

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

April 8, 2024, 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. Paul Bigness was absent.

Approval of Minutes – March 11, 2024, Regular Meeting

The March 11, 2024, minutes were approved as circulated.

Announcements

None offered.

PETITIONS

1.)

PFP-23-04-01

Quasi-judicial

Commission District II

CKJ Holdings Group, LLC and Charles Capps, Esq., of Pavese Law Firm, are requesting Preliminary and Final Plat approval for a replat of the property located at 1439 Virginia Drive (lot 12) and 2782 Lakeview Drive (lots 13, 14, and 15), of the Pettit Park Subdivision, as recorded in Plat Book 7, Page 11, in the Public Records of Charlotte County, Florida into a three-lot minor subdivision to be named, Lakeview Cottages. There is no bond or Development Agreement associated with this plat. The properties contain 0.7± acres and are located in the Punta Gorda area and in Commission District II.

Jenny Shao, Principal Planner, provided the findings and analysis for Petition **PFP-23-04-01** with a recommendation of approval based on the reasons stated in the staff report.

Questions for Staff

Mr. McCormick asks that building that is located on one of the properties, is that a residential building or is it.

Ms. Shao said I believe that is a residential building.

Applicant's Presentation

Charles Capps, Esq., of Pavese Law Firm, representing the applicant, said I don't have much to add and we're essentially doing a minor plat subdivision. We are basically taking four lots and making them three and larger. I am happy to answer any questions. But we aren't changing any infrastructure or anything that should impact any neighboring property owners.

Chair Gravesen asks either staff or applicant, one unit of density to be transferred off can they reserve that or is that lost.

Mr. Cullinan said I believe that would be lost, due to the fact that these were substandard lots of record. But we can look into that with the applicant.

Chair Gravesen said well once it's approved it's gone if it hadn't been transferred off correct.

Mr. Cullinan said it may still have the acreage, we did not look at it for that as the request was solely for, but this I don't believe is any type of coastal high hazard or any other type of density such as that, we could look into that.

Chair Gravesen said OK just a question.

Public Input

Unknown Speaker says he is the owner of 900 Marlin Drive, just down the road like a block away. I was wondering if they could make some improvements like as far as drainage and stuff like that. Like the ditches and stuff, they fill up with water and everything you know and I'm ok with this, you know what they're doing there is nothing wrong with that. But I think there need to be other improvements.

Chair Gravesen asks Mr. Cullinan to address that.

Unknown speaker said and like road improvements too.

Chair Gravesen said because this is just the platting of it there is no construction.

Asst. Co. Atty. Thomas David asks if the gentleman could say his name and address for the record, please.

Timothy Dale Mooney said I own the lot 1500 Cool Ridge.

Mr. Cullinan said because this is already an existing road, this is governed in the MSBU, Punta Gorda non-urban street and drainage the county does maintenance on it. These folks would not be required to actually reducing the impact on it by going from four units down to three. We can pass those along to Public Works, maintenance, and operation.

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

Discussion

None.

Recommendation

Mr. McCormick moved that **PFP-23-04-01** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated **March 15, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

2.)

PD-24-03

Quasi-Judicial

Commission District IV

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 the existing PD, Ordinance Number 2023-015, by amending the adopted PD condition "m" in order to define the "natural buffer with 25 feet in width", 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), containing 630.82± acres; Commission District IV; Petition No. PD-24-03; Applicant: Kolter Group Acquisitions, LLC; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **PD-24-03** with a recommendation of approval based on the reasons stated in the staff report.

Questions for Staff

None.

