

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

Board Members

Kevin Graham
Robert Segur
Stephen Vieira, Vice-Chair
Phillip Smallwood, Secretary
Clint Baker, Chair



District

District V
District III
District I
District II
District IV

MINUTES
REGULAR MEETING

May 11, 2026, at 1:30 p.m.

Call to Order

Mr. Baker called the meeting to order at 1:30 p.m.

Roll Call

Upon roll call, it was determined a quorum was present.

Approval of Minutes – April 11, 2026, Regular Meeting minutes were approved by Mr. Graham.

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

Announcements

Mr. Cullinan stated that nothing regarding Manasota Key or the Beach Resort will be discussed at this meeting, nor is there an opportunity to speak about items that aren't on the agenda. **Chair Baker** informed the public that the FLUM, Future Land Use Meeting is the appropriate time and place to speak on those matters.

PETITIONS

1.) VPL-25-02

Legislative

Commission District I

EIP IV FL Caloos Land LLC is requesting to vacate the remaining portion of the Re-subdivision of Tamiami subdivision to allow for the creation of a Mitigation Bank, specifically to vacate the remaining outparcels/lots and streets. Most of this plat was previously vacated via Resolution 2008-159; the Re-subdivision of Tamiami subdivision is shown on Plat Book 2, Page 24 ½ of the public records of Charlotte County and located in the East County Area; Commission District I; Petition Number: VPL-25-02; providing an effective date. The applicant is concurrently seeking to amend Resolution No. 2008-156 to replace the adopted conservation easement with a restrictive covenant, in order to fulfill the previously approved transfer of density units and retain 12 density units on the property. The property is generally located north of Bermont Road, east of SR 31, and west of the Glades County line, in the East County area, Commission District I.

Mr. Cullinan, Planning & Zoning Official, presented the findings and analysis for Petition **VPL-25-02** and recommended approval based on the staff report.

Questions for Staff

Mr. Vieira stated that there was a change in ownership since the original plat was completed and they have acquired the subject property. **Mr. Cullinan** stated that since they now own all the property surrounding the paper roads that were still platted, they have the right to vacate them as they were never a part of the original resolution adopted in 2008.

Applicant's Presentation

Rob Berntsson, representing the applicant, stated that he was sworn in. He explained that his client is hoping to create a wetland mitigation bank on the property. As part of the TDU process, they are replacing the conservation easement with a restricted covenant.

Public Input

Tim Ritchie spoke on this petition.

- **Mr. Vieira** moved to close public comment, seconded by **Mr. Graham**, with a unanimous vote.

Discussion

None.

Rebuttal

Robert Bernson pointed out that the board is only here to approve the vacation of a plat, not the mitigation bank.

Recommendation

Mr. Vieira moved that **VPL-25-02** 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 11, 2026**, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, seconded by **Mr. Smallwood**; and carried by a unanimous vote.

2.) VST-26-01

Legislative

Commission District I

James and Marcia Noble are requesting to vacate a portion of the Jupiter Water Way adjacent to lot 60, Block 2035, Port Charlotte Subdivision Section 24, according to the plat thereof as recorded in Plat Book 5, Page 16A-16E of the Public Records of Charlotte County, Florida and abutting property located at 488 Eppinger Drive. The site contains 3306 ± square feet and is Commission District I.

Mr. Cullinan, Planning & Zoning Official, presented the findings and analysis for Petition **VST-26-01** and recommended approval based on the staff report.

Questions for Staff

Mr. Vieira asked a question regarding undredged uplands and the current and future canal maintenance easements on the property. A discussion ensued. **Chair Baker** questioned the County's procedure regarding the 20' canal easement. **Mr. Cullinan** stated that these situations are handled on a case-by-case basis.

Applicant's Presentation

James and Marcia Noble both spoke regarding why they are seeking this petition.

Public Input

None.

- **Mr. Vieira** moved to close public comment, with a unanimous vote.

Recommendation

Mr. Vieira moved that **VST-26-01** 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 11, 2026**, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, seconded by **Mr. Graham**; and carried by a unanimous vote.

