department they will define what the parameters are. He's seen everything from stabilized grass surface with a gate in the wall and a knox box. He's also seen it be paved minimum width for what is necessary or concreated in order to have fire apparatus be able to get in and out. He's seen it both ways of stabilized grass, shell or actually paved surfaces. That would come at the final approvals for the site plan.

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

### Questions

**Mr. Gravesen** asked **Mr. Cullinan** if the easement exists and is recorded now? **Mr. Cullinan** answered yes. That easement was put into place when Casa De Meadows was created. **Mr. Cullinan** also explains that typically stabilized/emergency access points are gated with a knox box so that the fire department can get in there in case of an emergency. **Mr. Gravesen** inquired when are these going in front of the Board of County Commissioners (BCC)? For the public to know that this will come before the BCC. **Mr. Cullinan** replied he believes in July and apologizes for not knowing the exact date.

**Mr. Berntsson** stated for the record that he gave **Mr. Brooks** his card and since Mr. Brooks is represented by council his attorney will need to contact **Mr. Berntsson**. That easement has been in place and is not part of the plat because he owns the property that is subject to an easement. Which you can not plat over someone else's property, that's why it's not shown on the plat. There is discussion that there would be an emergency access. Typically, it's stabilized grass with a gate that allows the emergency vehicles to get into. It is not intended for public access.





**Mr. Baker** commented that he sees there's an easement going back to the county on these, is that so if the county needs to get in to do drainage and so forth, they still have the ability? **Mr. Cullinan** responded an easement is solely for maintenance and operation verse it being the actual under dredged land. This now becomes this property owners land, we as the county has an easement but solely for maintenance and operations but they would still own that underlying land.

**Mr. Bigness** asked is that considered to be wetlands? **Mr. Cullinan** replied wetlands would be classified at the time of permitting because of the number of factors that goes into determining wetlands.

#### Applicant's Presentation

**Tyler Canfield, owner of one of the properties**, states he is the property owner for the SV-22-03-02 and accepts the staffs report. He is happy to answer any questions they may have.

#### Applicant's Presentation

**Rob Berntsson, Big W Law on behalf of the second applicant**, states he join in the staff report He points out a benefit because there currently is not a canal maintenance easement along the edge, and it's being provided. The county is now getting a benefit that otherwise it didn't have. He respectfully requests the board's approval.

#### Public Input

None offered.

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

#### Discussion

None offered.

#### Recommendation

**Mr. Vieira** moved that **SV-22-03-02** to the Board of County Commissioners with a recommendation of **Approval**, based on the findings and analysis in the staff memo dated **June 1, 2022**, 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 **SV-22-03-03** to the Board of County Commissioners with a recommendation of **Approval**, based on the findings and analysis in the staff memo dated **June 1, 2022**, 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.

Audio Timestamp 2:22

**7.) 22LAD-00000-00001**

**Quasi-Judicial**

**Commission District I**

A Resolution pursuant to Section i. Condition 12.(e)(3). of the Sandhill Development of Regional Impact (DRI) Development Order, Resolution Number 2021-096, Section 380.06(7), Florida Statutes (F.S.), and Section 3-9-10.1, Development of Regional Impact Development Order (DO) Amendment Process and Procedure under Chapter 3-9, Zoning, Code of Laws and Ordinances, Charlotte County, Florida, amending the Sandhill DRI DO by 1) revising the buildout date to reflect the extension of the buildout date of this DO per the Governor's Executive Orders, and 2) incorporating the terms of a Local Government Development Agreement containing commitments from NGI Acquisitions, LLC, as the owner of Parcels C-19B and R-2, Tract 4 of the Sandhill DRI to provide a proportionate share payment to ensure transportation concurrency on Sandhill Boulevard from Kings Highway to Deep Creek Boulevard for development of 31.28± acres located at 24750 Sandhill Boulevard, in the Port Charlotte area; Commission District I; Petition No. 22LAD-00000-00001; Applicant: Port Charlotte Apartment Residences, 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.

**Jie Shao, Principal Planner**, provided the findings and analysis for Petition **22LAD-00000-00001** with a recommendation of approval, based on the reasons stated in the staff report.

#### Questions for Staff

**Mr. Vieira** asked where is the developer's responsibility in widening Sandhill Road to four lanes? Where does that occur on the property? According to the development order the developer is required to widen Sandhill Road.

