

CHARLOTTE COUNTY PLANNING AND ZONING BOARD
REGULAR MEETING
Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida

Board Members

Michael Gravesen, Chair
Vacant, Vice-Chair
Stephen Vieira, Secretary
Don McCormick
Clint Baker



District

District V
District III
District I
District II
District IV

MINUTES
REGULAR MEETING

May 13, 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 – April 8, 2024, Regular Meeting

The April 8, 2024, minutes were approved as circulated.

Announcements

None offered.

PETITIONS

1.)

PPF-24-01

Quasi-judicial

Commission District II

4840 Irlo, LLC is requesting Preliminary and Final Plat approval for a two-lot subdivision to be named, Campbell's Subdivision. There is no infrastructure construction, bond or Developer's Agreement associated with this plat. The properties contain 8.03± acres and are located at 2757, 2851, and 2741 Taylor Road. The proposed plat is located within the Punta Gorda area and Commission District II.

Jenny Shao, Principal Planner, provided the findings and analysis for Petition **PPF-24-01** 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, said we accept Ms. Shao as an expert. This is a pretty simple one, two lot subdivision. The applicant is actually going to be seeking site plan approval to expand their trailer business on the southerly lot. That should be coming in shortly and we respectfully request your approval of the two-lot subdivision.

Chair Gravesen said just for the staff on the agenda the petition number is incorrect, it says 04 instead of 24 of the agenda item, it appears to be correct on the application but just the agenda.

Public Input

None offered.

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

Discussion

Mr. Vieira said I just want to be clear, there is not type of construction bond or anything required because there is already an existing business in place and the future contemplation by the applicant. Does that require a bond on any kind?

Mr. Cullinan said this subdivision does not require any bonding because it's not putting in any infrastructure. The bonding is only when infrastructure such as roads, utilities, things like that. We do not require bonding for commercial, industrial, or even residential projects. It's only when subdivision and infrastructure is going in that bonding is required.

Mr. Vieira said is for sake of argument, is a retention pond considered infrastructure?

Mr. Cullinan said that would be addressed at site plan review stage. There are some code violations here that the applicant is aware of, and we are working through that situation with them so that they can get that rectified.

Recommendation

Mr. Baker moved that **PPF-24-01** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated **April 22, 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.) 22LAD-00000-00007

Quasi-Judicial

Commission District I

A Resolution pursuant to Section 380.06(7), Florida Statutes (F.S.) and County Code Section 3-9-10.1, amending the Harborview DRI Development Order, Resolution Number 2010-083, to 1) revise for internal and statutory consistency to reflect updates to Florida Statutes, as applicable; 2) amend "Specific Conditions": "Vegetation and Wildlife"; "Wetlands"; "Water Supply"; "Stormwater Management/Water Quality"; "Transportation"; "Housing"; "Police and Fire Protection"; "Education", "Dock Facilities" (existing "Marina and Dock Facilities"); "Energy"; "Flood Plain/Hurricane Preparedness"; "Recreation and Open Space"; and "General Provisions"; 3) update the "Land Use" condition to delete marina uses; 4) revise Map H (Exhibit "A") to be consistent with the proposed development rights; 5) revise the buildout date; 6) revise Exhibit "B" to include a "Residential Land Use Equivalency Matrix"; 7) amend Exhibit "D": "Harborview DRI Land Management Plan, a Manual of Best Management Practices for Preservation Prepared by Water Resource Associates, March 2024"; 8) amend Exhibit "E": Wetland Impact/Preservation and Wildlife Areas/Green Zone Map (Map F-1) to insert a new Map F-1: Wetland Impact & Wildlife Utilization Map; 9) delete Exhibit "F": Marina Environmental Measures and Best Management Practices, Clean Marina Plan – Harborview Marina; 10) delete Exhibit "H" – Proposed Dredging; and 11) amend Exhibit "I": Bicycle and Pedestrian System Map; for property general located north of the Peace River, south of Madras Court and Mauritania Road, east of Danforth Drive, and west of Discovery Drive; in the Port Charlotte area; containing 653± acres; Commission District I; Petition No. 22LAD-00000-00007; Applicant/Developer: Benderson Development Company, LLC; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **22LAD-00000-00007** with a recommendation of approval based on the reasons stated in the staff report.

3.) PD-22-00015

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 the existing Harborview Development of Regional Impact (DRI) PD, Ordinance Number 2010-071, by revising the development rights, removing the public marina, updating development standards, and adopting a Residential Land Use Equivalency Matrix and a General PD Concept Plan; requiring a transfer of density units for any residential development above 1,785 dwelling units; for property generally located north of the Peace River, south of Madras Court and Mauritania Road, east of Danforth

Drive, and west of Discovery Drive; in the Port Charlotte area; containing 653± acres; Commission District I; Petition No. PD-22-00015; Applicants: Benderson Development Company, LLC; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **PD-22-00015** with a recommendation of approval based on the reasons stated in the staff report.

Questions for Staff

Mr. Vieira said I'd like to hear the developer's presentation first.

Applicant's Presentation

Derek Rooney, Gray-Robinson Law Firm, representing the applicant, we accept Jie Shao as an expert even though me and our team were outside, we did swear in, so we don't need an additional swearing in. Mr. Rooney said I am assuming that the crowd here is a mostly for us, so even though Jie has given a very extensive and detailed history on the project. I would ask, I know you have a long agenda that we have a power point we'd like to go through it to try and summarize it. Hopefully that will answer a lot of the questions before the public comment. With that I am going to ask Jem Franz to come up from RVI Planning, I'm also joined by Alexis Krespo with RVI Planning, Becca Bonds and Chris Hatton from Kimley-Horn transportation issues. Unfortunately, our environmental engineer WRA wasn't able to make today's meeting. But if there are any questions, please raise them we'll make sure to address them at the next meeting.

