

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**

*February 8, 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 – January 11, 2020 Regular Meeting**

The January 11, 2020 minutes were approved as circulated.

**Announcements**

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

Shaun Cullinan, Planning and Zoning Official, announced that item #2, PP-20-12-18, is being continued to March 8<sup>th</sup>, 2021. Also, Mr. Cullinan stated that already on the agenda for a continuance is TLDR-21-01, to March 8<sup>th</sup>, 2021.

**PETITIONS**

Audio Timestamp 1:3

**FP-20-09-13**

**Quasi-judicial**

**Commission District IV**

Frank Tenteromano has requested Preliminary & Final Plat approval for a four-lot Minor Subdivision to be named North Casper. The site is 4.45 ± acres located at 1157 Casper Street, Port Charlotte, FL.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition **FP-20-09-13** with a recommendation of approval, based on the reasons stated in the staff report.

**Questions for Staff**

**Mr. Bigness** asked for lot number 1 is there anything for access? Isn't this separated by water?

**Mr. Cullinan** answered when it was platted, a natural water body cut's through. This is considered part of these lots. They have been working with the other lot owners to build a potential bridge. The applicant could potentially bridge directly from lot 1 to lot 1, but it does have to stay in ownership. It could not be set off as a separate lot because that would be more than the requirements for the minor subdivision.

**Applicant's Presentation**

**Robert Berntsson, Esq. Big W Law Firm**, states he is here on behalf of Mr. Tenteromano. This is a four-lot minor subdivision. The intention is, for lot 1 to have the extra pieces of land, so to speak. At this time, the intention would be that they would build on the road side of lot 1 and then they would have the other 3 lots.

**Mr. Gravesen** asked even if there's no bridging, could they build structures over on the west side?

**Mr. Cullinan** answered yes, as long it met the requirements of the code. A dock could be built into the canal, as long as they met the requirements of the zoning code.

**Mr. Gravesen** asked could they put any housing unit out there on the east side?

**Mr. Cullinan** stated theoretically yes, they could. If it meets the requirements of the code, such as set backs from wetlands, and things like that.

**Mr. Gravesen** was just checking if there were any limitations. He wasn't sure if county or the Fire department would have any issues accessing the property.

**Mr. Cullinan** said most people build here on this site and they may go across with a culvert pipe decades ago for a bridge. We looked at old aerials in the 1960's and 1970's. Some go through Army Corp of Engineers to get permits.

**Mr. McCormick** asked if the water was tidal?

**Mr. Cullinan** answered yes, it's a half a mile away from the Myakka River.

**Public Input**

None.

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

**Recommendation**

**Mr. Bigness** moved that **FP-20-09-13** be sent to the Board of County Commissioners with a recommendation of Approval, based on the staff report dated January 7, 2021 presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

Audio Timestamp 1:39 p.m.

**PAL-20-00004**

**Legislative**

**Commission District V**

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 Parks & Recreation (PKR) and Public Lands & Facilities (PL) to Commercial (COM); for property located 2025 Tamiami Trail, in the Port Charlotte area, containing 11.94± acres; Commission District V; Petition No. PAL-20-00004; applicant: Save-it-All Self Storage, LLC; providing an effective date.

**Laura Tefft, Senior Planner**, provided the findings and analysis for Petition **PAL-20-00004** with a recommendation of approval, based on the reasons stated in the staff report.

**Questions for Staff**

**Mr. Vieira** asked if the portion that is parks and recreation right now, is the intention for it to stay parks and recreation?

**Ms. Tefft** answered no, it would go to commercial when it's subdivided.

**Mr. McCormick** asked the property fronts on 41, how do people access the adjacent lots NW? If all there is, is a canal?

**Mr. Cullinan** answered there is a paper street that appears to have supposed to be bridged at some point, it's a paper subdivision. The zoning being commercial, it appears that the P2-1-1 is an easement in order to get in from directly US-41.

**Mr. Bigness** asked if there are any conditions?

**Ms. Tefft** answered this is a future land use map amendment, we are not allowed to condition those.

**Applicant's Presentation**

**James W. Herston, Applicant**, comments he has been sworn and that he has personally reviewed the report and that he doesn't have much more to add to Laura's report.

**Public Input**

**Carl Adams, lives at 1071 Seacrest Dr**, which would be lot #4. States he has been sworn, and has questions and wants to know is this where he needs to ask them?

**Mr. Gravesen** replied you can ask the board; however, they are not going to answer them. If you have some questions that you don't care if they are on record or not. I would get with Mr. Herston and have him go over those.

