

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

April 12, 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 – March 8, 2021 Regular Meeting

The March 8, 2021 minutes were approved as circulated.

Announcements

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

PETITIONS

Audio Timestamp 1:30

PP-21-01-03

Quasi-judicial

Commission District IV

Forestar (USA) Real Estate Group Inc. has requested Preliminary Plat approval for a subdivision to be named, Cove at West Port Phase 1B, consisting of 129 Single family lots. The site is 115.34± acres, and it will be platted and constructed in 3 phases located North of El Jobean Road, South of Tamiami Trail, East of the Crestwood Waterway and West of the Flamingo Waterway, in the Port Charlotte area.

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition **PP-21-01-03** with a recommendation of approval with a condition, based on the reasons stated in the staff report.

Questions for Staff

Mr. Gravesen stated in this area, it was the Murdock Village and had been platted and vacated, wouldn't the school system have had accounted for the number of students in that area from 20 years ago? Or have the rules changed enough that they have to come back to do the counting for enough compacity?

Mr. Cullinan answered they would still have to do their counting to make sure it matches what is on record.

Applicant's Presentation

Jackie Larocque, Waldrop Engineering, excepts Mr. Cullinan as an expert and has been sworn in. This is the next plat for West Port, Phase 1B. We are looking forward to getting this one recorded and get our next bank of lots on the ground. She does accept the one condition that they have.

Public Input

None.

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

Recommendation

Mr. Bigness moved that **PP-21-01-03** be sent to the Board of County Commissioners with a recommendation of Approval with one condition, based on the staff report and testimony presented at today's meeting, second by **Mr. McCormick**; and carried by a unanimous vote.

Audio Timestamp 1:35 p.m.

PP-21-01-04

Quasi-judicial

Commission District IV

Forestar (USA) Real Estate Group Inc. has requested Preliminary Plat approval for a subdivision to be named, Cove at West Port Phase 2 and 3, consisting of 180 residential lots which will include a mix of single attached and single family detached. This site is 17.00± acres of a 115.11± acre site which will be platted and constructed in three phases and is located North of El Jobean Road, South of Tamiami Trail, East of Cornelius Boulevard and West of Toledo Blade Boulevard, in the Port Charlotte area.

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition **PP-21-01-04** with a recommendation of approval with condition, based on the reasons stated in the staff report.

Questions for Staff

None.

Applicant's Presentation

Jackie Larocque, Waldrop Engineering, accepts Mr. Cullinan as an expert and has been sworn in. This is the Plat for Pods D and F within West Port for 180 units. She accepts the condition and is looking for this one to get approved.

Public Input

None.

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

Recommendation

Mr. Bigness moved that **PP-21-01-04** be sent to the Board of County Commissioners with a recommendation of Approval with one condition, based on the findings and analysis in the staff report, along with the evidence presented at today's meeting, second by **Mr. McCormick**; and carried by a unanimous vote.

Audio Timestamp 1:38

PD-20-00009

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; this is a major modification to an existing PD, Ordinance Number 2006-012, to allow for development of single-family detached and attached homes, increasing density from 51 units to 190 units, for property located at 15351 Burnt Store Road, in the Burnt Store Area Plan area and in the Punta Gorda area, containing 85.49± acres; the subject property is part of the property for a PD rezoning, Ordinance Number 2006-012, which contains 94.72± acres; Commission District II; Petition No. PD-20-00009; Applicant: Wilmington Land Company; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **PD-20-00009** with a recommendation of approval with conditions A-P, based on the reasons stated in the staff report. **Ms. Shao** stated that some adjacent property owners received the original proposal; to allow for development of single-family, duplexes and triplexes, this was a mistake. The revised application is for only single-family homes detached and attached homes, up to 190 units.

Questions for Staff

Mr. McCormick asked for clarification that the housing will be raised to 8 feet above sea level, then base flood elevation was discussed later on; should both references be to either sea level or base flood elevation?

Ms. Shao answered it's supposed to be built above the base flood elevation. The comp plan needs to be updated to be consistent with the Florida Building Code which has the latest requirement related to residential structure.

