

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 13th, 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. Clint Baker was absent

Approval of Minutes – February 13th, 2023, Regular Meeting

The February 13th, 2023, minutes were approved as circulated.

Announcements

None offered.

PETITIONS

1.) SV-22-11-05

Legislative

Commission District I

East Coast Marble Inc. is requesting to vacate a portion of the unnamed 15-foot alleyway adjacent to 2505 Broadpoint Drive and 2493 Broadpoint Drive, which are both owned by the applicant. The total area to be vacated is 1,875± square feet or 0.04± acres and is generally located north of Rushmore Avenue, south of Adams Street, east of Sulstone Drive and West of Broadpoint Drive, within the Punta Gorda area and located in Commission District I.

Jenny Shao, Project Coordinator, provided the findings and analysis for Petition **SV-22-11-05** is not contrary to the County's Comprehensive Plan and the County's Land Development Regulations.

Questions for Staff

None offered.

Applicant's Presentation

None offered.

Public Input

None offered.

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

Discussion

Mr. Vieira inquired if Ms. Shao could go over the recommendation by the Health Department? There's not a site plan provided, and he would like clarification on which lot is going to house the wearhouse and what would need the septic system, could you define? **Ms. Shao** explained that the septic system permit is for 2493 Broadpoint Dr., which is lots 1-6. Ms. Shao believes that is where their purposed development is going. However, being that this

is a petition for a street vacation, there is no site plan attached. Mr. Vieira commented the 15ft alley way is to give additional land on the southern side of lots 1-6? Ms. Shao responded yes for lots 1-6. Also, the applicant owns lots 35-36 to the south of the subject property where half of the alley way would go to that property which is all owned by applicant. Mr. Vieira inquired if the development will be also on lots 35 and 36. Shaun Cullinan, Planning & Zoning Official, explained that there is an approved site plan review and approved building permit for lots 1-6, that is where the development is going. If they are going to be expanding that development onto the other, they will need to do a major modification to the site plan. As well as any other changes necessary per the code.

Recommendation

Mr. Vieira moved that **SV-22-11-05** be sent to the Board of County Commissioners with a recommendation of Approval, with 1 condition, based on the findings and analysis in the staff memo dated January 20, 2023, 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.

2.) PD-22-00003

Quasi-Judicial

Commission District IV

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD)(434.68± acres), Residential Single-family 3.5 (RSF-3.5), Residential Multi-family 10 (RMF-10), Office, Medical, and Institutional (OMI) and Commercial General (CG) to PD. This is a major modification to the existing PD, Ordinance Number 2021-024, in order to add additional 196.14± acres located directly to the east to the development and have a mixture of residential and commercial development; and also adopt a General PD Concept Plan; for property generally located south of Franklin Avenue, north of El Jobean Road (SR 776), east of the Crestview Waterway, and west of Toledo Blade Boulevard, in the Port Charlotte area, within the Murdock Village Community Redevelopment Area (CRA), and in Commission District IV, containing 630.82± acres; Commission District IV; Petition No. PD-22-00003; Applicant: Kolter Group Acquisitions, LLC; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **PD-22-00003** with a recommendation of approval, with conditions “a through r”, based on the reasons stated in the staff report.

Questions for Staff

None offered.

Applicant’s Presentation

Linda Stewart, Planner with Morris Engineering representing the applicant, comments she accepts Ms. Shao as an expert witness and joins with the staff report and the revision to the existing modifications as well as the additional modifications and conditions to this PD amendment.

Questions for Applicant

None offered.

Public Input

David Kristof, lives at 2018 Fraser St, he inquired about the density and the buffer that will be placed. He would like to see that they hold true to the original zoning and not make it even denser than it has to be. It appears that there are buffers along the perimeters with commercial zoning before you access the residential, he is personally happy to see this.

Elizabeth Pearsall, lives at 2160 Bonito Way, she inquired about her address being in the buffering zone and wanted clarification on what that means. **Ast. County Attorney, Thomas David** answered the county code requires that when a Land Use change is coming before this body or the Board of County Commissioners (BCC) there is a notice mailed to every property that’s within 1,000 ft of the property. Which is what we call the buffer zone, it’s just a mail notification area that doesn’t do anything to your property. **Ms. Pearsall** mentioned the excessive noise

issues that are coming from the Charlotte County Fair Grounds and asked for help with the noise problem coming from the fairgrounds. **Mr. Cullinan** responded that the Fair Grounds are regulated by the state of Florida under Chapter 616 of Florida Statutes. They have board authority for events, and they have been there for 40-50 years.

