

**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**

*January 10, 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.

**Approval of Minutes – December 13, 2021, Regular Meeting**

The December 13, 2021, minutes were approved as circulated.

**Announcements**

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

**PETITIONS**

Audio Timestamp 1:31 p.m.

**1.) PFP-21-10-07                      Quasi-judicial                      Commission District I**

Babcock Property Holdings, L.L.C. requests Preliminary Plat and Final Plat approval for a Subdivision to be named, Babcock Ranch Community, Spine Roads DD, II, YY. The subdivision consists of 17 tracts for roadway, drainage and future development, and contains 371.86± acres. It is located South of Bermont Road, North of the county line with Lee County, West of the county Line with Glades County and East of State Road 31, within the Babcock Ranch Community Master Development of Regional Impact, and in Commission District I.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition **PFP-21-10-07** with a recommendation of approval based on the reasons stated in the staff report.

**Questions for Staff**

None offered.

**Applicant's Presentation**

**Robert Berntsson, Big W Law Firm representing Babcock Property Holdings, L.L.C.**, states he accepts Mr. Cullinan as an expert and has been sworn in. He explains this is a Preliminary and Final Plat, to provide the spine road system moving into increment two. We are here to answer any questions.

**Questions**

**Mr. Vieira** asked is the 371 acres for the entire roadway system?

**Mr. Berntsson** answered yes and also for drainage.

**Public Input**

None offered.

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

**Recommendation**

**Mr. Vieira** moved that **PPF-21-10-07** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated January 3, 2022, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

Audio Timestamp 1:36 p.m.

2.) **SV-21-09-04**

Legislative

Commission District III

Louis Wasylik Trustee is requesting to vacate the unnamed street as shown on the Replat of Englewood Shores plat book 2, page 88 of the Public Record of Charlotte County, Florida, in order to continue to use the driveway and yard as part of his property. The total area to be vacated is 300± square feet, and is located East of the Gulf of Mexico, West of Gulf Boulevard, South of Beach Comber Lane and North of South View Drive, in the Englewood area, and in Commission District III.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition **SV-21-09-04** with a recommendation of approval, based on the reasons stated in the staff report.

**Questions for Staff**

**Mr. Bigness** asked if the tail end was maybe for Lot number 2, to the east, is that for access? If they sell that would that person still have access for lot 2?

**Mr. Cullinan** answered they would still have access being a street vacation this splits half and half, which means Lot 2 will get half of this.

**Applicant's Presentation**

**Laura Gasko, representing the applicant**, is here to answer any questions.

**Public Input**

None offered.

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

**Recommendation**

**Mr. Bigness** moved that **SV-21-09-04** be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis based on the staff memo dated January 2, 2022, Charlotte County Comprehensive Plan and the evidence and testimony presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

Audio Timestamp 1:39

3.) **PP-21-10-19**

Quasi-judicial

Commission District I

Jim Hepler with Toll Brothers, Inc is requesting Preliminary Plat (Replat) approval for a subdivision to be named, Babcock Ranch Community, Village III Southeast, it is a replat of tract I-51, Babcock Ranch Community, Village III Southwest as recorded in plat book 24 pages 6-A through 6-I. The proposed subdivision is a residential development to consist of 96 lots and 6 tracts, and it contains 34.33± acres and is located South of Bermont Road, North of the county line with Lee County, West of the county line with Glades County and East of State Road 31. The site is located within the Babcock Ranch Community DRI, and in Commission District I.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition **PP-21-10-19** with a recommendation of approval, based on the reasons stated in the staff report.

**Questions for Staff**

None offered.

**Applicant's Presentation**

**Robert Berntsson, Big W Law Firm representing Babcock Ranch**, states he does not represent the applicant but part of Babcock Ranch, which they would request approval of this subdivision plat within the Babcock Ranch.

**Public Input**

None offered.

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

**Recommendation**

**Mr. Vieira** moved that **PP-21-10-19** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated January 3, 2022, Charlotte County 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.

Audio Timestamp 1:42

**4.) PAS-21-00009**

**Legislative**

**Commission District III**

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, 1. from Commercial (COM) (8.24± acres) and Medium Density Residential (MDR) (22.86± acres) to Medium Density Residential (MDR) with an annotation to the 2030 Future Land Use Map stating that 1) the base density of the site is 114 units, and 2) The use of the site for a recreational vehicle resort will be limited to 170 recreational vehicles and will not require a transfer of density; 2. from Commercial (COM)( 4.86± acres) to Preservation (PR) with an annotation to the 2030 Future Land Use Map stating that the base density of the site is 0 unit; and 3. to remove an annotation from the 2030 Future Land Use Map limiting the commercial intensity of the portion of the subject site (34.12± acres) to 110,000 square feet; for property located east and south of Rotonda Boulevard East, north of Redwood Road, and west of Gasparilla Road (CR 771), in the Rotonda area, containing 38.98± acres; Commission District III; Petition No. PAS-21-00009; Applicant: Tarpon Grove, LLC; providing an effective date.