Jem Frantz with RVI Planning and Landscape Architecture. An introduction to Benderson Development, they have been involved with the property for quite a few years now. Is an established developer not only in Florida but is also one of the largest privately held real estate companies in the United States. Regionally there is a couple of landmark projects at St. Armand's Circle, and the University Town Center. So, being involved with the project for a long time, committed developer, quality developer in Florida. Benderson is committed to getting this project right and that's really what our application is about. By eliminating the marina it will reduce boat traffic, through the canal and into Peace River and habitat there. We're reducing the intensity in the east village by removing those commercial and mixed-use allowances. We are not asking for any new density today. So, looking at the DRI changes, in the north village you'll see three preserve areas labeled D, E, and F. Those preserve areas are identified for Scrub Jay and Gopher Tortoise habitat and they also buffer our uses to the surrounding residential. In the east village similar idea there in that preserve area C again for scrub jay and gopher tortoise habitat, and again adjacent to residential on the eastern property boundary. We are not relocating Discovery Drive as was previously proposed. So, those residents that currently access their properties through Discovery Drive there's no impact to that road anymore. Again, removing the intensity from that east village which is adjacent to quite a few residential units to the east of us. Removing the marina will significantly decrease the intensity in this area of the development. In the west village a couple of minor changes including increasing the wall height for compatibility with that interstate cutting through the middle of the property. A lot of similar ideas in the PD changes again, as Jie pointed out we're increasing the open space and preserve areas so a total of 226.55 acres throughout the project. Mirrored in the PD changes are the removal of the commercial and mixed-use impacts, removal of the marina impacts, and reducing density and intensity. In the PD concept plan, we see that actually is a reduction in density and intensity within the coastal high hazard area. In the PD we also see that the green zone requirements that are currently in the DRI are mirrored in the PD as well. In that east village the maximum height is 38 feet within anywhere within 100 feet of the eastern property line. So, all in all in that east village area we think much better compatibility with surrounding low density residential uses. On the environmental side that marina impact removal is not just a compatibility benefit but also benefits really sensitive habitat within the Peace River. The 226 acres of wetland and upland habitats that are being preserved represent an increase of approximately 57 acres. Through the participation in the habitat conservation plan there will be a three-million-dollar payment towards scrub jay mitigation. Jie also mentioned, the incorporation of eagle nest protections that would apply throughout the property to existing or future eagle nests. Those two areas so those tropical storm and category one zones have moved landward pretty extensively. However, this is reducing density and intensity in those areas so it's a big benefit from a stormwater perspective from the safety perspective. We're removing a number of

conditions related to stormwater through in the DRI again, those primarily are removing duplicate standards with state permitting processes. We're retaining consistency with the Charlotte County master stormwater management plan. So, regarding recommendation in the staff report to add a school concurrency condition in the PD, conditions on the screen and we're in agreement with staff about that addition. The DRI affordable housing requirement was also mentioned so what we're looking to do here is really just have the same application that you would see in other areas of the county and affordable housing you don't see required for base densities. So, that's the reason for the change to have affordable housing requirements kick in at the time that we exceed, go above and beyond the base density. There was one other addition that Jie mentioned regarding signage requirements. Again, we're in agreement on those additions so we'd make those changes before the next meeting. To conclude we're reducing intensity, removing the marina impacts in that eastern village and providing pretty significant open space and preservation areas throughout the development. We're improving compatibility with those surrounding residents hopefully some of this has been good news for the folks in the room. Kind of stepping back, what are we doing here, we're reviving a really long-standing approval. Not doing that through a request for more development for increased density but, for really right sizing the development to the current market for development. So, staff recommendation of approval with some changes we're in agreement with all of those except for the one disagreement on affordable housing. With that we'll be ready for any questions from you all as well as from the community.

Mr. Vieira said I have a few questions, could we put map H back up on the screen please.

Asst. Co. Atty. Thomas David said Mr. Vieira, I don't know that they are done.

Mr. Vieira said I am sorry; I was looking at the map.

Mr. Rooney said we are done with our presentation; we don't have anything more to add. I know there is a lot of people here, it's a big project, a lot of confusion doesn't shock me, there's a lot of interest, even I think Ms. Frantz did a really good job explaining how this is reducing density, moving it away from the existing, I am sorry reducing intensity, removing that intensity away from the existing homeowners. We are here for any questions you have and I'd just reserve some time for rebuttal.

Mr. Vieira said I'm sorry for me it would be easier if I started on map H that might address some of the questions that I had for you from your presentation if I could. Luther Road is one of the subjects in my mind. Is the developer extending Luther Road or is the County going to extend Luther Road into this development or make it a bypass in some way?

Mr. Cullinan said as to my understanding we do not have a Luther Road extension anywhere in our CIP at this time. That's not to say that it won't or that it may be upfronted by the applicant but, I do not believe we have that in the County's CIP.

Mr. Vieira said as I read through the documentation, I thought that I had read, that if the County decides to extend Luther Road, then the developer would grant some sort of access for the extension of that road am I correct in what I read on that?

Mr. Rooney said correct.

Mr. Vieira said if I can just come down into the east village a little bit, the scrub jay mitigation area or preservation area that's on Discovery Drive at this point. In the presentation it was said that it was 61 acres that was going to be set aside for scrub jay, **Ms. Shao** said yes 61 acres, **Mr. Vieira** said what was the actual requirement is this a negotiated amount of acreage that was done, or it is, it's a negotiated amount correct? **Ms. Shao** said I believe they have an agreement with the preservation area. I believe that identifies 89 or 90 habitats, but they're required to preserve 61.21 in addition they need to pay HCP fees. **Mr. Vieira** said so other environmental issues offset that

requirement, that total requirement. Also, do other environmental issues offset that requirement of the seventy plus acres that's scrub jay. I'm just wondering how we get down to 61 acres.

Asst. Co. Atty. Thomas David said that was based on the discussions with the natural resources department that implements the HCP permit, I believe that's right.

Mr. Rooney said I just want to be clear; we're preserving those areas that are appropriate for preservation on the property in addition to paying the HCP requirement for the total acreage.

Asst. Co. Atty. Thomas David said that's a requirement of the HCP plan, some property has to be mitigated in perpetuity another addition to the payment of the fees under the permit.

Mr. Vieira said the elimination of the marina and its facilities about that how does that add in to or does it even interact with the matrix for increased density. Does it increase density, is it used in any way to calculate.

Mr. Rooney said there is no increase in density, it's strictly a removal of the marina and the associated uses.

Mr. Vieira said did the developer withdraw their requirement for the marina or was it rejected by the state?

Mr. Rooney said no it was a developer initiation.

Mr. Vieira said I went through transportation issues, and I saw that the developer has to make a lot of changes to or may have to make some changes and may make some changes of some specifics. But there was one that really caught my eye so I was confused about it so I need some explanation. One of the requirements was for the developer to widen Harborview Road from Melbourne Street to the west village. Currently there is an unfunded mandate before the County and others to widen Harborview Road to four lanes as well. So, I'm trying to find out who's going to widen Harborview Road and who's going to pay for it I guess is what I'm looking for.

Mr. Rooney said there are two components to the transportation element here. There're is the site mandated improvements, we have those and then there are those that become warranted including widening, signalization when the project requires those to be made. The developer is required to them, but we will go ahead and let the team from Kimley-Horn address that question.