**Ms. Shao** answered where that segment is located is between Kings Highway to Deep Creek Boulevard. **Mr. Vieira** replied would this then go with the newspaper report that he read about the county would like to discuss widening Kings Highway to DeSoto County line. **Mr. Cullinan** responded no sir. The item that was in the newspaper that he believes is going to the Commission meeting tomorrow, that's a segment just passed the entrance of Kings Way Golf Course as well just north of Wal-Mart, where it narrows down into two lanes. That area needs to be resurfaced, so instead of resurfacing something that will more than likely in a few years be torn up and formally widened the county is purposing to move with widening the rest of that segment into DeSoto county line. Instead of just repaving it and having to tare it up again.

**Mr. Vieira** asked for clarification; Sandhill Road would be widened from the RaceTrac complex back to Deep Creek Boulevard? **Mr. Cullinan** answered yes. The section you were referencing was along Kings Highway. We are looking to possibly widening that stretch because it's got to be resurfaced regardless. **Mr. Vieira** commented two different issues: One for safety and one for development.

#### Applicant's Presentation

**Geri Waksler, McCrory Law Firm on behalf of the applicant** comments that already in the county CIP is the widening of Sandhill Boulevard from two lanes to four lanes from Kings Highway to Deep Creek. When this project came in for site plan approvals one of the things done is a traffic study and another thing, they were asked to do is to look at a traffic study that identified what percentage of the traffic from this development affects that segment of Sandhill Boulevard. They then entered into a proportionate share agreement, which says they will contribute their proportionate share of the cost of widening. That is the agreement that was approved back in April of 2022. The Sandhill DRI development order requires that when you enter into an agreement like that relative to segments that are more considered as being impacted by the Sandhill DRI that you have to take the terms of that agreement and incorporate it into the development order. The development now makes reference to the agreement and the agreement as a whole is attached as an Exhibit and that's what you are considering today. We are simply following the dictates of the development order to incorporate an already approved agreement into that development order. With that she respectfully requests an approval.

#### Public Input

None offered.

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

#### Discussion

None offered.

#### Recommendation

**Mr. Vieira** moved that **22LAD-00000-00001** to the Board of County Commissioners with a recommendation of **Approval**, based on the findings and analysis in the staff report dated **May 24, 2022**, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, second by **Mr. Bigness**; and carried by a unanimous vote.





**13.) Z-22-47-14**

**Quasi-Judicial**

**Commission District I**

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Estate 5 (RE-5) (170.21± acres) and Agriculture (AG)(40.99± acres) to Environmentally Sensitive (ES), for properties generally located in Prairie Creek Park area and within the East County area (Location Map), containing 221.2± acres; Commission District I; Petition No. Z-22-47-14; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

**Jie Shao, Principal Planner**, provided the findings and analysis for Petition **CSZ-22-04, PAL-22-00002 and Z-22-47-14** with a recommendation of approval, based on the reasons stated in the staff report.

**14.) CSZ-22-05**

**Quasi-Judicial**

**Commission District I**

Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for certification of Sending Zones, located in the Washington Loop area and within the East County area; containing 50.41± acres; for calculation and severance of 34 density units, in accordance with Part III Land Development and Growth Management, Chapter 3-9 Zoning, Article V Environmental Requirements and Other Requirements, Section 3-9-150 Transfer of Density Units (TDU), of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. CSZ-22-05; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

**15.) PAL-22-00003**

**Legislative**

**Commission District I**

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 amendment request is to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Rural Estate Residential (RER) (52.25± acres) and Agriculture (AG) (37.15± acres) to Preservation (PR) with an annotation to the 2030 Future Land Use Map limiting the residential development rights to 0 units; for properties generally located in the East County area and in the Washington Loop area (Location Map), containing 89.40± acres; Commission District I; Petition No. PAL-22-00003; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

**16.) Z-22-39-15**

**Quasi-Judicial**

**Commission District I**

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture (AG) (37.15± acres), Residential Estate 5 (RE-5) (13.35± acres) and Residential Estate 1 (RE-1) (38.9± acres) to Environmentally Sensitive (ES), for properties generally located in the Washington Loop area and within the East County area (Location Map), containing 89.4± acres; Commission District I; Petition No. Z-22-39-15; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

**Jie Shao, Principal Planner**, provided the findings and analysis for Petition **CSZ-22-05, PAL-22-00003 and Z-22-39-15** with a recommendation of approval, based on the reasons stated in the staff report.