**5.) PD-21-00015**

**Quasi-Judicial**

**Commission District III**

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) (34.12± acres) and Commercial General (CG)(4.86± acres) to Planned Development (PD) to allow for development of a RV park/resort and small commercial uses, including Recreational vehicles up to 170 units and casita accessory units up to 141, requiring a transfer of 27 density units to reach the maximum of 141 casita accessory units; for property located at east and south of Rotonda Boulevard East, north of Redwood Road, and west of Gasparilla Road (CR 771), in the Rotonda area, containing 38.98± acres; Commission District III; Petition No. PD-21-000015; Applicant: Tarpon Grove, LLC; providing an effective date.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition **PAS-21-00009** with a recommendation of approval, based on the reasons stated in the staff report.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition **PD-21-00015** with a recommendation of approval, based on the reasons stated in the staff report.

**Questions for staff**

**Mr. McCormick** expressed that he is not familiar with the term casita accessory.

**Mr. Cullinan** answered casita is Spanish for small house. We have those in Myakka River RV Park in El Jobean and a few other places. Typically, these RV resorts are a class A RV resorts which can be cramped. They then build these small structures where they can have some storage, a large full bathroom, cooking facilities, etc. So, they can have a space to spread out.

**Applicant's Presentation**

**Robert Berntsson, Big W Law Firm representing Tarpon Grove, LLC**, He has been sworn and considered Shaun as an expert. He has been here several times on this property. The last time it was going to be multi-Family with a commercial note at the northern end. That never came to fruition. There is an increasing demand for RVs and the casita is almost the like a pool house that you find in one's backyard. There's intention to leave the upper northeast corner of the property for commercial. It's intended to most likely be a gas station/ convenient store. That would serve the RV the park for their immediate needs. There's recreation and a lake on site. There were wetlands on the site, and they were mitigated through the area that's now being turned to preservation. That mitigation has already occurred up there and turning that into a wetland mitigation area. It seemed appropriate to make that a preservation designation.

**Questions**

**Mr. Bigness** asked currently you are zoned for 212 units, residential, is that correct? And they didn't purchase any additional density? **Mr. Berntsson** replied that is correct and no they did not purchase additional density. **Mr. Bigness** commented that he read in the staff report that the casitas can be up to 300 sq ft if it's with a unit, and up to 500 sq ft if its not? **Mr. Berntsson** answered, we can either have a casita and an accessory building or they can have just a casita. If they have the casita by itself, then it can go up to the 500 sq ft. If we have a casita and an accessory building, the accessory might be storage, outside kitchen, etc. then there is a limit so that you don't go over too much square footage per lot.

**Mr. Cullinan** commented those standards are from what were seeing in practicality with some of the ones that have come in. We don't want the use where you can double density, where you can have a casita that can support as a full single-family home while also having an RV, which is also considered density. Typically, in researching and what we've been seeing in practice, is that roughly 300-550 sq ft they have a covered/screened in summer kitchen as well as a bathroom or a den for entertaining.

**Mr. Vieira** asked if the casita is considered a residential dwelling unit. **Mr. Cullinan** replied because you could theoretically live in one, it is. Which why the density units have to be brought in, that way there is enough density on the site to support something that has full living features.

**Mr. Berntsson** stated you have to keep in mind that these are people who own several hundred-thousand-dollar RVs and are for their convenience to have the casita. This is not a situation where you're going to rent out the casita so you can pull your half a million-dollar RV and live on a small lot with them.

**Public Input**

**Rick Alverson, builder in the area and lives next to subject project**, encourages a buffer to be put into place if approved because the increase in density is not fare to the neighbors. Also, there has been several deaths at that intersection and having more traffic in this location certainly increases the danger of something like that happening. Instead, however, if they put the direct access along 771 and didn't have access to Rotonda Blvd East, he believes that would help improve that aspects of it and that would still allow access. He doesn't believe this would help the surrounding properties value. He requests for a heavy landscape buffer to be put into place, so it's not visual from the entrance to Rotonda. He believes this would enhance the view of the RVs and also the surrounding neighbors.

**Cathy Blauer, lives in area**, indicates that she lives within 1,000 ft from this project and has a special needs adult daughter that rides her bike in the area. We already have enough traffic, that corner really needs a lot of attention before anything is placed there. There are visual defects that causes difficulty for traffic. She knows they are high end motor homes, but they are still transit. She is not in favor of this being that close to her.