Becca Bond, said I am a registered professional engineer from Kimley-Horn in the state of Florida and the traffic and transportation engineer on this project along with Christopher Hatton who is standing behind me. He was right on about that, all of these improvements that you see listed in the DRI conditions, these are requirements that we will be studying with each traffic study that is conducted. So, as Jie Shao mentioned with each phase of development there will be a traffic study that's required. At the current County conditions so we updated all of that out-of-date information and have updated it to the current standards. So, the study will be conducted when warranted we will approach those widenings. We didn't take out any of the information that was already listed with the original DRI analysis. So, those improvements you see listed in there will still be considered but the payment for the construction of those projects that will be addressed at the time when they are warranted. So, whatever phase of development warrants that, that's when we'll look into who's coordinating and how that's getting paid for.

Mr. Vieira said I guess the other issue is the traffic sound barrier walls. There's one that I read for the west village, but I didn't see anything that was included for the east village. Is there a sound barrier wall considered for the east village, along 75 the exit at 167?

Jem Frantz said we hadn't added a sound barrier wall requirement on the east village. **Mr. Vieira** said I thought there was one on the west village. **Jem Frantz** said on the west village. **Mr. Vieira** said is there one on the east village? **Jem Frantz** said no. **Mr. Rooney** said so there are, in the east village originally was contemplated where

that marina use. There was a lot more heavy mixed use on that side up along side of Discovery all those more intense commercial uses are now moved to the north village. Basically, on the enclave south of those preserve areas labeled F and E. Almost all of the project on the east side of 75 will have enhanced buffers but will also have preserve areas across from the residential. So, we didn't determine there was no discussion with staff about putting a sound barrier wall on those areas because it's considered like to like. Where there is any overlap, it will be residential to residential, now on the western side I think the project may come a little closer to existing homes. There's not as much preservation directly adjacent so there is a sound barrier for I-75. But there's only enhanced buffering on the west village adjacent to the existing homes.

Mr. Vieira said I guess I want to address affordable housing. I still don't understand the requirement to reduce the amount of affordable housing that was available.

Mr. Rooney said so the two considerations that we would ask to consider is that first, this project unlike other places in the County we're not asking for anything additional in terms of the base entitlements. So, we're not asking for bonus density and generally that is the where affordable housing comes into play in Charlotte County. So, we're asking to be treated similar to other projects in just have our base density. Second because this project is coming in for a reduction, we believe reduction that, I was here in 2010 I am sure many of the people in the area were very upset about the idea that the marine and the commercial intensity that could come along with that. Because we are voluntarily pulling all that stuff and making this development much more compatible with surrounding neighbor particularly given the fact. This is at an interchange and going to be developed at some point in the future. We were hoping that you know that the County would look on this and say there is no reason to make the project more difficult and penalize the developer by reducing entitlements but increasing requirements that basically don't work in the market.

Mr. Vieira said alright that's all I have for right now.

Mr. Baker said my only question was to follow up on that. So, all you're simply saying is you want to be treated like the rest of any development, and you don't want an undue hardship of having to have these affordable homes until you reach your base density and exceed that. Then you can talk business but, I am not sure why the County would oppose that. It's almost like there trying to force you to have a certain type of home when that's up to the developer decide what the market will bare in the proper zoning day you have normally. So, to me it seems fairly fair will all the give Me's that there giving to the County, this seems to be a win, win for the community. But I wouldn't see why we would want to object to that, I guess they did for reasoning but seems reasonable.

Mr. Cullinan said I can address a few of those items. That requirement and the reason we are opposed to the removal of that as you well know. Our housing stock is very deficient in affordability right now. This was an agreement that they made this DRI like most DRI's was significantly over entitled. Whether they would have actually been able to construct the entirety of the entitlements as allowed to them through the DRI. Remember this was done in 1992 originally, when many other regulations were very different within the State and Federally. There have been some other things that have come up over the years, they have increased over time the numbers as well as decreased. We still feel this is a very important thing, the affordable housing aspect in fact that is one of the boards very bold initiatives is to try to increase affordability. I am not saying you know low-income affordable housing but housing that is affordable to people. That is a very, very high priority of the Board of County Commissioners. So, that is why we have some concerns over removing that. They've not shown any data or analysis as to the rationale for it other than by saying well we're lowering our entitlements. But that we need that data analysis and I believe the board will be asking for that as well.

Mr. Baker said Shaun to follow up on that, it's not a mandate that they provide affordable housing. That's just an initiative from the Commission, right?

Mr. Cullinan said Well no sir this was, they had voluntarily agreed to that back when this DRI was created so it's not a mandated it's their negotiated agreement with the County.

Mr. Baker said but they gave so much, we're giving them nothing. So, they're just asking for a little bit of negotiations sounds like they did all the giving.

Mr. Cullinan said no sir, they're voluntarily reducing, we did not ask them to reduce anything that they were looking to do. In fact, the entitlements that were granted on them again, are very over entitled for the property.

Chair Gravesen said so did the comp plan put in the need for 10 or 15% for affordable housing into residential.

Ms. Shao said yes, we do have the objective which I read to you 15%.

Chair Gravesen said that went into effect how long ago?

Ms. Shao said 2010, yes and I also try to point out the old DRI used to be and explains all of this with the Chair, and they discuss.

Chair Gravesen said, just for knowledge to everybody else Shaun and I know that the affordable housing committee who is looking at trying to do affordable housing. They start looking at the 60%, 80% maybe up to 100% of the average income of the area. Here you're starting at 120% to go up to so it's not a hardship issue to the developer at 120% and we're not putting in low-income people. But we're looking to supply work force housing for people and it's just one of those incentives that's been put into the comp plan now for 14 years for the new developments. So, yes, they're giving up some development, but I think current regulations on the State and Federal level are going to impact what they want to do anyways. Am I about right on the affordable housing?

Mr. Cullinan said yes.

Mr. Rooney said I can make just one quick little quick addendum on that. I think the characterization thing we got to where we are on this originally 10% was a requirement of the DRI statute that's been removed. The County implemented it 10-15% sometime about the same time as this project went into place, that is the current comp plan. This project has sat since 1992 since it's initially entitled so I don't know that the characterization is over entitled really works. Because it is a prime piece of property that has not developed during two major run ups in real estate when costs were pretty low. So, now we're coming in you know in this year and we're reducing that intensity and I think that intensity is more commiserate with the level of development in the area. This is mostly single-family homes in the area, there will be some multi-family with this project but a lot of single-family. It's gonna be a continuation of that with a small mixed use commercial mode in there. To ask the applicant if we move forward later on and consider adding the 10% if that's the desire, we're gonna go when we get to the commission. I think ultimately, we'll be asking for more density to offset that to make the project work.

