

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

**March 11, 2024, 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. Clint Baker and Don McCormick were absent.

**Approval of Minutes – February 12, 2024, Regular Meeting**

The February 12, 2024, minutes were approved as circulated.

**Announcements**

None offered.

**PETITIONS**

**1.) PD-23-00007**

**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 in order to have a residential development up to 1,762 dwellings units (a reduction of 341 dwelling units); adopting the General PD Concept Plan; requiring a transfer of 1,311 density units to reach the maximum of 1,762 dwelling units; for property, including three parcels, located at 12390, 13250 and 13280 Burnt Store Road, within the boundary of the Burnt Store Area Plan and in the Punta Gorda area, containing 425.93± acres; Commission District II; Petition No. PD-23-00007; Applicant: Burnt Store Developers, LLC; providing an effective date.

**Jie Shao, Principal Planner**, provided the findings and analysis for Petition **PD-23-00007** with a recommendation of approval based on the reasons stated in the staff report.

**Questions for Staff**

**Mr. Vieira** asked under concurrency issues with water and sewer, and it says that Charlotte County Utilities presently has the capacity to serve the proposed residential development. With all the development that's going on down along there, where do we get to a point of saturation. Is it developments come to the table first.

**Mr. Cullinan, Planning and Zoning Official**, replied yes that's typically how the concurrency works. The county had already in it's long range planning and I believe and this is not direct testimony but I believe there out in procurement already for expansions of that existing. Possibly in design of the existing Burnt Store Road plan. One of the developers is upfronting the cost of running the lines up front, in front of these projects on Burnt Store Road and they'll be able to recoup some of those costs. But yes, the county has the capacity and we've got already in house and working on plans for expansions of the current Burnt Store facilities.

**Applicant's Presentation**

**Derek Rooney, Gray-Robinson Law Firm, representing the applicant,** states he accepts Jie as an expert, and we agree to all the conditions in the proposed PD. I have the entire development team here if you have any specific questions and we are prepared to move forward and make a presentation if you would like us to move forward with that. We can do a shortened presentation, or we can wait until after public hearing to see if there is any answers that we can provide. But I want to give you the options since I know you have a full plate today.

**Public Input**

None offered.

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

**Discussion**

**Mr. Gravesen** said staff did a fairly good presentation so we kind of know what's going on down there, it's a busy area. A little reduction in what they could have put in there in some density, but they still have to acquire a lot of the transfer.

**Mr. Vieira** asks a question about the archeological site, is there any kind of protection on that site at this point in time?

**Mr. Cullinan** replies state preservation laws is my understanding would be the only things currently. This area I believe and is part of a creek that was always slated to be, and Jie will correct me if I am wrong. But under preservation under the original PD that went thru here. So yes, but there is also preservation laws that if you find any remains and kind of historical significant items that you have to immediately stop and notify the state, other agencies things like that.

**Mr. Rooney** said Mr. Vieira if you don't mind, I have just one thing. We heard from the county late on Friday that there was a possibility of an area of being disturbed a gravesite, and myself, and Carl Walker Jr. from Barraco Associates were out there this morning. We walked the property for over two hours, we did find the gravesite, it is actually in the preserve area of another project. So, we drove the property spoke with the prior owners who showed us some of the locations, from what it appeared all of those locations did appear to be in preserve or adjacent properties. We marked them off and I will provide all that to the county.

**Mr. Cullinan** replies, and we do appreciate that, there was a fire drill at the very late on Friday afternoon and they were able to get out there before this hearing just in case there were some things that were not known about prior to construction.

**Recommendation**

**Mr. Vieira** moved that **PD-23-00007, with conditions "a" through "t"** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated **February 29, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

**2.) PAS-23-00007 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 Public Lands and Facilities (PL) (6.52± acres) and Low Density Residential (LDR (3.81± acres) to Commercial (COM); for property located at 5221 and 5225 Taylor Road, in the Punta Gorda area, containing 10.33± acres; Commission District II; Petition No. PAS-23-00007; Applicant: Scenic View V, LLC; providing an effective date.

**Jie Shao, Principal Planner, provided** the findings and analysis for Petition **PAS-23-00007** with a recommendation of approval based on the reasons stated in the staff report.

**3.) PD-23-00010 Quasi-Judicial Commission District II**

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Estate 1 (RE-1) to Planned Development (PD), and adopting its associated General PD Concept Plan, in order to have a maximum of 145,000 square feet of "Storage" pursuant to the County Code sec. 3-9-2: Rules of Construction; Definitions, including 11 buildings and no more than 68,000 square feet dedicated to Recreational Vehicle storage, for property located at 5221 and 5225 Taylor Road, in the Punta Gorda area, containing 10.33± acres; Commission District II; Petition No. PD-23-00010; Applicant: Scenic View V, LLC; providing an effective date.