**Tom Muller** comments that he has studied the parks and recreation master plan, which he thinks was very well done. Going through that, it seems like in the year 2020 were already behind in acreage by about 30 acres. If we project forward to 2050 in your plan, we will have a deficit of 570 acres. He wonders why are we passing up an opportunity to perhaps get land that would fit in parks and recreation? The land itself he thinks is well suited to be a park. He brought in some photos to show the board, that were put into the record. He suggests that we rethink the whole thing and perhaps put off this decision. He's attempted to reach out to FPL, he believes he could get through to them. To request for them to donate the property to Port Charlotte or perhaps have FPL put in their own park and maintain it.

**Stacie Nettlesheim**, states that she lives across the canal from this property. She expresses her concerns for our environment and would like for them to consider leaving this a park area or even just trees.

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

**Rebuttal**

**Mr. Herston** addressed Mr. Adams and stated that they do not have a site plan developed yet. However, Mr. Herston objects to the fact that they are going to clear the land. He is just as concerned for the environment and that he will meet up with Mr. Adams to discuss their plans.

**Mr. Herston** addressed Mr. Muller and stated that he will make an appointment with Commissioner Deutsch to have a sit down with Mr. Muller. For a discussion on the project.



There was some discussion about FPL using the location as storage.

**Mr. Viera** asked Mr. Herston what's the status of the warehousing? Is that FPL ware housing or is that a tenant situation?

**Mr. Herston** answered there is no ware housing that he is aware of but, he heard it was utilized by FPL employees as a "gathering spot".

### **Boards Discussion**

**Mr. Gravesen** commented on the parks and recreation partition of this, he has a feeling when the comprehensive plan was changed back in the 90s. That the park and recreation partition of this land was probably included on here because the county needed more parks and recreation areas. FPL allowed this area to be used by the Boy Scouts for picnics, etc. He believes that the comprehensive plan was set up with parks and recreation because FPL let Non-Profits use it for that purpose. Also, this site was used for FPL as an administrative area for this region, before the location in North Port was built. The applicant now is coming through to change the Featured Land Use Map, FLUM, because the FLUM and zoning do not agree. The applicant is coming forward and changing the zoning destination because it's in the 41-overlay district. This size parcel is large enough to do something with. It is zoned commercial to change the land use map to commercial will make those two items in agreement. He's in favor making the change with the staff report.

**Mr. Thornberry** asked if it's typical for to approve something like this before final plat or site plan being developed and zoned?

**Thomas David, Asst. County Attorney**, answered to the chair, this has to be done in this order. If the zoning and the land use on FLUM don't agree, then you have to make them agree. Otherwise, the property owner cannot proceed.

Mr. McCormick stated that he is support for this. That the individuals who came forward have great value concerns, which they will have an opportunity to speak with Mr. Herston and speak to the Board of County Commissioners.

It was discussed that this will come to the Board of County Commissioners on March 23, 2021 for a transmittal to the state, then it will come back to the Board in June. Information was given for anyone who has comments or objections to this, to attend the Commissioners meeting, in the afternoon on March 23<sup>rd</sup>. They were informed that they will be limited to 3 minutes to speak. Also, that this is one step and the Board of County Commissioners are another step. This is an advisory board.

### **Recommendation**

**Mr. Bigness** moved that **PAL-20-00004** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated October 05, 2020, along with the evidence presented at today's meeting, second by **Mr. McCormick**; and carried by a unanimous vote.

Audio Timestamp 2:13:16

**PD-20-00008**

**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 to allow for development of a manufactured home community, increasing density from six units to 230 units, for property located at 12150 Burnt Store Road, in the Burnt Store Area Plan area and in the Punta Gorda area, containing 68.43± acres; the subject property is part of the property for a PD rezoning, Ordinance Number 2007-059, which contains 78.56± acres; Commission District II; Petition No. PD-20-00008; Applicant: Simple Life Ventures, LLC; providing an effective date.

**Jie Shao, Principal Planner**, provided the findings and analysis for Petition **PD-20-00008** with a recommendation of approval with conditions, based on the reasons stated in the staff report.

**Questions for Staff**

None offered.

**Applicant's Presentation**

**Geri Waksler, McCrory Law Firm, representing Simple Life Ventures, LLC**, which is requesting a re-zoning from plan development to plan development on a 68.43 acres parcel located on Burnt Store Rd. The current planned development allows for 392 single and multi-family units. Simple Life's concept is to provide affordable low maintenance homes in an amenity rich community. Residents own their homes and lease the land on which they sit. This will be Simple Life's 4<sup>th</sup> tiny home community, it's 2<sup>nd</sup> in Florida. It will contain 230 cottages. Detailed information was given to the board along with a brochure of the community and the size and types of layouts for the cottages. Staff has found the rezoning to be consistent with the comprehensive plan. This presentation shows how the project meets the standards for approval of a rezoning. Simple Life Ventures, LLC accepts all the proposed conditions and request a recommendation of approval for this planned development of rezoning.