Mr. Baker said yeah just an observation so, and maybe you guys have more experience with that but if this development or they're trying to come in and do a Wellen Park or Lakewood Ranch. They're trying to do million-dollar homes. The County is going to be win falling amazing taxes and yet we're going to force them to reduce their marketability by providing affordable homes. Which would require mass changes to let's say you're driving in on one street and another street when they want all the streets to be the same and the million-dollar homes. So, it just seems a little harsh for us to force them on a development of this nature to size their homes to be affordable.

Mr. Cullinan said that is something that I deal with the affordable advisory committee significantly. That's not necessarily true again, this is what they agreed to, they voluntarily agreed to this. One of the other things I know this project has sat for a number of years. I believe this was also and Mr. Rooney correct me if I am wrong. Within the small tooth sawfish consultation area, which was one of the big issues with development of this project. In general, was due to the significant environmental of which they're preserving don't get me wrong. They are

preserving a lot of that but, a lot of that is items that they would need to preserve regardless of changing the entitlements on this.

Chair Gravesen said I am going to stop our discussions at the moment, reserving you a chance to rebuttal and I am going to open up public comment and we continue after if we need to.

Mr. Rooney said yes.

Public Input

Richard Russell, Port Charlotte. **Mr. Russell** said I am pretty familiar with Benderson, I never did a deal with them in the forty something years I was doing drug stores, department stores, hotels and restaurants down here. But they do have a good reputation and they build a good product. That's the positive I guess of the whole thing. The other thing that I'm concerned about that may not raise its head right now. But when they do pull their permits there is such a thing as impacts fees and currently right now if they were able to go in and pull permits and construct 1,785 single family homes in their development at the rate of our current impact fee charges. We would be giving them a \$8,925,000 subsidy over them doing the same project in North Port. If they were doing it in Collier County well, you probably quad-drooled that number. My point being is we're doing a lot of development in our County, and I know this project probably won't hit the development approval schedule until after 2027. Which the impact fees will probably get raised. But we have an issue with some things that are going on right now and they need to be raised soon. Because somebody has got to pay for all the infrastructure that goes into our developments. If not, the developers who then turn pass it on to their buyers, so they don't get stuck with it. They just pass it along. The citizens are gonna pick up the cost in taxes because somebody's got to pay for it. I mean we're not the Federal Government we can't just print money. So, my concerns are this is a great development, it's a great developer. I just hope that we see fit to have the County Commissioners put a halt on building permits, until we can get the impact fees raised. One thing that could have been done and could be done now. Our chairman of our County Commissions is also the chairman of the County Commissioners for the State of Florida. He definitely has the ear of Governor DeSantis, and he can go to Governor DeSantis and say look we have a problem here we unfortunately gave lower impact fees back in the 2008 period. Because of the slow down, and now things are building up and we're gonna have a lot of development in our County. We're gonna end up subsidizing all that stuff so that's my point I appreciate your audience. I think most of you people out here pay taxes and you should be aware unless we do something about the impact fees we're gonna be paying a lot more taxes.

Margie Blackwell, I live in the effected area of the east village. **Ms. Blackwell** said I have several concerns. First of all, the traffic situation and the infrastructure. If you've gone by Deep Creek Elementary School when its parent drop off or pick up time. Anybody coming out of Discovery Drive and going on Harborview Road to the east you have to literally drive the wrong way on the side of the road to get past the line. The parent pick up line, do you understand what I am saying. They're coming in from Harbour Heights and they're coming from the other direction in Deep Creek. It's nightmarish you have to go the wrong way in wrong lane to get past that traffic and navigate that. Obviously, I'm concerned about the impact on the wildlife, there are bobcats that come around my yard I live at the end of Balboa Court. The scrub jays, the gopher tortoises, I'm always concerned about that, and I understand they're trying to address that in some ways. But I also think you need keep in mind when they had that original request for a marina. They literally wanted to widen almost a drainage ditch from Deep Creek to make it a hundred feet wide and put in a weir. So that boat traffic could come off the river go past some homes including mine and get into that marina. I'm really happy that they removed that, but I don't think that we should be deceived about what the possibilities are in the future. How are we to know once DRI is amended that they can not come back at some point in the future and ask for another amendment and put that marina back in the request. I don't know that, when I hear comments about, we'll address the traffic issues and the road construction when those things come up and we'll sort out then. Who's responsible for paying for it, I don't know having good conscience you could support that kind of a non-answer. The final thing I want to say is in this County we have affordable housing needs. This developer I don't agree with you sir that there being held to a higher standard.

This is a need our County has it's your job along with the Commissioners to look at our county needs and not the desires and requests of the developer to sidestep them. That's not your role that I see, you should be looking at what we need in our County.

Linda Zaleski, I live right on the border of the north village in Deep Creek. Ms. Zaleski said I live one road beyond the woods. My main concern is water usage. We are struggling on all the reports that I read of keeping our Peace River which is where we get our water clean. But it's getting lower and lower every year. This project is going to require so much water, we can make electricity, but we can't make water. That's a main concern of mine, the other is the fire and police coverage and protection. I know for a fact that Charlotte County Sheriff's Office is down many, many, many police officers. They're trying to get it built back up, but this is going to really strain their coverage and the needs and the same with the Fire Department. The one little fire department that we have around the curve on Harborview and then on Luther Road. Is that going to be enough to cover all these thousands of residences? Again, like the previous lady said the road capacity, right now Harborview cannot handle any more traffic. Even all the way down to 41 it doesn't get to four lanes til your almost to 41 and the curves are so dangerous, and these people are going to be going to work down that road. So, you just can't widen it right here by the interstate, you've gotta widen all the way down and in my mind that should be done before this is put in place. I was at the light coming out of Rio De Janeiro from Deep Creek last Thursday evening and quarter of six. The cars to turn into Deep Creek were in a line all the way almost down to the entrance to the interstate. So, there's a lot of traffic there and the other thing I'm concerned about too is for me personally because I'm gonna be selfish cause I live right there. Is there going to be some kind of wall or barrier between the north village and the green space and then Deep Creek. There's just a little bit of woods there, is there gonna be a fence or barrier or something because on Luther Road. When they built the lower income housing apartments there, they were required to put up a fence. It was a nice fence; it's been blown down since Ian but their working on it. But a fence there to block off so you couldn't have people walking through your yards. The other concern is, are they gonna open up Mauritania which comes right down into the north village. That would be a racetrack through there, to cut off a lot and those are my concerns, and I haven't heard those addressed.