**Jie Shao, Principal Planner, provided,** provided the findings and analysis for Petition **PD-23-00010** with a recommendation of approval based on the reasons stated in the staff report.

**Questions for Staff**

None offered.

**Applicant's Presentation**

**Derek Rooney, Gray-Robinson Law Firm, representing the applicant,** we agree with all the conditions, and I'll point out that for the additional buffers that'll go beyond the code, those are to the existing residences. Ms. Shao indicated they're a type D, we're going to do a solid wall in those. That could have been a condition of a type C, so essentially what you are going to get a solid wall on all those properties, and type D buffering for trees. So, it will be an additional landscaping on the exterior of the wall facing those properties.

**Public Input**

None offered.

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

**Recommendation**

**Mr. Vieira** moved that **PAS-23-00007** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated **February 26, 2024**, 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 **PD-23-00010, with conditions "a" through "I"**, be sent to the Board of County Commissioners with a recommendation of Approval with conditions "a" through "I", based on the findings and analysis in the staff memo dated **February 26, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

**4.) PAS-23-00006 Legislative Commission District V**

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 Public Lands and Facilities (PL) to Parks and Recreation (PKR); for property located at 21125 McGuire Avenue, in the Port Charlotte area, containing 4.96± acres; Commission District V; Petition No. PAS-23-00006; Applicant: Tina Powell, Charlotte County Parks & Natural Resources Divisions Manager; providing an effective date.

**Jie Shao, Principal Planner, provided,** provided the findings and analysis for Petition PAS-23-00006 with a recommendation of approval based on the reasons stated in the staff report.

**5.)                    Z-23-05-20                                    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 (RSF-3.5) to Parks and Recreation (PKR), for property located at 21125 McGuire Avenue, in the Port Charlotte area, containing 4.96± acres; Commission District V; Petition No. Z-23-05-20; Applicant: Tina Powell, Charlotte County Parks & Natural Resources Divisions Manager; providing an effective date.

**Jie Shao, Principal Planner, provided,** provided the findings and analysis for Petition Z-23-05-20 with a recommendation of approval based on the reasons stated in the staff report.

**Questions for Staff**

None offered.

**Mr. Cullinan, Planning and Zoning Official,** explains this is part of an ongoing project that has been going on for a number of years now. Because this one had the future land use of public lands of facilities there is no density to sever off and put into our bank of density. But if you recall you've done a number made recommendations on a number of those. Where we also have corresponding certifications of density, that is not the case here. But this is part of that ongoing process.

**Mr. Gravesen** asks changing over to parks and rec, the PKR is that help you identify the acreage? I know years and years ago it's the comprehensive plan you had to have so much of parks and rec to be in compliance, I want to say concurrency.

**Mr. Cullinan** answers correct that requirement is not really anymore under statute, concurrency standards were widdled down throughout the years more so for mostly transportation and water and sewer capacity. We do still have certain levels of service, but we do have a number, and we already meet that. Again, this isn't functionally changing the use of it, it's just changing the colors on the map.

**Asst. County Attorney Thomas David says Mr. Chair** just to add a little bit more to that. Parks and Rec, the department community services does the, there's all kinds of events and activities that go on there their parks that would not be allowed under residential zoning. That is one on the reasons why they're wanting to make all their zoning consistent throughout the county so they can do all the stuff that they generally do. Sometimes they'll have farmers markets whatever and none of that is allowed in residential.

**Mr. Vieira** asks one other question, just the bottom of that lot's one, two and three how do they figure into that cause they were designated in the previous slide.

**Mr. Cullinan** said those are all privately owned, I believe those maybe some affordable housing type of things. But those are not subject to this at all, this is solely focusing on the counties.

**Mr. Vieira** asks are they county owned properties?

**Mr. Cullinan** answers no sir they are privately owned.

**Mr. Gravesen** speaks to **Mr. Cullinan** and **Mr. Vieira** and has a small discussion.

**Public Input**

None offered.

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

**Discussion**

None offered.

**Recommendation**

**Mr. Bigness** moved that **PAS-23-00006** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated **February 24, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today’s meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

**Recommendation**

**Mr. Bigness** moved that **Z-23-05-20** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated **February 24, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today’s meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

**6.) TCP-24-01 Legislative County-wide**

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment (Text Amendment) to the Department of Commerce and other State review agencies for review and comment; this request is to amend the Potable Water and Sanitary Sewer subelement under the Infrastructure Element by revising WSW Policy 3.3.3: Community Utility System Reporting and creating a new WSW Policy 3.3.4: Feasibility of Providing Sanitary Sewer Services; Petition No. TCP-24-01; Applicant: Dave Watson, Utilities Director, Charlotte County Utilities; providing an effective date.

**Jie Shao, Principal Planner, provided**, provided the findings and analysis for Petition **TCP-24-01** with a recommendation of approval based on the reasons stated in the staff report.