**Mr. Thornberry** asked is this for 55 years and older or is this for all ages?

**Ms. Waksler** answered this is for all ages.

**Public Input**

**Deborah Cope, lives in the area**, is concerned for the common areas that were discussed, which would be close to her property. She suggested for them to move them on the southern side of the site where it's adjacent to commercial. As appose to adjacent to residential.

**Mr. Gravesen** suggested for her to speak with Geri Waksler and Simple Life Ventures, LLC regarding her concerns.

**Raquel Perales, bought property in the area**, stated she was informed that she could build a modular home but not a manufactured home. Would she be able to get zoned in something similar to this parcel?

**Mr. Gravesen** suggested for her to speak to Mr. Cullinan for her answers.

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

**Questions for Staff**

**Mr. McCormick** asked the difference between a Manufactured home and Module home?

**Ben Bailey, Community Development Director**, answered Modular as opposed to Manufacture, Modular home is a home that's gone through a different process and built to Florida building code standards. Where a Manufacture home or mobile type home, is more of HUD standard. If somebody is building on a typical single-family zoned lot, those typically have to be built to a Modular standard or the Florida Building code standard. Not to the HUD standard.

**Mr. Bigness** asked if this will be impacted by the changes to the flood zone maps?

**Mr. David** answered the new maps haven't come out yet and the public comment hasn't started.

Mr. Bigness is there 109 Tortoise being moved?



**Ms. Shao** answered yes, the environmental assessment report shows there are a lot of Tortoise's and they must meet the state requirement.

**Recommendation**

**Mr. McCormick** moved that **PD-20-00008** be sent to the Board of County Commissioners with a recommendation of Approval with one condition A-M based on the staff report dated January 28, 2021 presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

Audio Timestamp 2:35

**Z-20-32-22**

**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 Residential Estate 1 (RE-1), for property located at 12100 Burnt Store Road, in the Burnt Store Area Plan area and in the Punta Gorda area, containing 10.04± acres; Commission District II; Petition No. Z-20-32-22; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

**Jie Shao, Principal Planner**, provided the findings and analysis for Petition **Z-20-32-22** with a recommendation of approval with based on the reasons stated in the staff report.

**Questions for Staff**

**Mr. Vieira** asked if this site is going to end up as a retention pond?

Ms. Shao answered yes, it must be changed due to the zoning.

- **Mr. Gravesen** moved to close the public comment, second by **All Members**; with a unanimous vote

**Recommendation**

**Mr. McCormick** moved that **Z-20-32-22** be sent to the Board of County Commissioners with a recommendation of Approval, along with all the sub paragraphs based on the staff report dated December 18, 2020 presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

Audio Timestamp 2:39

**PD-20-00007**

**Quasi-Judicial**

**Commission District IV**

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) to Planned Development (PD), this is a major modification to an approved PD Concept Plan and its associated PD conditions via Ordinance Number 2017-004; for property located northeast of Biscayne Drive, southeast of the Crestwood Waterway, east of Tulip Street, and, northwest of El Jobean Road (SR 776), south and southwest of Murdock Village, and northwest of Charlotte County Fairgrounds, in the Port Charlotte area, containing 125.40± acres; Commission District IV; Petition No. PD-20-00007 Applicant: Lennar Homes, LLC; providing an effective date.

**Jie Shao, Principal Planner**, provided the findings and analysis for Petition **PD-20-00007** with a recommendation of approval with conditions A-P, based on the reasons stated in the staff report.

**Questions for Staff**

None offered.

**Applicant's Presentation**

**Robert Berntsson, Esq. Big W Law Firm**, states he has been sworn. This is has all been driven by the desire to have a gated community. The original design of the subdivision had an access point coming off of 776. However, it was a right turn in only, which made it difficult for a gate. In order to allow a gated entry way, that access has been

deleted from the project and the new entry will be off Biscayne. They are working with FDOT for a right hand turn lane on 776 and they are requiring a right hand turn lane on Biscayne upon this approval.

**Public Input**

None.

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

Mr. McCormick confirmed that the conditions for approval are in fact A-P, not A-U as it says on the screen.

Ms. Shao answered you are correct; it was discovered after the packet was done that it is A-P. We will make sure at the BCC has the correct and revised staff report.


**Recommendation**

**Mr. Thornberry** moved that **PD-20-00007** be sent to the Board of County Commissioners with a recommendation of Approval with conditions based on the staff report dated January 23, 2021 presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

**ADJOURNMENT**

The meeting was adjourned at 2:52 p.m.

Accepted on behalf of the Charlotte County  
Planning and Zoning Board



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Michael Gravesen, Chair