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

#### **Rebuttal**

**Mr. Bertsson** explained that this proposal is a major reduction over what's already been approved for this site. It was approved for 110,000 of commercial at the corner of Rontonda Blvd East and 771 and additional 212 multi-family dwelling units. The traffic from an RV park it greatly reduced over that. In addition, because it is a Planned Development there are buffer requirements including a wall along 771, a type C buffer along the commercial area to the north. That has gone into the planning for both the community on the outside and the RVs from the inside. We join in the staff report and believe we have met all the criteria for the approval for the rezoning. As indicated in the staff report turning the preservation area into preservation on the CP, reducing the commercial intensity, which addresses many of the issues that were brought up by the public. We respectfully request your approval.

#### **Questions**

**Mr. Bigness** asked **Mr. Cullinan** does Rotonda West have about 8,000-8,800 buildable lots in that area, or somewhere around that number? **Mr. Cullinan** replied yes, there is a lot in Rotonda in general.

There was some discussion about access roads for this petition along with traffic lights.

**Mr. Thornberry** asked for more clarification on the buffer, is that going to be a berm and then a wall? **Mr. Cullinan** answered a maximum up to 8ft. You could do a 2 ft berm and 6ft solid wall or fence, or a 4ft berm with a 4ft wall/fence or you can do an 8ft solid wall. **Mr. Thornberry** asked if it's fair to say that this has not been decided yet? **Mr. Bertsson** replied no, the final landscape design hasn't been designed. However, the requirement is at a minimum Type B buffer with an 8ft tall berm/wall/fence combination is required. A lot of that has to do with the final elevation design, if you're at a certain elevation to get an 8 ft berm you need a lot more area than if you have a 2 ft berm and you put a 6 ft wall on top of it. That typically comes in the final site design.

**Mr. Bigness** asked **Mr. Cullinan** how does impact fees apply for the RVs and casitas? **Mr. Cullinan** explained that the primary use of this is an RV park, they have to pay the Impact Fees per site at the required rate, that has to be paid prior to PD final detail site plan approval, unless a payment schedule gets put into place. For the 170 slots it would be \$747 per site, under the new fee schedule it would be \$2,346 per site. **Mr. Bigness** asked is that for the casitas? **Mr. Cullinan** replied no, that would be per RV park site. The use is for the RV park, the casitas are accessory the primary.

**Mr. Bertsson** expressed to **Mr. Bigness** that his client and the RV park world, the casitas are and accessory to the RV. It's no different than having water at your dock for a boat slip, or a storage place on the dock for the boat. These are upscale RVs; they are not coming into this to rent out a 500 sq ft casita and then come and vacation with their tenants in there. The casita is part of the overall RV park experience, and it will be empty when they are not there. The intention is to sell the platted lots, and their will rules of the park set up. With certainty he believes it will be prohibited to rent the casita to an outside third-party. The intension is that it will be a gated RV park community, that you come to and interact with your fellow RV neighbors. What **Mr. Bigness** is saying can theoretically from a pure zoning perspective could happen, but not from the operation of the RV park and how they intend to operate that along with the rules and regulations that they will put into place.

**Assistant County Attorney, Thomas David** asked **Mr. Bertsson** is the casita used as an accessory to the RV use right? So, each platted lot site is going to have an RV site, since that's the primary use? **Mr. Bertsson** answered

that is correct. Mr. David replied these are not going to be independent lots with a single residential structure on it. **Mr. Bertsson** replied yes, and not all of them can have it.

**Boards Discussion**

**Mr. Thornberry** expressed that he has no problem with the RV park however he does have a problem with how they are going to buffer it. He understands where the people are coming from. He believes that this will be beautiful. **Mr. Bigness** agreed that no one is denying that. However, what we are talking about it traffic and safety. They are asking for a zoning change a plan to the existing and that’s where he puts himself in the citizens shoes.

**Asst. Co. Att., Thomas David** commented that he didn’t want the board to confuse what the objective of today is; this is a zoning change, there’s been a motion made to deny that zoning change. He just wanted to bring to the boards attention that there is additional review that goes on as far as buffers, and site plan related issues.

**Mr. Gravesen** brought the attention of the board that **Mr. Bertsson** has pointed out that it is a reduction in use.

**Mr. McCormick** mentions that he sees this as a significant reduction for both the traffic and the intensity of use that’s already authorized. He believes this is improved situation rather than a detrimental one for the community.

**Recommendation**

**Mr. Bigness** moved that **PAS-21-00009** be sent to the Board of County Commissioners with a recommendation of Denial, based on the findings and analysis in the staff report dated December 27, 2021, Charlotte County’s Comprehensive Plan, and the evidence presented at the public hearing held by the Planning and Zoning Board, second by **Mr. Thornberry**; the motion failed with a 3-2 recommendation.