Darrell Isaac, lives at 2152 Bonito Way, informed the board that he was not aware of the noise from the fairgrounds prior to buying his home. He expressed a couple of occurrences that took place because of the noise issue and asked for help with figuring out a solution to have the noise be less of an issue to live by.

Daniel Chludzinski, Lives at 1987 East Isles Rd, he asked how will it positively or negatively impact current CDD fees? **Asst. County Attorney David** commented that we have not seen an item yet, it's a statutory process and believes the place to find that information would be with the CDD board itself. They have their meetings publicly and send notifications. **Mr. Chludzinski** expressed that he gets noise from the Twisted Fork and has contacted the authorities because of the noise.

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

Rebuttal

Ms. Stewart responded to **Mr. Kristof** question about density and buffers. **Ms. Stewart** explained that the density is already set by the Future Land Use that's existing on the property, we're changing the zoning of the property, not the density of the property. We will have to abide by recommendations on the single-family and multi-family density in the existing PD that's being modified to being placed on this property. The buffering along 776 will be increased for this expansion. In front of the commercial area there's a 25ft buffer, in front of the residential apartment area and the center of the property there is a 60ft buffer, these are natural buffers. As for the CDD the cultural group will be working on the CDD, and she is pivvy as to how they will be handling this.

Discussion

Mr. Bigness commented about the area, and how the BCC has made comments about the clearing of the land. **Mr. Bigness** mentioned that he was under the impression there was going to be a turn lane installed near the landscape business. Without their being a turn lane in that area, it could be dangerous. To echo some of the other thoughts that have been brought up regarding noise; he thinks there should be a quality life issue addressed within the county that incorporates some kind of standards pertaining to the noise. He would like to see some education given throughout the county for residents pertaining to pedestrians and cyclist.

Mr. Vieira agrees with some of what **Mr. Bigness** said. The issue about residents not being told by the developer what is surrounding the property they were buying, that's an issue. He's suggesting that during site plan review if buffering could be increased due to the surroundings. On another hand, there's thousands of vacant land being developed there. Unfortunately, he's not sure what can be done about the already existing Harley complex and the fair grounds. He agrees there needs to be some sort of consideration for buffering.

Mr. Gravesen inquired with **Mr. Cullinan** if there was anything in the works for noise? **Mr. Cullinan** responded no sir, we have industrial permeance standards for industrial areas. With respect to the majority of the projects talked about; the fairgrounds has been their 40 plus years and the twisted fork went through the plan development process, including board hearings where it was made clear that there will be many outdoor events. That's why they went through the PD because they were limited in the amount under standard CG zoning. Our sports park is also out there, we have many events there such as concerts and fireworks. These uses have all been vetted their currently within their rights doing what they are doing.

Mr. McCormick comments that we should be urging our commissioners to look at sources of sound and controlling sound also along with the sources of lights that have been impacting neighbors.

Recommendation

Mr. Bigness moved that **PD-22-00003** be sent to the Board of County Commissioners with a recommendation of approval, with conditions “a through r”, based on the findings and analysis in the staff report dated March 6, 2023, 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**; and carried by a unanimous vote.

Mr. Gravesen asked staff to consider the noise issues that have been brought up here today to go back to the Commissioners with some thoughts on that.

3.) PAS-22-00005

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, from Medium Density Residential (MDR) to Commercial (COM) for 2.066 acres, for a portion of the property including three lots, one lot located at 1918 S McCall Road (SR 776) and two lots located north of SR 776, south of E 2nd Street, west of Manor Road, and east Hickory Drive, in the Englewood area, containing 7.37± acres; Commission District III; Petition No. PAS-22-00005; Applicant: Rapid Building Solutions, LLC; providing an effective date.

4.) PD-22-00007

Quasi-Judicial

Commission District III

An Ordinance, pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Commercial General (CG) and Residential Multi-family 10 (RMF-10) to Planned Development (PD) in order to develop a self-storage with outdoor storage as an accessory use, for property including three lots, one lot located at 1918 S McCall Road (SR 776) and two lots located north of SR 776, south of E 2nd Street, west of Manor Road, and east Hickory Drive, in the Englewood area, containing 7.37± acres; Commission District III; Petition No. PD-22-00007; Applicant: Rapid Building Solutions, LLC; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **PAS-22-00005** with a recommendation of approval, based on the reasons stated in the staff report.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **PD-22-00007** with a recommendation of approval, with conditions “a” through “k”, based on the reasons stated in the staff report.