Applicant's Presentation

Geri Waksler, McCrory Law Firm, representing Wilmington Land Company, she has been sworn and accepts Ms. Shao as an expert. Wilmington is requesting a major modification to an existing Planed Development located on the west side of Burnt Store Rd, between Heritage Station and Pirate Harbor. The advertisement and notice for the rezoning created some confusion. The notice states that density on the site will be increased from 51 units to 190 units. The 51 units, is the base density on the site, which prior to the first PD rezoning was zoned agricultural estates which only permits one unit per acer. The existing PD approved 296 units, which would acquire of transfer of 245 density units. For a PD, density does not have to be transferred until final detail plan approval or platting. Since neither has occurred on the site, density has not yet been transferred. The base density remains at 51 units. However, the 296 units were approved.

This proposed PD rezoning will reduce entitlements on the site from 296 to 190 single-family units. The existing PD included 248 multi-family buildings with an allowed height of up to 60 ft. As a result of the Burnt Store widening which included a storm water pond intruding into the sight, the existing PD has to be modified. The purposed new PD reduces all impacts on the site, from the existing PD. Only single-family uses are proposed. The maximum height is capped at 38 ft. Transportation impacts will be reduced and the traffic study determines there's more than enough compacity to maintain the adopted level service on Burnt Store Rd, even at project build out. School Impacts are reduced. The demand on water and sewer are reduced.

Under the proposed condition for this PD, the conservation easement has been replaced with a management plan for the entire preservation area. The developer must remove all exotic and nuisance vegetation and maintain the area 95% free of such vegetation. While simultaneously maintaining a minimum of 80% of desirable native vegetative species and providing monitoring reports to Charlotte County.

Briefly addressing the criteria for rezoning, staff has found the proposed rezoning is consistent with the comprehensive plan. We join with staff and their analysis. Impacts on the compacity of public facilities and services are reduced as result of a decrease number of units. The adopted level of service will be maintained on Burnt Store Rd and the staff report states that utilities has sufficient compacity to serve the project.

Public Safety will not be adversely impacted theirs a fire and EMS station located about 5 miles from the property. The widening of Burnt Store Rd is in last phase. We know that residents of Burnt Store colony are concerned that; north bound traffic from the sight will have to make a U-Turn at the existing median cut that is in front of the entrance. A full access median cut at our projects entrance is proposed. A north bound left turn lane will be warranted at that project driveway.

The proposed median cut at our projects entrance, meets Charlotte County's regulatory requirements. Traffic engineering has no objection to that median cut. Therefore, we propose an additional condition of approval; requiring the developer to construct at its expense a full median cut at the project entrance together with the associated improvements. Through discussion with transportation engineering, they agree with that condition.

Questions for applicant

Mr. McCormick asked, the median cut, would that become condition "Q"?

Ms. Shao said maybe we need to add that.

Ms. Waksler said she did not have the conditions in front of her, but to add it and she will put it in the right place.

Public Input

Dr. Alan Maki, resident of Pirate Harbor, states he has been sworn in. He talks about the historical outbreaks of green, blue-green and red algae. That are a net result of a continuous input of various forms of Nitrogen and phosphorus. Into the water body from the Remeron sources surrounding the entire Charlotte Harbor.

He would like assurance that they are looking at the impact on the additional 190 homes, waste water output. That: A) There won't be any septic tanks permitted in the area; B) someone has looked at the additional output of these 190 homes into the already overloaded waste water treatment plants in the area. Also, to provide assurance that is adequate compacity to handle and treat the waste water. C) if that isn't the case, then in the future consider provisions for developers to provide input and financial support to waste water treatment systems. To ensure the compacity is maintained as we continue to develop the shorelines.

Samuel Janetta, resident of the Burnt Store Colony, is here on behalf of the board members. They have a concern; the exit coming out of the development, will it have a north turn at that access?

Ms. Shao answered yes. A condition will be added for median cut will a north turn lane, built at all the applicant developer's expense.

Mr. Janetta explains their concern if this is not implemented.

