

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

June 12th, 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.

Approval of Minutes – May 8th, 2023, Regular Meeting

The May 8th, 2023, minutes were approved as circulated.

Announcements

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

PETITIONS

1.) PD-23-00001

Quasi-Judicial

Commission District III

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) to PD in order to 1) build an electrical substation on the northern portion of property (2.12± acres) (the rest of the property will remain as open space/vacant lands), 2) keep the base density of 82 dwelling units, and 3) adopt the "Detail PD Concept Plan", for property located at 6105 Winchester Boulevard and 6120 Ivory Bill Drive, in the Englewood area, containing 24.67± acres; Commission District III; Petition No. PD-23-00001; Applicant: Florida Power & Light Company; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition PD-23-00001 is consistent with the County's Comprehensive Plan and the County's code of laws and ordinances and other applicable guidelines.

Questions for Staff

Mr. McCormick are the density units on this property going to be extinguished or transferred? Ms. Shao replied that when this project PD was approved for multi-Family development, at that time the base density was 82 units. The applicant required 106 units to be transferred onto the site, which on April 26th, 2022, the BCC approved the TDU. As of today, the base density on the site is 188 units. The next petition will come and the property owner, is requesting to recertify 106 units out and keep the 82 units. This PD rezoning will keep the base density of 82 units.

Mr. Baker asked will FPL own this, or will it be retained by the current owner and allow for FPL to build this? Ms. Shao responded FPL will buy the entire parcel and only build the substation approx. 2.12 acres and the remaining site would keep vacant.

Applicant's Presentation

Don Bieger, on behalf of applicant, thanks and agrees with staff. He states nothing can be done on that additional acreage unless we come back for a major modification. They are only placing a sub station at the north side of the property. He accepts the conditions recommended by staff and was sworn in. He is here for any questions.

Mr. Baker asked why not transfer the whole 188 units? Why are 82 units being retained? **Mr. Bieger** replied that that is what came with the property originally prior to the previous owner. Going to a PD for Multi-Family. That piece of property was allowed to build 82 units as it was in the beginning and then a MDR was added by a developer to have the 188 units.

Mr. Bigness asked what would be the purpose for the extra land? Are they anticipating solar panels? **Mr. Bieger** commented that it all came as one parcel. At this time there are no plans for that additional site. If they do anything they will have to come back for a major amendment. They need a transmission station here, to help with our network and where we are at. At this point we have no plans to do anything else.

Public Input

Terry Ward, Representing Lemon Bay Isles community, asked for the dimensions of the substation? She also inquired for more specific info for the 7ft buffer, will that be in height of bushes or 7ft set back from the property line? **Ms. Shao** responded it's 70ft from property line of natural buffer. Does the electric magnetic field that's coming off the equipment, does that pose any danger to the neighbors? When will this construction start, and what kind of noise does the substation put out?

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

Rebuttal

Bruce Barber and Rachel Falpone with Florida Power and Light, Ms. Falpone commented that construction is scheduled for mid-late next year to start. It will take about 2 years to complete. **Mr. Barber** commented for the noise, it's an unman substation, that converts power on the transmission lines. This will be sitting and doesn't generate traffic trips. As for the EMF, they have to meet national standards for the EMF requirements. They cannot operate a substation without meeting those requirements. Outside the substation fence itself it drops almost to zero. EMF is not an issue.

Discussion

Mr. Gravesen commented they sold the property to FPL for a substation, and they are pulling back those TDUs that were placed there which they paid for. The residents get a benefit from a substation, it's secure power for the area.

Recommendation

Mr. Bigness moved that PD-23-00001, with conditions "a" through "j", be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated May 25th, 2023, 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.

2.) CSZ-23-02

Quasi-Judicial

Commission District III

A Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition to recertify 106 density units from properties located at 6105 Winchester Boulevard and 6120 Ivory Bill Drive, in the Englewood Area; containing 24.67± acres, in accordance with Part III Land Development and Growth Management, Chapter 3-9 Zoning, Article V Environmental Requirements and Other Requirements, Section 3-9-150(h)(1)(a)(ii), Transfer of Density Units (TDU), of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. CSZ-23-02; Applicant: Pastore Doyle Developers LLC, providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **CSZ-23-02** is consistent the County's Comprehensive Plan and the County's code of laws and ordinances and other applicable guidelines.

Questions for Staff

Mr. Vieira asked does the applicant have to designate where those TDUs are going to go? **Ms. Shao** responded no; this is to hold the certification. **Mr. Vieira** inquired on the original application they were going to put 188 units on the property if they had gone to Final Site Plan and those units were assigned effectively to these 188 units could this transaction being going on now? **Ms. Shao** responded that the previous petition you adopt the detail PD concept plan. They have concept to show the substation and the remaining site is vacant, with a specific condition that is "the site retains the base density of 82 units".

Mr. Gravesen inquires with the new PD; they couldn't put residential on there without coming back for a rezoning. With the PD now not being a residential zoning, does that lose those 82 units? **Ms. Shao** replied no because the PD condition specifically says the base density is 82 units. However, the development rights are only for substation and for any residential they must come back.