John Emerson, live on Melbourne Street. Mr. Emerson said I have something to ask before we get started with my brief review here. That is again to challenge Steve from being on this committee and voting today. Now the Attorney will have something to say so I'd like to make sure that our recorder over there also records this information. Because the commissioners told me they were gonna look into this and get back to me but never did. What's the Attorney have to say.

Asst. Co. Atty. Thomas David said I'm not sure what your question is.

Mr. Emerson said I want Steve to be removed from this meeting and voting today.

Asst. Co. Atty. Thomas David said on what basis.

Mr. Emerson said on the basis that he is the chairman of the Charlotte Harbor Water Company who has a lot gain by voting yes on this vote on this approval.

Asst. Co. Atty. Thomas David said Mr. Vieira is a.

Mr. Emerson said what's that.

Asst. Co. Atty. Thomas David said Mr. Vieira as my understanding is a chair but he is not compensated, that's a voluntary position. He receives no personal money for that, so therefore he does not have a conflict of interest. So, the answer is he must be seated, and he must vote.

Mr. Emerson said that's your opinion, my opinion is that he has a chance to vote whether he's volunteering or anything else. He stills controls the business of our money.

Asst. Co. Atty. Thomas David said that does not constitute a conflict of interest under Florida Law.

Mr. Emerson said OK I hope the recorder has got that. Planning and Zoning is asking your permission to change our codes and build a huge development. But what have they not told you about this. Most of the development is east of 75 but does include three of the four exit ramps. How do the CCL requirements develop in early 22 and approved by Commissioner Truex in the Florida Department of Economic Development apply to this current request. These eliminated over one hundred coastal properties from any future building. Are any of these included in the project and why do we need any future building. Why do you need to buy building sites what else is included but not mentioned. Where is the CCL line, why are you pushing for approval prior to DOT getting their approval. For a new four lane Harborview Road and the County getting the results back by there water shed plans. Harborview Road is a main evacuation route for those in the Melbourne area. If you vote yes to approve this project today, you're making a statement that you do not feel the safety of the people living in the Melbourne area is important and we need three new villages and tall hotels, and office buildings is more important. By raising Harborview Road to the east of Melbourne by two feet you'll be adding more flooding potential on Melbourne. Which needs immediate attention because no drainage piping exists between Harborview Road, Melbourne, and the river. This will also delay the correction of the Fire Chiefs violations of the County codes concerning lack of working fire hydrants. How can you think about approving this development before you clean up current violations. Provide our residents with a safe evacuation route and proper infrastructure. Talks about voting on this project until all the opportunities are properly handled. Including sales tax budget in 2026 to cover new sewers, widening a pinnacle street, and more side walks on Harper Avenue. Then you will have figures needed to create your new impact fees in 2007 most importantly we need to clean up the pollution left after Idalia in December of 23 off Eaglet. The fact that Sunseekers will not be supplied extra funds for infrastructure repairs. I have a few pictures to show you and describes the pond before Hurricane Idalia hit with and two years later. Here is our gator resident in that pond. It was a beautiful place to live by two days after the Hurricane and shows photo and explains there was no pond it was covered with what they call duckweed. Duckweed is the only thing that ducks can land on and eat insects and so on. But that gator died because there was no water and little oxygen. They told us after that, we called the fishing game to come get the alligator out he's dead. They said don't worry about it just push him under and he will pass away and go. I think this is a shame and we need a lot of improvement in the whole area. With drainage, and it should be before you think about this huge project which has been going on for ten years, since 1990 and nothing has been done.

John Biscow, I am also a resident of Port Charlotte. Mr. Biscow said I just have a few questions. The water supply for this area, who is that coming through is that coming through Charlotte Harbor Water Association?

Ms. Shao said yes, the water will come from Charlotte Harbor Water Association, but the sewer.

Mr. Biscow said we only have 2, 100 residents on it, we're gonna be doubling it now. Do we have the infrastructure cause now they're gonna have to drill more wells and has all those areas been tested for a well to provide enough water for this project. Does Charlotte Harbor Water Association have the ability to double their size of water coming in? I don't know if anybody looked into that yet.

Asst. Co. Atty. Thomas David said we'll have the applicant's counsel answer that question.

Mr. Biscow said but what John was talking about, that water has been green for 14 months ever since Hurricane Ian. There is just a clog in one of these areas that this project was supposed to go through. It never went through; you look on Noah's map and they show we had the two canals there. There just trees and everything is just in there so what's happening is you're only getting a tiny flow of water coming through from the Peace River through that piece of land under Harper Avenue and all the way up to Harborview Road. Some of the canals are actually even dried up, that's what he was pointing out. A lot of things that pond did, I mean there was so much wildlife there and you go there now and it's like you know the birds aren't even landing in the water. It's gone on too long

you know we've addressed it with Brandon we all met down there it was duck weed, it was gonna be gone. But right now, we don't have the flow, because it's tidal and it goes back and forth from the Peace River back and forth. The first thing was the duck weed would go out ya know when we get some rain, and the high tide comes in and it would go out. Then Idalia came and that flooded everything, and it still didn't go out. So, he's pushing to see if we can get that cleared out you know so the environment and we get all the wildlife back that we had. You said there was no infrastructure that's gonna be needed for this project mam, did you say that there's no infrastructure needed for the project? I thought you mentioned that in the beginning. I was just wondering what the canal design is going to be from the 1800 homes and the hotels. If we could see a rendering of something like that because this other project that we had everything was all good, the managers, commissioners, everybody said oh yeah, we're capable, we can handle it. We couldn't you know it came through Idalia came through and just. With the blockage it came up all the way up under people's properties and flooded their homes. Now if that was all cleared out it would have went up the canals like it supposed to do. All the way up to Harborview instead of you know we have this dam basically and the water is being redirected onto the roads and onto people's properties. If we could just look into that it would be greatly appreciated.