**Questions for Staff**

**Mr. Baker** asked on the Environmentally sensitive, you mentioned Scrub Jay could the county use that for the gopher tortoise relocations as well? **Ms. Shao** called up **Tina Powell, Parks and Natural Resources Manager**, commented the majority of these properties are not big enough. You need 40 contiguous acres for it to be classified as a long term protected recipient's site. The one property that could be which was in the first application that southern most one, the current density onsite of gopher tortoise would preclude it from being permitted at this time. It has too many tortoises on it.

**Mr. Baker** asked what precluded the county to buy these, it seems that random pieces of property has been grabbed from District 1. **Ms. Powell** explains the scrub jay habitat conservation plan focused on purchasing lands where scrub jays could survive long term in perpetuity, it's through a federal permit. The majority of the remaining scrub habitat is in District 1 and Eastern Charlotte County. The area that seems like random pieces are areas that are upland areas that are part of the scrub jay habitat conservation plan. Some of the more wet areas were part of the settlement with Little Pine Island mitigation bank, where the county received a percentage of funds from

county projects that were paid into that bank to purchase high tract and wetlands habitat within Charlotte County. **Mr. Baker** asked will these lots that are sporadically amongst families, will the county maintain them? **Ms. Powell** answered we own the majority of the lots surrounding these ones and we maintain them.

**Mr. Vieira** commented because of the location of these lots in various locations, there are other owners that surround those properties, so this act that we are going to consider today; does it impede an existing owner from being able to develop their lot? **Ms. Powell** replied no, this only applies to the properties the county purchased. **Mr. Vieira** asked does it preclude the development of any roadways into those areas either? **Ms. Powell** responded no it does not.

**Mr. Baker** asked would the TDUs that are going away here, would they be banked and allowed to be put somewhere else, or are they just going away? **Ms. Shao** responded we just certify the density, and the county will hold all of the certificates and based on Board of County Commissioners direction in the future.

**Asst. County Attorney David** commented to answer your question directly is yes. The county will retain them in a bank.

**Mr. Vieira** inquired on the federal permit that was mentioned, does the federal government prescribe what has to be done with those lots? Also, what timing do they prescribe? For instance, he referred to a burn, is that prescribed by federal law to occur at a certain time, is there a schedule that is implemented for that to happen? **Ms. Powell** answered prescribed burning is included in the county's habitat conservation plan and incidental take permit from the US Fish and Wildlife services. It is not prescribed on a calendar basis; it's based on the condition of the habitat and that the county manage scrub to habitat to optimal conditions. They do an annual report to the service and report how many acres we treat mechanically, how many we burn and then they do site visits at their determination.

**Mr. Bigness** inquired if this pertains to the letter that they have received, about the hazmat conditions and burn concerns? **Asst. County Attorney David** commented yes that the letter has been made part of the record.

**Asst. County Attorney David** asked **Ms. Powell** on a prescribed burn, can you talk about what would preclude the county from burning a property, in other words if it was adjacent to an occupied property, is any of that covered in the permit? **Ms. Powell** responded having homes directly adjacent to a property doesn't necessarily preclude it from being burned, under a prescribed burn. However, any prescribed burning that is done is done by a state certified prescribed burner. We have three currently on our staff and every permit has to be approved by the Florida Forestry Service a week prior and the day of prescribed burning. They are not going to issue permits with conditions that would potentially damage neighboring properties. The county has had a prescribed burn program since 2002.

### **Public Input**

**Janet Laird, Prairie Creek Park resident**, comments she would like to speak about items 11-13, with a request for the board to not approve the applications. One reasoning being, she has found some material errors found in the applications. At the end of the application there is a list of lots; there's an address 5501 Cypress Grove Circle, that parcel she has no issue with as part of the application process. Then there's another address 17551 Wood Path Court, that she does not believe is shown on the map provided, with another item, 17701 Wood Path Court and also is not on the map as identified parcel on this application. Finally, there's another item, 17751 Wood Path Court and is not on the map and is described as lot 6, block 9, and all three of these applications. She believes the error should be that it is lot 8. If it is going to be lot 8 it should be a different parcel number, parcel number 402413276002, that parcel and lot 8 and lot 7 were both transferred from the same owner to Charlotte County in February this year. She is also concerned about transferring this residential property to preserve and environmentally sensitive status, because it prescribes burns. She expressed that she noticed that other citizens here today that spoke on other petitions had paper that looked like notices about an application taking place. She

lives adjacent to one of the parcels in this application and received no notification. There was a handwritten sign placed at the entrance of her subdivision, she found out about this by seeing the publication on May 29<sup>th</sup> in the local paper. Then she expressed the process of her rating the information and suggested for the notices to be revised to state the date the information will be available to the public.