Questions for Staff

Mr. Bigness asked on page 59 of the Ian Vincent report, it shows a wetland on there? Ms. Shao responded yes there is a little bit of wetland in this area, but they have proved it is low quality and isolated so they will not have the impact for that.

Applicant’s Presentation

Geri Waksler, McCrory Law Firm representing the applicant, her applicant is requesting small scale plan amendment from medium density residential to commercial on 2.07 acres and a rezoning from CG and RMF-10 for 7.37 acres. This parcel has one parcel ID and one owner, but it’s land use and zoning are divided. Slightly over 2 acres of the north end of the parcel has medium density residential land use and RMF-10 zoning. The remaining 5+ acres have commercial land use and CG zoning. Rapid Building Solutions, LLC tends to develop a mini storage warehouse facility with accessory covered outdoor storage for boats, RV’s and trailers. The mini storage is covered under the land use however the covered storage would need to go through a special exception process on the CG land use. The exception under the PD would be the storm water pond located at the north end of the property. That’s approximately 2 acres that has the medium density land use and has RMF-10 zoning and will contain only a storm water pond and buffers. Charlotte county prohibits storm water ponds serving a commercial development from being located on residential lands, so we had to rezone the property. The applicant zoned it to a PD so that the proposed uses and their buffers would be memorialized and enforceable in the PD concept plan and conditions of the approval. Buffers adjacent to residential will have a 6ft wall on top of a berm with landscaping consisting of a Type D buffer, the most intense buffer. Storm water pond adjacent to residential a Type A buffer, minimal landscaping around it. The thinking for the lesser buffer was that the property owners would probably like to have

a view of the large storm water pond. However, between the storm water pond and the building we do have a Type B buffer. The traffic report submitted shows that the traffic on McCall Rd will continue to operate at the adopted level service with the project build out and no turn lanes are required. We accept all proposed conditions of approval; we join in staffs report analysis and testimony and request a recommendation of approval for the Plan amendment and the PD zoning. One issue did come up, they have the 25 PD set back between the commercial-to-commercial uses. The PD code does not allow any structures within that set back and would like to request the ability to place air condition units within that PD set back only along the line that adjacent to existing commercial zoning.

Mr. Bigness inquired if that requires a variance? **Ms. Waksler** responded no, by the condition they have the ability to modify what's in the PD code.

Public Input

None offered.

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

Discussion

Mr. Bigness asked Mr. Cullinan architectural standards are they allowed to have corrugated buildings? He thought the frontage had minimum standards. **Mr. Cullinan** replied you can have metal buildings, there are commercial design standards that have to be met.

Recommendation

Mr. Bigness moved that **PAS-22-00005**, be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis in the staff report dated February 10, 2023, 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**; and carried by a unanimous vote.

Recommendation

Mr. Bigness moved that **PD-22-00007**, with conditions "a" through "k", be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis in the Board memo dated February 10, 2023, 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.

Asst. County Attorney David commented that staff will work on the amendment to the condition that was requested by the applicant.

5.) TLDR-22-03(Part 2) Legislative Countywide

An Ordinance of the Board of County Commissioners of Charlotte County, Florida, amending Charlotte County Code Chapter 3-9: Zoning, Article I. General, by revising Section 3-9-2, Rules of Construction; Definitions to add the definition of "Farmers' Market", and to revise the definition of "Park" and "Private Park"; providing for conflict with other Ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **TLDR-22-03** with a recommendation of approval, based on the reasons stated in the staff report.

Mr. Cullinan commented that these changes are based on comments and suggestions that you all made at the first reading, and they will tie in for the second reading this month.

Questions for Staff

Mr. Gravesen commented a thought on the not-for profit park, you have is open only to invitees of the not-for-profit park's owner. Now if this is a homeowners association park, do they have to be invited in by the homeowner's association? Asst. County Attorney David replied that the invitee is broader than what you would commonly think of.

Public Input

None offered.

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

Recommendation

Mr. Bigness moved to submit, TLDR-22-03 (Part 2), an ordinance to the Board of County Commissioners, amending the Charlotte County code chapter 3-9, zoning article 1 general by revising section 3-9-2, Rules of Construction definitions by adding the new definition of Farmers' Market and to revise the definition of "Park" and "Private Park". Providing for conflict with other ordinances. Providing for separability and providing for an effect date applicant Board of County Commissioners., second by **Mr. McCormick**; with and carried by a unanimous vote

ADJOURNMENT

The meeting was adjourned at 2:41 p.m.

Accepted on behalf of the Charlotte County
Planning and Zoning Board



Michael Gravesen, Chair