Mark Polarsi, I live on Leeland Street SW in Port Charlotte. Mr. Polarsi said I kinda have a broader concern and I went to and wish to give my support to what Richard Russell started out to say. We're seeing great expansion in our county, lots and lots of developments, homes everywhere. I think we need to step back a little bit, I think our whole county structure, our commissioners, your body needs to take a little time and look very closely at this. People before me have raised a lot of good points, about infrastructure has to be expanded, concerns about water, concerns about flooding. I would support and would hope you seriously consider putting a moratorium on issuing building permits at some point. Until you can do a little more review until you can get impact fees that will help pay for some of the things that people before me brought up, and that you would take that action. I would hope you would give it very serious consideration. I just read a couple of days ago, I assume other people in this room know about it. I've read where Cape Coral is running low on water, they've got water problems. If we keep growing like this, I'm afraid Charlotte County is gonna have more water problems and we're also gonna have to expand our water treatment plan. So, these are all things that hopefully the impact fees will address a little bit at least and not have to have our current taxpayers in Charlotte County burdened with additional taxes because there has been all this new development. I'm not against development, I'm just saying we have to have proper impact fees, we have to have proper planning, we have to do it right, we have to be proactive.

Scott Thomas, just moved into the area on Mauritania. Mr. Thomas said my big concerns is it's hard to see these maps back here on where exactly this is gonna come up to Mauritania to the house sites and stuff. Looks like there is some shading there but I'm not sure what that means. I don't know if there is copies that can be handed out on that whatever. My big concern is traffic and has there been a traffic study. I understand that Harbor has been evaluated and it needs to be made bigger for traffic. I also understand there is no budget for that and Steven you brought that up, who's paying for that. The developer said will do some more studies, ok so how do you possibly go ahead with a development with a traffic problem that you have right now. The problem is deadly I almost died myself, and it wasn't fun. I had a car come over my lane and run me off the road, there is no shoulder. I am a new resident; I don't know what the heck is going to come. I got to take that road every day, and my wife and I took the ditch, you gotta do something with that road before you bring any type of development in this area. I develop the area that's fine but like at Sunseekers how many accidents, have we had at Sunseekers already. There is a commitment for a stop and go light there, that's not up yet. You can't let these people come in and develop before you have the infrastructure. You can't say we have all these thousands of residents and then, oh we need some infrastructure to handle it all. That's why we have you guys to take care of us. We need that road widened and then we can talk about where do we go from there with development. So, widen the road, develop and I want to know what happening off of Mauritania, behind my house which I just finished building. Beautiful woods behind me and now I hear there is this major development going in. Maybe my fault I didn't research it better, but I like to know what is the buffer there? Water and all these things, just repeating what everybody else is saying but get the infrastructure fixed. You can't let this happen without proper infrastructure.

Jean Tuggle, I live on Dover Drive in Harbour Heights, which is within the 1,000 buffer. Ms. Tuggle said I am also very concerned on two issues. One of which is the road situation and the traffic going back and forth through Deep Creek School mornings and afternoons is almost impossible. People have gone off the road making sideways to try and get around the traffic because it's so bad. When I look at this plan all I see is same old Discovery Drive, I don't see maybe an extension of Rio De Janeiro where people can get in and out of this new development. All these 3,000 family units, this is not sustainable. Even if you widen Harborview Road as the plans, I've read said it's gonna stop at Rio De Janeiro. So, it still leaves Deep Creek School out in the cold in Harbour Heights. The other thing is the water situation there is a lot of saltwater intrusion into our canal. I've lived in Harbour Heights since 1992 and we never were able to support oysters on our seawalls. But they're there now because there's so much salt in the water. Perhaps Steve can speak to this at some point as saltwater intrusion into the Charlotte Harbor water system. But I know they're doing desalinization of the water now to try and get enough potable drinking water out of the Peace River. Those are my two issues.

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

Rebuttal

Mr. Rooney said eight speakers I am going to try and address all their comments. First, I will try to lump as many together as I can. One of the concerns that was raised by Ms. Blackwell, Mr. Russell, and then some of the later speakers with regards to impact fees. Charlotte County adopted it's first impact fee ordinance in 1986 at that time already a considerable number of homes have been built in the Deep Creek area and in Charlotte Harbor. They did not pay for their impacts as a greater system. That's not to cast dispersion on any owners, I'm sure almost probably none of the people were here in 1986. The issue has become as part of Florida's regular development scheme, which is that new development was always expected to pay for the impacts that were already existing. So, we've heard about issues in front of the Elementary School, traffic considerations right now. There is not one single home or building gone up on this property since it was entitled. So those issues that exist today had nothing to do with this development. Now what has happened in the past, Charlotte County is no exclusion but across the state was we'll have. Everyone has to bring everything up to today's standards to move forward. So, essentially Florida Courts said this is extortion you're not allowed to make people go back and correct deficiencies, which exist in the existing system. The same time there is a desire not to raise taxes to pay for those systems. So, those upgrades come over time. Now what the legislature has done more recently, I don't say it's fair. I understand as a developer coming through it is as Mr. Russell pointed out. It's the cost of doing business, those costs are paid they move on. The issue is right now, you are limited to increasing its impact fees essentially up to 50% increase over a four-year period. Only being able to do that or in 12.5 % per year so there is a significant limitation. As I understand the county is well underway on looking at raising those impact fees to address the issues. But its an extremely difficult situation as the gentlemen that mentioned projects up in North Port, Sarasota all of when it comes to setting impact fees. All that is done through localized data, that means you have to say what are the projects you're looking to do, what are the anticipated costs of those projects. Essentially you do the math backwards and explains this. In the real world it doesn't work costs are constantly changing, economy goes up and down. Very difficult for the county to get a hold of impact fees and use those as a process of going forward. Talks about impact fees and are usually to pay for impacts that are already existing. Until all of the development happens you won't collect all the money and explains the process for everything including the plans. That I believe that covers all the items that I heard and will be in the back if anyone has any questions, this will go forward to the County Commissioners. So, if there is additional questions, we will try to get those addressed by that time.

Mr. Vieira said just one question because there is a lot of discussion about the calamity at the Deep Creek Elementary School that goes on every single day. We're looking at GIS maps, drawings, and that sort of thing. It shows no boundaries so what most of the people are referring to here. If you haven't experienced it, you owe it to yourself to try it one day. There is as you know it's a two-lane road that travels east, west and goes to I-75 in Port Charlotte. The inbound coming west to east the traffic backs up to the highway and if you want to get around that traffic. There is a 12 inch drop off on either side and that's what people are referring to and they use that

against the traffic or with the traffic. It's like two lanes operating at the same time where there is no lane. So, it's a very dangerous thing, so without any kind of boundary at the Deep Creek Elementary School. I can see where the people sitting out here are concerned that we don't know what's gonna happen to that road. Logically you would think that there has to be some sort of improvement to that road just to meet the demands to the development. Can you address that in some sense that maybe gets through.