**Questions for Staff**

**Mr. Vieira** asks just for clarification, based on some recent conversations I’ve had. Is this just for within the urban service area or is this outside of the urban service area?

**Mr. Cullinan, Planning and Zoning Official**, answers statute states that any development more than fifty residential lots yes, this kind of came out of nowhere as an essentially a growth management aspect. By that I mean requiring changes to comprehensive plans. But put into water and you know utility provision bill, so we have to do this by statute, it’s purely mandated so that’s why but yes, it could be mandated for outside the urban service area as well.

**Mr. Vieira** says just a little bit further for clarification under 3.3.3 does that mean that the county is obligated to start monitoring or collecting data and make a proposal toward expanding sewer services to those area that don’t have more than fifty units?

**Mr. Cullinan** says so the existing platted residential lots that we have, there is more than fifty obviously in all those plats. But yes, and that is part of what utilities is doing, they are currently working on their water and sewer master plan updates. So, these things will need to be taken into account with all of their water and sewer master plan updates.

**Mr. Gravesen** says follow along on that was the legislature that used the word development. Like I'm keying on that word development because Port Charlotte is all platted in development. Since you brought up there is some things out in east county that are platted and are developments. If you could define development by a plat out in the rural section. My question was going to be do we have a definition of development either in a comp plan or in the legislature. So, if we could distinguish a little bit old, new, development to some people is going to a walled community, others are going to be something new being done. Somebody wanting to create a problem of will say Port Charlotte is all development because it's all platted.

**Mr. Cullinan** answers that is how we are understanding this bill, that it was intended to address some of these older antiquated subdivisions such as Charlotte County. We do have a definition of development within the comprehensive plan and basically you do anything to land including cutting it up on paper through subdivisions is considered development under that.

**Mr. Gravesen** asks do you see any of the other counties or cities having addressed this yet or is this all going to come flowing through the state in June. So, you don't have a clue as to how some interpretations are going to be?

**Mr. Cullinan** answers we have not reached out to any of the other jurisdictions. This applies statewide so, all jurisdictions will need to have this. The way it was written it is very specific as to the wording of how, this is essentially copying it from statute because it was very specific as to the wording. We've done a few other amendments such as this from previous legislation where if you remember the property rights element. It is very specific as to the statute states the items that you have to have written into your comprehensive plan and basically this is the same situation.

**Ms. Shao** said I did reach out to surrounding and they have not done, I think like same shao mentioned for property rights, I think while ahead of we did it.

**Mr. Cullinan** said you have a deadline of July 1 so, we don't go up against the state.

**Mr. Gravesen** said if you can, you've put this in because that's what the statute says to do. Can you add a definition to this policy, WSW policy just to add a definition of what you might mean by developed or development. Just to maybe head off some lawsuits or something or potential and make the state change it on you.

**Asst. County Attorney Thomas David**, said I think that what Shaun is saying, I think that is what we agreed to do here is to put this language into the comp plan, with using the statutes direction as the where the language was derived. I think at some stage we're gonna have to, we may be required at some point internally at the county to determine what that word means. But on the other side of this, I don't know exactly how that other provision there. It says with more than one onsite sewerage treatment and disposal system per acre, what that means exactly. Because a vacant lot that has no septic system would not fall under this, the way I read it.

**Mr. Gravesen** speaks and has a discussion with **Mr. Cullinan** and **Asst. County Attorney Thomas David** regarding this.

**Mr. Bigness** said I just wanted to share quickly, kind of on one hand it's gratifying to see they are looking ahead. We had a project about 2005-2006 timeframe a multifamily eight units and we had permitted, we had paid water, we had water service and when we called CCU to hook up they told us there was no capacity on the system. The projects all done, and you can imagine that's kind of a scary phone call. Eventually we worked through it, but it astonished me how you can make that phone call and get that reply. Hopefully this is a way of looking forward.

**Asst. County Attorney Thomas David** said the utility folks will tell you they're doing everything they can to try to set the county up to be able to manage all of the future development. But if you watched any of the board hearings on the subject of that. The facility of the Burnt Store area facility specifically, the numbers came in much,

much higher than what they were projecting. So, I know there's a lot of people sharpening pencils in that utility department. Trying to figure out how because you asked the question earlier what happens if. It's basically first in first out you know. If you're in the door and you get there, it's a little bit like the transportation currency same thing. There is going to be a little bit of rush to get that utility service and at that point, the utilities are going to have to say just like they said to you. There isn't sufficient capacity and we're trying to build it, but you can only do what you can do for what the system will allow. It is kind of constraint on development.

**Mr. Gravesen** asks any other discussion?


**Recommendation**

**Mr. Vieira** moved that **TCO-24-01** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated February 24, 2024, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

**ADJOURNMENT**

The meeting was adjourned at 2:17 p.m.

Accepted on behalf of the Charlotte County  
Planning and Zoning Board



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Michael Gravesen, Chair