**Bradley Teets, submitted an email that was entered into the record,** commented that when he lived in the city, anyone within a prescribed area of a zoning change would receive a letter in the mail. With all the people that he has spoken too, no one received a letter in the mail, other than the sign board that was stuck at the entrance. He discovered a 2021 Charlotte Sun article about the scrub jay situation, and it mentions a consultant that regardless of Charlotte does with various different options that perhaps the scrub jay would die off anyway and that it could not be prevented. If the scrub jay does pass away in Charlotte County, is it part of this plan that all of this land will be returned to its previous designation for habitat by humans? The burning is important because it is so close to residential properties that could cause for issues if the burn doesn't go right. Why is the state or government not paying for this if they want it done, instead of the taxpayers? He hopes this board has some prevue to put some stipulations on what the county can and cannot do. Instead of burns on residential neighborhood lots, that they should use; mulching, cutting or other methods. He's concerned with the burning could kill or cause a loss for the habitat that are in that area.

**Citizen, a resident of Prairie Creek Park,** commented that she noticed that with the environmental sensitive that you can have trails that people can walk and have signs. They have issues that in August people come in and pick the Saw Palmetto berries that houses rattle snakes, if the county has someone coming and picking the Saw Palmetto berries are they are going to liable for the people who get bit by the snakes? When was the last time and looked at the property?

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

#### Discussion

**Mr. McCormick** asked **Ms. Powell** if any mitigation is done on land that doesn't have birds and residents? **Ms. Powell** asked specifically for the scrub jay? Yes, there are some properties that are within the habitat conservation plan that we are supposed to acquire that are currently not occupied, that we have to do restoration and management of in preparation for birds to be there.

**Mr. Vieira** commented that several of the citizens spoke that they didn't receive notification, he would like some clarification on this. **Ms. Shao** explained that Section 3-9-10 amendments, under mailed notice, mailing notification may not be required for applications initiated by Charlotte County. We do not need to send any notification, however we followed section 125.66 FS- notification for ordinance- we advertised for items 8-16 with area map for the specific areas; Peace River Preserve, Prairie Creek Park and Washington Loop area. We published it 15 days before this meeting and also place the posting sign in front of the areas. **Mr. Vieira** commented that he wanted to make sure that there wasn't a mistake or if something got lost in the mail. **Mr. Baker** asked they don't do the 1,000-foot barrier that would normally be done? **Ms. Shao** said we don't if county initiated. **Mr. Cullinan** explained the reason for that is the county does a very large-scale rezones and plan amendments, the cost to do that would be extremely prohibitive. Even this because of notification cost and the number of people notified would be astronomical. Typically, when a private citizen is coming into do an amendment or change a rezone or plan amendment its on a singular piece of property which is much more manageable for advertising and mail notice purposes. **Mr. Baker** commented he know the CSZs seem to be more in residential areas, he agrees with the citizens the county ought to be able to handle scrub jays without going into subdivisions. Where if we burn, we are going to burn next to people's house. His comment would be that he would be against those tiny lots becoming a management nightmare.

**Ms. Powell** stated the lots the county is purchasing through the habitat conservation plans are the specific lots the federal government told us we would need to purchase to meet our mitigation requirements. Purchasing

orange groves or agricultural lands don't contain scrub jay habitat, it's not something that would qualify to meet our permit conditions. **Asst. County Attorney David** asked **Ms. Powell** how many acres was acquired so far in Prairie Creek Park or the size of the lots generally? **Ms. Powell** answered their individual lots are roughly about 5 acres, she does not have the specific acreage. However, for the plan as a whole we have inquired approximately 400 acres to date. **Mr. Bigness** commented that he can see value and diversification of having some different lots. It seems to make more sense from a management perspective as far as resources, if they could cluster a little better. **Ms. Powell** replied unfortunately it's the only habitat left and for the US Fish and Wildlife Service (US FWC) to issue our permit they prescribe the areas where we have to purchase land, and this is the only viable scrub jay habitat that could even be combined to make larger parcels. The basis to our plan is two existing preserves, Prairie Creek Preserves and Shell Creek Preserve as well as the Peace River Preserve area. The design of the Washington Loop parcels as well as these is to create a genetic steppingstone for the birds. As more development pressure happens in the Deep Creek and Harbor Heights area that they can eventually move over to these long-term preservation areas. If the rezoning were to fail, they would continue to do what they are doing now, which is to manage it.