Mr. Rooney said I am going to ask Ms. Bond to come up and see if she can give any detail specific to that project. Again, that highlights the example that I was trying to give earlier. When we think about who's responsible, it's the school that should have made some provision for addressing the amount of traffic. Whether that's today or twenty years ago. Talks about the county working with the school and then we will work to address as much of that impact that is ours.

Ms. Bond said I don't have any knowledge of what specifically what studies they did in the past for the school. But typically, when you bring a school in, and you go to develop a school. You come up with a queuing plan onsite, so you keep those ques within the boundary of the school so that you don't have these issues. I don't know if that was done with that development. But there are times where you know in a situation like this the county can go in and request that they take another look at their pickup and drop off plan. You can do tapered schedules that is truly an existing like we talked about an existing issue that needs to be resolved it sounds like. But even if this development comes in yeah widening could help but your still gonna have conflicts along that roadway. So, that's something that should be taken into account today.

Mr. Vieira said it should be and my point was that there has to be some sort of mitigation that is done in that area. Your leaving Discovery Drive essentially intact, you may make improvements to that. There are twenty houses that are gonna be put alongside that canal with no dredging requirement to I read for those waterfront lots. But as you turn onto Westbound to get to I-75 who ever is going to buy any of those twenty lots is gonna experience what these people are trying to portray here. So, what I am just trying lay out there is there's a lot of concern that there won't be any road improvement and I understand Mr. Rooney's argument that you know you don't pay for somebody else's discrepancies from years past I understand that. But I know a little bit about development, and I would imagine that when you're gonna do your road improvements, your grading Charlotte Harbor Water Association has water mains in that area. There's gotta be some sort of mitigation or interaction that goes on there, that smooths that barrier out. Now the school committee, I understand that's clearly where it falls. Because the school tax dollars pay for those types of things. I also understand that's a DOT road I believe, is it.

Ms. Bond said not all the way, they both discuss. **Mr. Vieira** said that's a county road then, they both have a discussion. **Ms. Bond** said I will add in that people add in that people have mentioned that Harborview Road widening that is currently under design, the design was funded by FDOT and by their five-year program. So FDOT has already looked at funding part of that construction for the Harborview widening. They are still working on the final agreement there and for the total construction funding, but FDOT has looked into that and is supplying some of the funding.

Chair Gravesen said this is just approval for the PD and the DRI. When they come in and want to develop anything house lots, the commercial area, they've got to come in and do a plat am I correct.

Mr. Cullinan said they will need to do final detail site plan and then platting for sale. **Chair Gravesen** said site plan is platting. **Mr. Cullinan** said yes sir and because this is PD Planned Development it will require final detail site plan which goes back before the Board of County Commissioners on consent agenda. **Chair Gravesen** said there are requirements that are gonna show up and be negotiated back and forth in development standards during the site plan review by the county and with the developer correct. **Mr. Cullinan** said yes for the actual engineering of the site once the uses are established. **Chair Gravesen** said so a lot of the questions that have been presented here today really are gonna be answered and addressed by the county and the developer within the site plan reviews.

Mr. Cullinan said yes sir and again it's all based on timing if I may address a few things that have been stated. With respect to impact fees the majority of what Mr. Rooney said was correct. The county wrote into our last impact fee ordinance that we will begin our new impact fees study in 2026 in conjunction with the next sales tax update. That is mostly due to a lot of the things that have changed recently within the past few years relating to impact fees. Whereby the minimal increases that were allowed per year. We are currently collected 100% of our transportation impact fees so those can't go up. But what he stated about the individualized studies is absolutely correct we take our capital improvement program. What the projects are going to be that we need funded. They do a calculation of what each undeveloped property's proportion it's share is to that impact. It comes out the number that's why everywhere is different we cannot just make up a number or double or triple things. There has to be science and data backed analysis and that is strict, very, very, strict just like how we have to spend it. We can only spend it for, we can't do it for repaving, if a road is really bad, we have to do it for expansion of capacity things like that. We are very, very, very regulated by statute, how impact fees are established, collected, and distributed and so we are very hand strung. With respect to moratoriums, we are precluded until at least at this point 2026 from enacting any ordinances, moratoriums, any regulations that would make it more difficult for development that is State Statute. That was just extended from 2025 to 2026. If another storm hits there maybe some further ones. Then that is for any governmental entity any community that was within 100 miles of landfall of Ian and then it was extended when Idalia hit. With respect to some of the drainage comments that were made, many of the comments are for areas that are more than two miles away from this. This has no bearing on any of these stormwaters for those areas. Such as by Melbourne Street, in those areas, this has nothing to do with that. Those issues this will not affect that one bit the comments relating to Mauritania. Mauritania does not connect anywhere into any of this, there is Rio De Janeiro, if it were to extend it would be going into private lots as well as everything between the houses and the subject property has a green belt. Deep Creek when those plats were done, they put green belts along the bottom. So, unless Section 23 Property Owners Association were willing to negotiate something. There is a green belt in between the houses and this project. This project will also have the buffers that their required. So, it will be significantly set back away from the existing single-family homes in Deep Creek as well as the other areas. Because there are other buffers required, I believe that addresses just about everything. But the site plan review yes once, and that's why some of the buffers are to be determined. Because until they get out there and do soil testing, wetland testing and actual delineate those actual areas of wetlands. That is why we can show the generalities but it's not until you get to the science-based data analysis to show where the wetlands are that those will come into play. They'll be further refined which goes into the final detailed site plan.

Mr. Rooney said I just want to thank Mr. Cullinan for his additional clarifications, his candor regarding the stats of Florida Law. Because I don't want to deliver all bad news. The one piece of possible good news also could be when this project. I can't guarantee this project will move forward in the next thirty years as it sat for the last thirty. But when it moves forward if there is an opportunity when development is in place and the developer is mobilized and out there working. There is always the opportunity for the county to workout development agreement with the developer to say while you're in there building the turn lanes, while your roads, can you widen this stretch here to address these issues in exchange for impact fee credits. So, there's always that opportunity but as Mr. Cullinan pointed out until we get down to that higher resolution level of site planning. That's probably not something that is really up for discussion because no one knows what those improvements would be. I would ask just briefly if Todd Mathis his representative of Benderson Development could come up and just speak a little bit on the affordable housing.