Applicant's Presentation

Rob Berntsson, Big W Law, representing the applicant, comments he accepts Ms. Shao as an expert and has been sworn. His client was moving forward with their multi-family development and was contacted by FPL who were interested in this site for their substation. Geographically the location fits in their overall grid system. They reached an agreement on the price conditioned on the rezoning and as part of that they indicated to take off the density that his client had transferred onto the site, leaving the original density on the site.

Questions for Applicant

None offered.

Public Input

None offered.

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

Recommendation

Mr. Bigness moved that **CSZ-23-02** be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis in the staff report dated May 25th, 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. Baker**; and carried by a unanimous vote.

3.) 23LAD-00000-00003

Quasi-Judicial

Commission District IV

A Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition to recertify 106 density units from properties located at 6105 Winchester Boulevard and 6120 Ivory Bill Drive, in the Englewood Area; containing 24.67± acres, in accordance with Part III Land Development and Growth Management, Chapter 3-9 Zoning, Article V Environmental Requirements and Other Requirements, Section 3-9-150(h)(1(a)(ii), Transfer of Density Units (TDU), of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. CSZ-23-02; Applicant: Pastore Doyle Developers LLC, providing an effective date

Jie Shao, Principal Planner, provided the findings and analysis for Petition **23LAD-00000-00003** based on the reasons stated in the staff report.

Questions for Staff

Mr. Bigness asked are the density units are they already there? **Ms. Shao** responded the density are not already there because it's a DRI it's in our Comp Plan. You can add the matrix and convert approved commercial to residential. Our Comp Plan from Policy 1.2.17 we recognize the DRI area and promote Mixed Use. Anything

converts to residential the board will grant incitive density. **Mr. Bigness** asked is this an overall increase in the whole county of density because of our fixed density? **Ms. Shao** replied no it's not, because back in 2010 when the 2050 Comprehensive plan was established, the county then created the incitive density that houses over 14,000 units of incitive density.

Mr. Bigness inquired about the Governors Executive order; he asked if staff could further explain.

Asst. County Attorney Tom David, responded that whenever the Governors issues a state of emergency order that it automatically extends development orders upon request. **Ms. Shao** responded that they have already requested, and this is reflecting the new dates.

Applicant's Presentation

Rob Bernstsson, Big W Law, representing the applicant, comments he accepts **Ms. Shao** as an expert. **Macy's** has closed sometime ago, and this proposal would tear down the building and replace it with a multi-family project. This is one of 3 items before you today. This will amend the DRI to add the matrix to allow for the conversion. We would then apply for the incitive density to bring the density to the site. To adopt a PD that will allow for a multi-family development.

Questions for Applicant

Mr. Baker inquired if this will 60 feet in height? **Mr. Bernstsson** replied that's correct.

Mr. Vieira asked if the 250 units is that a cap on the development in the area? **Ms. Shao** responded only for this site. This will be next item presented to you.

Shaun Cullinan, Planning and Zoning official, commented that the mall is separate parcels and that **Macy's** is its own stand-alone parcel.

Mr. Gravesen summarized that this petition is to add the matrix to the comp plan for this DRI.

Public Input

None offered.

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

Recommendation

Mr. Baker moved that **23LAD-00000-00003** be sent to the Board of County Commissioners with a recommendation of approval, based on the findings and analysis in the staff report dated May 13th, 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. McCormick**; and carried by a unanimous vote.

4.) PD-23-00002

Quasi-Judicial

Commission District IV

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Commercial General (CG) to Planned Development (PD), in order to have residential development up to 250 dwelling units, increasing the base density from 0 units to 250 units; requesting 250 units of Incentive Density for the proposed residential development; and also requesting to adopt the "Detail PD Concept Plan"; for property located at 1441 Tamiami Trail, Unit 901, containing 7.01± acres, in the Port Charlotte area and within the boundary of the Murdock Center Increment II Development of Regional Impact (DRI); Commission District IV; Petition No. PD-23-00002; Applicant: Avery Port Charlotte, LLC; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition PD-23-00002 with a recommendation of approval, with conditions “a” through “n”, based on the reasons stated in the staff report.

Questions for Staff

Mr. Gravesen commented that we are giving this parcel kind of the benefit for land scape buffer because it’s residential and our PD landscape buffer requires commercial to create the buffers. What impact, if this is allowed in this area, on any redevelopment of a commercial portions; will that create a buffering aspect of any redevelopment that’s not residential? **Ms. Shao** replied that is case by case. For future when they come for redevelopment for the mall they will have appropriate landscaping and need to be addressed.

Mr. Gravesen commented to staff hat the way you were speaking the residential parcel here doesn’t have to create the buffer but the commercial one next to the residential would, there could be a potential issue for redevelopment of any of the commercial properties surrounding this property. Just commenting on a potential conflict with some of the regulations that needs to be further looked into.