**Asst. County Attorney David** comments the primary purpose of this was to make sure the density was removed, and they want to keep it in environmental protection forever. **Ms. Powell** provided background information on the habitat conservation plan; the plan requires us to manage these properties in perpetuity. Even if the species were to decline and no longer be present on the properties without an amendment to that permit approved by the US FWC, they never revert to anything. They will continue to be conservation lands with or without scrub jays, unless the federal government chose to change our permit. Additionally, particularly in Prairie Creek Park area, because this is a private community, we will not be installing any trails, there will be no public access to these properties. They are just going to be maintained and managed for the species. **Mr. Bigness** asked in an event there was a control burn and it did get out of hand and multiple residential properties were lost, how is the county situated to handle that? **Asst. County Attorney David** replied the county is subject to liability for any kind of negligence.

**Mr. Baker** asked these resolutions and amendments that we are considering if they were voted down by the Commissioners the property that has been bought, has it been stripped from its TDUs and designations? **Asst. County Attorney David** replied they have not been stripped yet. This is the process we are going through right now to remove the density units and to place it under preservation. We are house cleaning and making sure that the zoning designation, the land use designation and the density matches the use of the property is.

Chair Gravesen commented that he thinks some of the items brought up by the public of the burning and the scrub jays those are good items to bring up. They are now before the staff as concerns and what the board has brought up as concerns. As the attorney said, this is more of a house keeping steps to be in compliance with the habitat permit from FWC.

#### **Recommendation**

**Mr. Vieira** moved that **CSZ-22-03** to the Board of County Commissioners with a recommendation of **Approval** to certify Sending Zones for multiple parcels, based on the findings and analysis in the staff report dated **May 20, 2022**, 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.

#### **Recommendation**

**Mr. Vieira** moved that **PAL-22-00001** to the Board of County Commissioners with a recommendation of **Approval** of transmittal of application **PAL-22-00001** to the Department of Economic Opportunity (DEO) and other State review agencies for review and comment, based on the findings and analysis in the staff report dated **May 20, 2022**, 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 **Z-22-48-13** to the Board of County Commissioners with a recommendation of **Approval**, based on the findings and analysis in the staff report dated **May 20, 2022**, 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 **CSZ-22-04** to the Board of County Commissioners with a recommendation of **Approval** to certify Sending Zones for multiple parcels, based on the findings and analysis in the staff report dated **May 20, 2022**, 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.

**Recommendation**

**Mr. Vieira** moved that **PAL-22-00002** to the Board of County Commissioners with a recommendation of **Approval** of transmittal of application **PAL-22-00002** to the Department of Economic Opportunity (DEO) and other State review agencies for review and comment, based on the findings and analysis in the staff report dated **May 20, 2022**, 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 **Z-22-47-14** to the Board of County Commissioners with a recommendation of **Approval**, based on the findings and analysis in the staff report dated **May 20, 2022**, 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 **CSZ-22-05** to the Board of County Commissioners with a recommendation of **Approval** to certify Sending Zones for multiple parcels, based on the findings and analysis in the staff report dated **May 20, 2022**, 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.

**Recommendation**

**Mr. Vieira** moved **PAL-22-00003** to the Board of County Commissioners with a recommendation of **Approval** of transmittal of application **PAL-22-00003** to the Department of Economic Opportunity (DEO) and other State review agencies for review and comment, based on the findings and analysis in the staff report dated **May 20, 2022**, 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 **Z-22-39-15** to the Board of County Commissioners with a recommendation of **Approval**, based on the findings and analysis in the staff report dated **May 20, 2022**, 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.

**Mr. McCormick** commented that he would like our consensus that we recommend strongly to staff and the county commissioners that prescribed burns on these properties be the last resort and that mechanical devices should be used regardless of the differential cost.

**Asst. County Attorney David** mentions the ExParte Communication Form has been updated and advised for them in case someone contacts you outside of the hearing, that this form gets filled out with as much information as possible to be put into the record for incase of questions it can be raised at a hearing.

**Mr. Vieira** mentions that he will not be in attendance for July's meeting, he will be traveling.

**ADJOURNMENT**

The meeting was adjourned at 3:30 p.m.

Accepted on behalf of the Charlotte County  
Planning and Zoning Board

A handwritten signature in cursive script, reading "Michael Gravesen", written over a horizontal line.

Michael Gravesen, Chair