Todd Mathis said I am here representing Benderson Development. So, just to put a real context on why are we here right. There is an existing development order, existing entitlement, you know what we are asking for, what are we doing. A developer came to us that's a single-family quality developer of an upscale single family neighborhood product. An esplanade type product and said we'd really like to develop in the northeast quadrant of your property. The entire thing to which we redirected and said that would be a good thing because we think it's a good compliment to a future neighborhood retail type use on the north side of the road. It would give us a

start on the property, and they said as we look at your entitlement. There is so much friction and so many rules and so much cost, land set asides, and scrub jay payments, and this and that and the other thing. Can you smooth it out for us and give us something that we want to work through. That's why we took the opportunity to really get into the development order and make some sense of it. Take the opportunities where they lie for example, providing better protection of meaningful habitat and not protection of habitat that is less meaningful. That was the buffer discussion and so we worked through that over time. To try to make sense out of the project and as we got into the affordable requirements. I do appreciate everything Mr. Cullinan just said but I'm gonna take one exception that we agreed, or we volunteered to do this thing. As you talked about the dates or entitlement. Well, I was twelve years old when it started, I was first married when it was next amended, and I moved to Florida when it was last amended fourteen years ago. At that point I had two of my four children, and we did not own the property all of that time. We've owned the property for about half of that time. Fourteen years ago, I went to Ms. Blackwell's home, and I stood on her dock, and I appreciated the quality of the river that she lives on. She gave me a CD that her husband made; it was a little bit of a riff on Joni Mitchell tune. So, it's not to say we don't understand and appreciate and value the area we are in. We do very much and we're trying to make sense out of a project and a future for the development of this land. That I think we can all be very proud of because we intend to be part of it for the very long term as we have been for quite a while now. So, we're looking for a level playing field when it comes to that affordable housing obligation because that's what the market might be able to bare. Now two and a half years ago, it could bare that, two years from now it might not but were making a decision that's long term and accept that and looking for a level playing field in the market on affordable housing obligation. Attainable housing obligation that the market can bare, because at the end of the day if our obligation or our single-family developer's obligation is 15% of something and the neighbors is 10% of something. Well 15% of zero is still zero housing and that's less housing. So, it's an important subject, it's a subject that all local governments are dealing with throughout Florida and interestingly all local governments are dealing with on the heels of sort of the run up in housing. Which is I guess typical, but we do feel that's a very important adjustment because if we're being honest about the future of the project. Things don't move forward if it's more expensive here than elsewhere in Charlotte County and so we think we've taken good opportunities where they lie. We think it's a better project, it's a lesser intense project, it's a respectful project of the neighborhood. But those are important adjustments and I hope you can endorse the proposal in its complete form.

Mr. Baker said just one question, since and of course this maybe going a little bit ahead. But since the county didn't agree with the reduced housing on the affordable side. If this motion is intact, would we have to address whether we agree with them or not as part of that.

Mr. Cullinan said yes, we wrote the motion as was proposed by staff as we typically do so yes if you were to go along with their amendment then you would amend the motion accordingly.

Mr. Vieira said can you just clarify that because the staff summary and the report says that in staff's professional opinion with the exceptions noted but those exceptions aren't part of the recommendation. I just wanted to make sure that were not splitting hairs here and something's left out. I want to make sure that we are concise as we have to be.

Asst. Co. Atty. Thomas David said I would recommend that you make the motion and address this question if you wish, you can just take the staff report as it is the staff's recommendation as it is, you can take the other position whatever you want or not address it at all and just forward it to the board. Because it's gonna be addressed at the board anyway.

Mr. Baker said if Steven made a motion just the way it is does it have to be voted on before someone as myself could amend it?

Asst. Co. Atty. Thomas David said you could always amend a motion after it's made.

Mr. Baker said before the second.

Asst. Co. Atty. Thomas David said it would be after second.

Mr. Rooney said clear as mud everyone, I think we're just we're looking for a recommendation of approval but with a comment on the affordable housing.

Recommendation

Mr. Vieira moved that **22LAD-00000-00007** 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 1, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, and also like to make part of this Motion that staff has noted certain exceptions in the summary and I would like those exceptions included in this motion, second by **Mr. Baker**; and carried by a unanimous vote.

Mr. Baker amended the recommendation to be forwarded to the Board of County Commissioners with the applicant's amendment to the affordable housing requirement; as opposed to the staff's concern with that amendment, seconded by Mr. Vieira; and carried by a unanimous vote.

Recommendation

Mr. Vieira moved that **PD-22-00015** be sent to the Board of County Commissioners with a recommendation of Approval, with conditions A through F based on the findings and analysis in the staff memo dated **May 1, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Baker**; and carried by a unanimous vote.

4.) CSZ-24-01

Quasi-Judicial

Commission District III

Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for certification of a Sending Zone, located at 3450 N. Access Road, in the West County area, containing 2.162± acres; for calculation and severance of 21 density units, 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 Transfer of Density Units (TDU), of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. CSZ-24-01; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **CSZ-24-01** with a recommendation of approval based on the reasons stated in the staff report.

5.) PAS-24-01

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 Parks and Recreation (PKR); for a portion of property located at 3450 N. Access Road, in the West County area, containing 2.162± acres; Commission District III; Petition No. PAS-24-01; Applicant: Tina Powell, Charlotte County Parks & Natural Resources Divisions Manager; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **PAS-24-01** with a recommendation of approval based on the reasons stated in the staff report.

6.) Z-24-12

Quasi-Judicial

Commission District III

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Multi-family 10 (RMF-10) to Parks and Recreation (PKR), for a portion of property located at 3450 N. Access Road, in the West County area, containing 2.162± acres; Commission District III; Petition No. Z-24-12; Applicant: Tina Powell, Charlotte County Parks & Natural Resources Divisions Manager; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition **Z-24-12** with a recommendation of approval based on the reasons stated in the staff report.

Questions for Staff

None offered.

Public Input

None offered.

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

Discussion

None offered.

Recommendation

Mr. Baker moved that **CSZ-24-01** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated **April 2, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

Recommendation

Mr. Baker moved that **PAS-24-01** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated **April 2, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

Recommendation

Mr. Baker moved that **Z-24-12** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff memo dated **April 2, 2024**, Charlotte County Comprehensive Plan along with the evidence presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

Asst. Co. Atty. Thomas David said pickle ball is not a conflict of interest.

Mr. Cullinan said I would like to notify you we've talked to him individually; Mr. Bigness has resigned from this board we have notified the commissioner's office and they are actively searching for a replacement for his seat.

Chair Gravesen said Mr. McCormick was ill for today and I will not be here in attendance for the June meeting.

ADJOURNMENT

The meeting was adjourned at 3:42 p.m.

Accepted on behalf of the Charlotte County
Planning and Zoning Board



Michael Gravesen, Chair