Lynn McCalic, resident of Pirate Harbor, expresses that she wants to make sure that traffic will be improved for the new community.

Jan Musil, resident of Pirate Harbor, is concerned for the traffic and privacy.

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

Rebuttal

Ms. Waksler addressed **Dr. Maki's** concern and responded that the project is required to connect to water and sewer. On the staff report, under concurrency, it does state there is sufficient utility compacity to service the project.

Ms. Waksler addressed the **Burnt Store Colony** concern and responded this has been addressed under the new condition. Which would require a full median cut at our projects entrance.

Ms. Waksler addressed **Mr. Musil's** concern and responded this high-density project. Density is at under 3 units per acre. Which is low density residential. Captain Kid Blvd, will be no where near the proposed single-family residential property is being developed.

Recommendation

Mr. McCormick moved that **PD-20-00009** be sent to the Board of County Commissioners with a recommendation of Approval with conditions A-P as well as the to be determined condition regarding the median cut, based on the staff report presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

Audio Timestamp 2:10

PAS-21-00001

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) and Medium Density Residential (MDR) to Medium Density Residential (MDR) with an annotation limiting the maximum density up to 14 units on the subject property, increasing density from 13 units to 14 units; for property located at 2440 and 2450 Luther Road, Punta Gorda, containing 2.57± acres; Commission District I; Petition No. PAS-21-00001; Applicant: Ron Gustaveson; providing an effective date.

Z-21-58-12

Quasi-Judicial

Commission District I

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Estate (RE-1) to Residential Multi-family (RMF-10); for property located at 2440 and 2450 Luther Road, Punta Gorda, containing 2.57 ± acres; Commission District I; Petition No. Z-21-58-12; Applicant: Ron Gustaveson; providing an effective date.

Laura Tefft, Senior Planner, provided the findings and analysis for Petition **PAS-21-00001** and **Z-21-58-12** with a recommendation of approval with condition based on the reasons stated in the staff report.

Applicant's Presentation

Jason Green, Director of Planning with access infrastructure, Partnering with Weiler Engineering and the applicant, states he has been sworn and accepts Ms. Tefft as an expert. Explains that this area is a unique area with mixed areas of zoning of RMF-10 and RE-1. By looking at the comp plan, the emerging neighborhood designation, the RE-1 doesn't belong here. Everything surrounding this property has been developed at a higher density. You have Multi-family complex to the south, north and west. The applicant is trying to make better use of the land. We can't spread the multi-family units across both properties, even though we have the density that we needed. This has also triggered the future land use map amendment. As Ms. Tefft mentioned, the 14 units is less than the RMF-10, that's why the annotation He is here to answer any questions if needed.

Public Input

Ron Chef, represents the Church nearby, comments he has been sworn and that they have no objection to this, they are looking forward to it. He asked for clarification on sewer hookup, his understanding there was no sewer hookup north of Luther Rd, has that been changed?

Ms. Tefft answered according to the Utility Availability request, from Charlotte County Utilities, sewer is available under a mandatory connection. The water and sewer services can be extended at the owner's expense through a private developer's agreement.

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

Recommendation

Mr. McCormick moved that **PAS-21-00001** be sent to the Board of County Commissioners with a recommendation of Approval, based on the staff report presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

Recommendation

Mr. McCormick moved that **Z-21-58-12** be sent to the Board of County Commissioners with a recommendation of Approval based on the staff report testimony presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

Audio Timestamp 2:22

Z-21-21-16

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 15401 Burnt Store Road, in the Burnt Store Area Plan area and in the Punta Gorda area, containing 9.24± acres; Commission District II; Petition No. Z-21-21-16; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **Z-21-21-16** with a recommendation of approval based on the reasons stated in the staff report.

Public Input

None offered.

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

Recommendation

Mr. McCormick moved that **Z-21-21-16** be sent to the Board of County Commissioners with a recommendation of Approval, based on the staff report presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

ADJOURNMENT

The meeting was adjourned at 2:30 p.m.

Accepted on behalf of the Charlotte County
Planning and Zoning Board



Michael Gravesen, Chair