Applicant’s Presentation

Rob Bertsson representing the applicant, He has been sworn and joins in with Ms. Shaos staff report and accepts all the purposed conditions. He thinks bringing in a residential aspect to the mall will be a positive step for our community. This is first detail PD for a residential project. This project has been fully designed, if approved by the board, to be able to go right to final at the staff level and then to the building permit.

Questions

Mr. McCormick inquired if the first floor is also going to be residential, this isn’t mixed use with commercial on the bottom? **Mr. Bertsson** replied there may be a gym internal as an amenity, but the entire project is residential apartment building so to speak.

Public Input

None offered.

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

Recommendation

Mr. Baker moved to submit, PD-23-00002, be sent to the Board of County Commissioners with a recommendation of approval, with conditions “a” through “n”, based on the findings and analysis in the Board memo dated May 27th, 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**; with and carried by a unanimous vote

5.) TCP-23-01

Legislative

Commission Districts IV & 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; this request is to revise Future Land Use (FLU) Appendix VI: Developments of Regional Impact by 1) adding a Land Use Equivalency Matrix to Increment II of the Murdock Center Development of Regional Impact (DRI) which will allow the conversion of approved commercial square footage to other uses within this DRI; and 2) amending the Murdock Center DRI development rights to a) decrease “Retail/office” from 2,699,000 - 2,685,591 square feet to 2,541,588.31 - 2,557,512.31 square feet; and b) reflecting the development rights as established in Increment II Development Order (DO) by adding “Regional Mall” of 630,605.31 square feet, “Theater” of 70,000 square feet, “Peripheral Development” of 440,500 square feet, and 722 “Multi-family” (Mid-Rise) Units; Petition No. TCP-23-01; Applicant: Avery Port Charlotte, LLC; this amendment will also update development rights as established in Increment IV DO by adding “Retail” of 515,749 square feet, “Office” of 44,076 square feet, and “Mini-Warehouse” of 155,730

square feet; and concurrently removing 150 “Hotel Rooms”, 150 units of “Senior Adult Housing”, and 125 units of “Assisted Living”; Commission Districts IV & V; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **TCP-23-01** based on the reasons stated in the staff report.

Applicant’s Presentation

Rob Berntsson representing the applicant, He has been sworn and accepts Ms. Shaos as an expert. This is house keeping for the other two that have already been presented along with clean up to the other increment that got folded into this. We respectfully request for an approval of the amendments of the comprehensive plan.

Public Input

None offered.

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

Discussion

None offered.

Recommendation

Mr. Baker moved to submit, **TCP-23-01**, to the Board of County Commissioners with a recommendation of Approval, of transmittal of TCP-23-01 to the Department of Economic Opportunity (DEO) and other State review agencies for review and comment, based on the findings and analysis in the Comprehensive Planning staff memorandum dated May 19, 2023, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board., second by **Mr. Vieira**; with and carried by a unanimous vote

6.) PAL-23-00001

Legislative

Commission District II

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 Public Land & Facilities to Parks and Recreation; for property located at 2505 Carmalita Street, in the Punta Gorda area, containing 55.157± acres; Commission District II; Petition No. PAL-23-00001; Applicant: Tina Powell , Parks & Natural Resources Division Manager; providing an effective date.

7.) Z-23-41-12

Quasi-Judicial

Commission District II

An Ordinance, pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Estate (RE1) to Parks and Recreation (PKR), for property located at 2505 Carmalita Street, in the Punta Gorda area, containing 55.157± acres; Commission District II; Petition No. Z-23-41-12; Applicant: Tina Powell, Charlotte County Parks & Natural Resources Division Manager; providing an effective date.

Folakemi Gangbo, Planner, provided the findings and analysis for Petition **PAL-23-00001** based on the reasons stated in the staff report.

Folakemi Gangbo, Planner, provided the findings and analysis for Petition **Z-23-41-12** based on the reasons stated in the staff report.

Questions for Staff

Mr. Gravesen asked if the long lake is for creating a buffer between the park and the residents? **Tina Powell, Parks and Natural resources** responded its actually part of the canal system for storm water.

Applicant's Presentation

Tina Powell, Parks and Natural resources responded its actually part of the canal system for storm water.

Public Input

Stephanie Keinon, lives behind the park, inquired if this will stay a bike park? Will there be any development? **Asst. County Attorney, Thomas David**, responded there is going to be no changes to the park. This is to conform the zoning and the land use to use of the property, so they are the same.

Asst. County Attorney, Thomas David, explained that their will be more of these where we have several parks where they have other zoning categories attached to them and has caused issues. In some of our residential zoning districts you can't for example do plant sales, which is common at our park facilities. We are trying to match everything up. There will be no change to that property, it's really just technical changes.

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

Recommendation

Mr. McCormick moved to submit, **PAL-23-00001**, to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report June 5th, 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. Bigness**; with and carried by a unanimous vote

Recommendation

Mr. McCormick moved to submit, **Z-23-41-12**, to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report June 5th, 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. Bigness**; with and carried by a unanimous vote

ADJOURNMENT

The meeting was adjourned at 2:42 p.m.
Accepted on behalf of the Charlotte County
Planning and Zoning Board



Michael Gravesen, Chair