

**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**

January 9, 2023, 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. Steve Vieira was absent

Approval of Minutes – December 12, 2022, Regular Meeting

The December 12, 2022, minutes were approved as circulated.

Announcements

None offered.

PETITIONS

1.) PP-22-05-12

Quasi-judicial

Commission District I

Babcock Property Holdings L.L.C., is requesting Preliminary Plat approval for a subdivision to be named, The Flatwoods at Babcock Ranch, consisting of 246-lots and 23 tracts, also being a replat of Tract E-36, Babcock Ranch Community Spine Road EE5 & GG5. The property contains 68.51± acres, and is generally located south of Cypress Parkway, north of the Lee County line, west of Muhly Grass Road, and east of SR 31, in the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment 1, within the East County area and Commission District I.

Jenny Shao, Project Coordinator, provided the findings and analysis for Petition **PP-22-05-12** 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 the applicant, states he agrees with everything that was presented and respectfully request for your recommendation of approval and is here to answer any questions. He also accepts, Ms. Shaos credentials.

Public Input

None offered.

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

Discussion

None offered.

Recommendation

Mr. Baker moved that **PP-22-05-12** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated November 07, 2022, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. McCormick**; and carried by a unanimous vote.

2.) PD-22-00010

Quasi-Judicial

Commission District I

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 modify the layout and placement of some buildings, and to revise development standards as established in Final Detail Site Plan for residential development, called Bella Via Condominium, and approved via Resolution Number 2006-169. This development is within the existing Planned Development (PD-80-1). The proposed changes will also reduce the approved residential development rights from 212 dwelling units to 208 dwelling units, and adopt the General PD Concept Plan; for property generally located north of Harborview Road, south of Westchester Boulevard, west of Loveland Boulevard, and east of Kings Highway, in the Port Charlotte area, containing 42.62± acres; Commission District I; Petition No. PD-22-00010; Applicant: Taylor Morrison of Florida, Inc -c/o Charles Cook; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **PD-22-00010** with a recommendation of approval, with conditions "a" through "I", based on the reasons stated in the staff report.

Questions for Staff

None offered.

Applicant's Presentation

Jeremy Frantz, representative for the applicant, He accepts Ms. Shao as an expert and agrees with the staff report and the recommended conditions and is here for any questions.

Public Input

None offered.

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

Discussion

Mr. Baker asked **Ms. Shao** they had some RV parking at one point, do they want that anymore? **Ms. Shao** replied they no longer want that.

Recommendation

Mr. Baker moved that **PD-22-00010** 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 December 22, 2022, Charlotte County Comprehensive Plan along with and the evidence presented at the public hearing before the Planning and Zoning Board, second by **Mr. Bigness**; and carried by a unanimous vote.

3.) PD-22-00013

Quasi-Judicial

Commission District II

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD)(135.62± acres) and Manufactured Home Conventional (MHC)(7.55± acres) to PD. This is a major modification to an existing PD, Ordinance Number 2020-020, to 1) include additional lands currently zoned as MHC to this development, 2) amend the development rights and development standards as established in the ordinance; and 3) adopt the General PD Concept Plan, in order to have a residential development up to 615 dwelling units; requiring no transferring of density units; for property located south of N. Jones Loop Road, northeast of Interstate 75, and north of S. Jones Loop Road, in the Punta Gorda area; containing 143.17± acres; Commission District II; Petition No. PD-22-00013; Applicants: Harper/McNew Development Co., Inc., McNew

Property Holdings 3, LLC, Harper Property Holdings 3, LLC, and Beverly H. McNew, as Trustee of the Beverly H. McNew Revocable Trust U/D/T 3/29/95; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **PD-22-00010** with a recommendation of approval, with conditions “a” through “U”, based on the reasons stated in the staff report.

Questions for Staff

None offered.

Applicant’s Presentation

Geri Waksler, Esq., representative for the applicant, she accepts **Ms. Shao** as an expert witness. The applicant is requesting a Major Modification to a Planed Development (PD) in order to add land to an existing PD and to modify the Concept Plan (CP) to incorporate that additional land. The modification changes the approved CP as follows: the current primary access is onto north Jones Loop Rd via a 60 ft easement through the Creekside RV Park. The primary access will be relocated onto the added property, in the NE corner of the site, with the existing easement through the RV spark used for utilities. However, the new access will require an approval from the state of Florida to cross Alligator Creek. Since that approval is not in hand, the CP shows both the existing access point and the purposed access point, so we have flexibility to use either. There is also a secondary access onto south Jones Loop Rd and that’s retained from the existing approved PD plan. The current CP was reconfigured to accommodate the new access point and its extension through the property. The permitted residential types under the current PD are Single-Family detached Town Homes and Multi-Family. This modified to add Single-Family detached. The total number of units have increased from 603 to 615, however the base density available for the site is 623 units, so no transfer of Density required. The purposed residential community is compatible with the surrounding uses, it’s of similar density to the communities to the west and less intense than the mobile community. The relocated road will be placed at least 40ft from the property line and any adjacent owner’s property line. The traffic impact study for the project concluded “the purposed rezoning request is not projected to cause any roadways to operate below their adopted level of service standard. All analyzed roadways will operate at a level C, with or without the project traffic.” We submit our application and all supporting documents into the record. We join in staff’s analysis and conclusions. We request a recommendation of approval for this major modification to a PD.