Recording Secretary Clim polled the Board; Mr. Thornberry - Aye, Mr. Bigness- Aye, Mr. McCormick - Nay, Mr. Vieira - Nay, Chair Gravesen - Nay; the motion failed 3-2.

**Mr. McCormick** moved that **PAS-21-00009** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated December 27, 2021, Charlotte County’s Comprehensive Plan, and the evidence presented at the public hearing held by the Planning and Zoning Board, second by **Mr. Vieira**; motion passed with a 3-2 recommendation.

**Recommendation**

**Mr. McCormick** moved that **PD-21-00015**, with conditions “a” through “t”, be sent to the Board of County Commissioners with a recommendation with a recommendation of Approval, based on the findings and analysis in the staff report dated December 27, 2021, Charlotte County’s Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, second by **Mr. Vieira**; motion passed with a 3-2 recommendation

Audio Timestamp 2:27

**6.) PD-21-00016**

**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 amend the PD conditions establish in Ordinance Number 2021-006, in order to allow for site built homes up 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; Commission District II; Petition No. PD-21-00016; Applicant: Simple Life Ventures, LLC; providing an effective date.

**Shaun Cullinan, Planning and Zoning Official**, provided the findings and analysis for Petition **PD-21-00016** with a recommendation of approval, based on the reasons stated in the staff report.

**Questions for Staff**

**Mr. Thornberry** asked if this has been brought to the board before? **Mr. Cullinan** responded yes. This is the Tiny Home with the vehicular chassis base. **Mr. Thornberry** asked if they now want to build regular homes and tiny homes? **Mr. Cullinan** answered they want the opportunity, because they are having trouble finding the vehicles that are needed for the tiny homes. They want the flexibility if they can't get those, to get site builds.

**Mr. Gravesen** asked if they would be building them the same size as the tiny homes? **Mr. Cullinan** answered they are staying in the same. This is not intended to be platted so it wouldn't necessarily be lots. There may be some footprint differences because once you go to site build, that goes into Florida Building Code vs the Manufactured Homes which could be moved off. There are specific requirements in Florida Building codes for structures, the sizes may not be exactly the same, but will be comparable small footprints.

**Applicant's Presentation**

**Geri Waksler, McCrory Laws Firm representing the applicant**, she accepts Mr. Cullinan as an expert and has been sworn. Mr. Thornberry, you are correct, you recently saw this property, the intent is for it to be a tiny home community and still is the intent. There were all systems go as soon as they got their final approval. Then what they found is that are having trouble getting some of the Manufactured Homes and discovered there is a tremendous back log. For that reason, they are seeking to modify the plan development on it's existing PD to add site built single-family homes as an existing use. Right now, the only use is Manufactured Homes. The intent is to add this option to construct tiny site-built homes that would be just like the Manufactured Homes. The only difference is these will be built based on a permanent foundation structure, as a posed to placed on a foundation structure and anchored to it. There is no change requested to the concept plan, there is no change requested to the number of units and most importantly there is no change requested to the development standards. This is just able to get to bringing these tiny homes to the market, sooner rather than later. There will be no new or additional impacts as a result of the changes because it's still the same size square foot home, still the same number of homes. They join in the staff report and accept all the conditions of approval and request a recommendation of approval for this major modification to this concept plan.

**Questions**

**Mr. Thornberry** asked the typical lot detail do you have a platted lot picture of the devolvement, because if they are going to build a bigger home, he's like to see the typical lot detail. Ms. Waksler replied they are not looking to build a bigger a home. They are looking to build something that will be just like they would've received as a Manufactured Home, on the same lot. They simply want to build a small home but make it site built rather than something that comes on wheels.

**Public Input**

None offered.

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

**Recommendation**

**Mr. McCormick** moved that **PD-21-00016** be sent to the Board of County Commissioners with a recommendation of Approval with conditions "a" through "m", based on the findings and analysis in the staff report dated December 20, 2021, Charlotte County Comprehensive Plan and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, second by **Mr. Vieira**; and carried by a unanimous vote

**Election of Officers**

**Attorney David** opened the floor for nominations for the office of Chair.

**Mr. Bigness** made a motion nominating **Mr. Gravesen** for Chair, second by **Mr. Thornberry**; motion passed unanimously.

**Mr. Vieira** made a motion nominating **Mr. Bigness** for Vice-Chair; second by **Mr. McCormick**; motion passed unanimously.

**Mr. McCormick** made a motion nominating **Mr. Vieira** for Secretary, second by **Mr. Thornberry**; motion passed unanimously.

**ADJOURNMENT**

The meeting was adjourned at 2:38 p.m.

Accepted on behalf of the Charlotte County  
Planning and Zoning Board



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Michael Gravesen, Chair