Applicant's Presentation

Kevin Latch said he is with the Sembler Company, I have been sworn in. Before I get started, I want to acknowledge staff and what a pleasure it was to work with them on this issue. It hasn't been easy, but they've acted very professionally, very diligent on responding in a timely fashion to all my inquiries and there were many. Mr. Latch said a little bit on the Sembler Company before I get into my brief presentation. They are a real estate development firm; we also manage and operate shopping centers. We've been in business for sixty-two years; we operate and develop properties throughout the southeast of the United States from North Carolina to Alabama and all through Florida. Including the local Target shopping center right across the street and the West Villages Market Place in North Port on US41 in Whellen Park. We are proposing a neighborhood shopping center as Jie mentioned and we will get into the specifics of that as I go through it. Mr. Latch talks about the contract and the process of the permitting we just started that effort. Our project is a grocery store anchored shopping center and is a regional first-class operator. Also included in our project is about an 11,000 square feet of retail space and three outparcels. Typical tenants on a project like this will be smaller restaurants, services, nail, hair, tax assistance and stuff like that. The outparcels could be anything from like fast casual restaurant, gas with convenience, medical. We have been under contract for a couple of years with Kolter as they've been going through their permitting process. So, we've just started on active marketing other than the grocer, that is well behind us. We will be finishing up on exhibits and have that all wrapped up. Talks about the natural buffer and definition. Explains the concept site plan as we develop it so far, 776 is on the bottom of the page, Flamingo Blvd. Extension is on the left side of the page. Informs access to the property will be off 776, and two access points off Flamingo. Talks about the grocer and retail space, talks about the detached retail and the pharmacy drive thru. Speaks about the stormwater ponds, anticipated size we have not engineered them yet. Mentions the three outparcels two on the left of the parking field and one on the right side. Kolter is responsible for a lot of the permitting of the infrastructure around it so that is why we're lagging behind them a little bit. Within the next few months, we will make submittals on our application for site plan approval, any plat revisions as necessary. Discusses the definition on how they came up with it and explains to the board. Talks about the stormwater, signage, no development within twenty-five feet, and had an arborist walk the site. Explains the buffer with trees, hedge row, which is not required, code and tree points.

Public Input

Joe Westendorf, lives at the West Villages, Lasso Drive. Mr. Westendorf said his concern is noise, as we have now, we have Twisted Fork and Bert's back porch. We knew it was there and didn't know what they did in the evening. Particularly Friday nights when they have their music, and we have a nice patio/lanai and I mean it's so loud we go in the house. Some of the music is good and actually enjoy it. I hear the Harley's going down the street, I love that too ok. But it's a little loud and Friday night it was up until 11 o'clock and when I went to bed, I was still hearing the bass drum beating. My concern here with this is if we can kind of restrict music playing, we have restaurants and that sort of thing, I would hope. It would be a nice place to go, it's just the loud music outside that I have concerns with. Otherwise, it sounds great, a grocery store and all that kind of stuff. I just want to kind of relay that thing, the issue we have in the neighborhood. Everybody sits on their patio or have people over and when the band starts kicking up. It's ok then we go in, the houses are built well, and it keeps the sound out. But the other night Friday night I could hear that bass drum it was like boom, boom, boom up til 11 o'clock. Can I ask one more question, you talked about the buffer for 776 and there is a creek to the left of that. It doesn't show much buffer and I don't live right there but there are houses along there. In that development how are they going to, how is the noise going to affect them. I'd like to see a little more buffer for them.

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

Discussion

Mr. Vieira said I guess I do have one, are we talking about. I know there was a lot of discussion at the initial development, and everything was clear cut, and all the vegetation was taken down. Are we talking that kind of scenario and then starting over or is it going to be selective cutting and saving of trees.

Mr. Cullinan said and that is the genesis of why this condition was originally put in. Jie if you could go back to, if you recall the first PD was the area over to the west. Then Kolter Group came under contract to purchase the middle portion from the county, and they put it all in one planned development. Well, the board with their discretion since we were the sellers of the land and going through the PD had seen all the clear cutting that was done. That was the intent of why the natural buffer was to remain. Twenty-five foot in front of tract S and sixty feet in front of tract T. They didn't define what natural buffer was, this was an item that was put on the closing documents or the purchase and sales agreement and the PD on the dais. So, they just stated that they wanted to see a natural buffer. As such we have been working diligently with the applicant to kind of figure out what that natural buffer is. Because there are other things within that natural buffer that are natural but invasive. So, those things would need to be removed, yet at the same time that is part of what we have here is natural buffers. So, that is the reason why there coming in for this amendment. We've been able to work out some language where a lot of the older existing trees are able to be saved. But we'll recognizing that they do need to make some that five-foot area some of the silts and things like that work for stormwater. So, this was kind of the middle ground of keep everything that was there vs. a clear cut that was there in the first portion of it.

Mr. Vieira said we're defining that natural area that at this meeting.

Mr. Cullinan said correct, yes sir.

Recommendation

Mr. Baker moved that **PD-24-03** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated **March 25, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. McCormick**; and carried by a unanimous vote.

ADJOURNMENT

The meeting was adjourned at 2:04 p.m.

Accepted on behalf of the Charlotte County
Planning and Zoning Board



Michael Gravesen, Chair