Questions for Applicant

Mr. Baker asked is there currently a crossing of the creek? **Ms. Waksler** replied the easement is for the utilities is approved. That has an existing permit that allows for the crossing, they would need to get that second crossing for the roadway approved through the state process.

Mr. McCormick for clarification there currently is no existing bridge across? **Ms. Waksler** replied at this point, there is no existing bridge.

Mr. Baker asked how do they get access to the property now? **Ms. Waksler** right now there is an existing access easement from north Jones Loop Rd.

There was a small discussion about access roads.

Public Input

None offered.

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

Discussion

None offered.

Recommendation

Mr. McCormick moved that **PD-22-00010**, with conditions “a” through “u” 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 28, 2022, Charlotte County Comprehensive Plan along with and the evidence presented at the public hearing before the Planning and Zoning Board, second by **Mr. Baker**; and carried by a unanimous vote.

4.) TLDR-22-03

Legislative

Countywide

An Ordinance of the Board of County Commissioners of Charlotte County, Florida, amending Charlotte County Code Chapter 3-9: Zoning, 1) Article I. General, by revising Section 3-9-2, Rules of Construction; Definitions to add the definition of “Farmers’ Market”; 2) Article III. Special Regulations, by adding new Section 3-9-91. Accessory Use – Farmers’ Market, providing for intent; providing for purpose; providing for requirements and conditions; providing for conflict with other Ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition **TLDR-22-03** with a recommendation of approval, based on the reasons stated in the staff report.

Questions for Staff

Mr. Bigness asked you mentioned on private lands would this also be in public parks? **Mr. Cullinan** replied what he means by private lands, is actual parcels. Not within the right-of-way, like some markets are on the streets. This would only be for properties.

Mr. Bigness asked how does the county protect themselves from liability, say if someone got hurt? **Mr. Cullinan** responded we currently have insurance and indemnification requirements.

Mr. Baker inquired if this could be in a residential area? **Mr. Cullinan** replied by doing it as an accessory some of the standards that are being placed that it would be accessory not a house but a church for example, or community centers. This is a temporary use associated with it, typically one time a week. In the surrounding areas we’ve found majority of them run from 7a.m. and end about 1 or 2p.m.

Mr. Baker asked if you could set up a permanent flea market? **Mr. Cullinan** expressed that you cannot, we are looking at only agricultural and organic items, arts and crafts or other similar goods.

Mr. Gravesen asked would a farmer be allowed to have a farmers’ market, out in an AG zoning? **Mr. Cullinan** answered they can already do that. A farm operation can already sell their own goods on their property. There are a lot of provisions both in our code as well as statutorily for bonified agricultural operations.

Mr. Gravesen inquired on the verbiage “resale of items not permitted”, he encouraged staff to relook into that. Some of the items in a farmers’ market could become resale items. **Mr. Cullinan** stated that’s one we have been working on, and that’s why we wanted to come here to get your opinion on this before taking this forward in February and March, being uses it does require two Board of County Commissioner hearings, the intent of that is for somebody not to do a wholesale buy out of some store going out of business inventory and then showing up and selling boxed premade goods, etc. The true intent is for it to be a true farmers’ vendors market where crafters can sell their goods.

There was a discussion about the verbiage on resale items.

Public Input

Eric Wells, lives in South Gulf Cove, he supports the staff’s efforts in helping them run a community market. A community market is more than just a market, it’s a transition to our new incoming residents to get information from the Coast Guard Auxiliary support, it is crisis response for hurricane and other crisis’s that happen. It’s informational, its community fellowship, and also multipurpose and it sits in our homeowner’s association club

house area. We support this, we feel this will be a good thing for South Gulf Cove and other communities that are trying to build fellowship in their community.

Asst. County Attorney, Thomas David, asked Mr. Wells at your event part of what you do is educational, type of programs that go along with the sale of goods? Mr. Wells responded it's informational, a lot of new people are coming in. This is a big educational opportunity too for the new commers to meet new people. Also, to get more information about the area and to operate safely on the water ways. **Mr. David** suggested to **Mr. Cullinan** to also input allowance of educational opportunities.

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

Comments

Mr. Bigness stated that he thinks it sounds like a wholesome addition to the county codes and regulations and applauds the staff and county commissioners for helping to better our communities.

Mr. Gravesen agrees and comments we will vote for on this draft, but obviously this will change by the time it becomes adopted. **Mr. Cullinan** replied yes sir, this will first be heard for the first reading will be February 28th, it will then come back in March for second reading. We have time to take these into suggestion for tweaks.

Recommendation

Mr. Baker moved that **TLDR-22-03** 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 4th, 2023, with and the evidence presented at the public hearing before the Planning and Zoning Board, second by **Mr. Bigness**; 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. McCormick**; motion passed unanimously.

Mr. Baker 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. Baker**; motion passed unanimously.

ADJOURNMENT

The meeting was adjourned at 2:28 p.m.

Accepted on behalf of the Charlotte County
Planning and Zoning Board



Michael Gravesen, Chair