3.) PAL-26-01

Legislative

Commission District I

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Florida Department of Commerce and other State agencies for review and comment to amend Charlotte County FLUM Series Map #1: 2030 Future Land Use from Agriculture (AG) to Mineral Resource Extraction (MRE) for property located at 44000, 44520, and 44570 Bermont Road, in the Punta Gorda area and within the East County area; containing 1032.33± acres; Commission District I; Petition No. PAL-26-01; Applicant: Kelly Family Holdings, LLC; providing an effective date.

Ms. Shao, Principal Planner, presented the findings and analysis for Petition **PAL-26-01** and recommended approval based on the reasons outlined in the staff report.

4.) Z-26-13

Quasi-Judicial

Commission District I

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture (AG) to Excavation and Mining (EM) for property located at 44000, 44520, and 44570 Bermont Road, in the Punta Gorda area and within the East County area; containing 1032.33± acres; Commission District I; Petition No. Z-26-13; Applicant: Kelly Family Holdings, LLC; providing an effective date.

Ms. Shao, Principal Planner, presented the findings and analysis for Petition **Z-26-13** and recommended approval based on the reasons outlined in the staff report.

Questions for Staff

Each board member asked questions regarding the petitions. Those questions were addressed by Ms. Shao, Mr. Cullinan, Gary Bayne, Engineer with SW Engineering & Design, Robert Fakhri, Charlotte County Transportation Engineer, and Reed McKown, Engineer with SW Engineering & Design.

Applicant's Presentation

Robert Berntsson, Big W Law, representing the applicant, was sworn in. He stated that this is a long-term excavation plan. His client wants to mine 573 acres of the property over time. The excavated material will be used for roadways and housing development.

Public Input

Tim Ritchie, Camilla Spicer, Richard Little, Mary Ann Tipton, Lindsay Harrington, Courtney Mason, and Kelly Bauman all spoke.

- **Mr. Graham** moved to close public comment, seconded by **Mr. Smallwood**, with a unanimous vote.

Rebuttal

Robert Berntsson, of Big W Law, stated that there would be no environmental or traffic impacts based on the reports submitted.

Discussion

None.

Recommendation

Mr. Vieira moved that **PAL-26-01** be sent to the Board of County Commissioners with a recommendation of Approval of transmittal of application PAL-26-01 to the Florida Department of Commerce and other State review agencies for review and comment, based on the findings and analysis in the staff report dated **April 24, 2026**, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board, seconded by **Mr. Baker**; motion failed with a 3-2 recommendation. (Mr. Vieira and Mr. Baker voted yes to approve - Mr. Segur, Mr. Smallwood, & Mr. Graham voted no against the approval.

Mr. Vieira moved that **Z-26-13** be sent to the Board of County Commissioners with a recommendation of Approval based on the findings and analysis in the staff report dated **April 24, 2026**, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board; seconded by **Mr. Baker**; motion failed with a 3-2 recommendation. (Mr. Vieira and Mr. Baker voted yes to approve - Mr. Segur, Mr. Smallwood, & Mr. Graham voted no against the approval.

5.) CSZ-26-06

Quasi-Judicial

Commission District IV

Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for certification of a Sending Zone located at 13555 Marathon Boulevard, in the West County area, containing 6.879± acres; for calculation and severance of 34 density units in accordance with Section 3-9-150(d)(1)(k)(Transfer of Density Units) of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. CSZ-26-06; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

6.) PAS-26-01

Legislative

Commission District IV

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 Low Density Residential (LDR) to Parks and Recreation (PKR); for property located at 13555 Marathon Boulevard, in the West County area, containing 6.879± acres; Commission District IV; Petition No. PAS-26-01; Applicant: Tina Powell, Charlotte County Parks & Natural Resources Divisions Manager; providing an effective date.

7.) Z-26-15

Quasi-Judicial

Commission District IV

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Manufactured Home Conventional (MHC) to Parks and Recreation (PKR), for property located at 13555 Marathon Boulevard, in the West County area, containing 6.879± acres; Commission District IV; Petition No. Z-26-15; Applicant: Tina Powell, Charlotte County Parks & Natural Resources Divisions Manager; providing an effective date.

Ms. Shao, Principal Planner, presented the findings and analysis for Petitions **CSZ-26-06**, **PAS-26-01**, and **Z-26-15** with a recommendation of approval based on the reasons outlined in the staff report.

Questions for Staff

Mr. Baker asked if there was currently a park on the property at the subject property. **Ms. Shao** and **Mr. Cullinan** both replied yes. Mr. Cullinan went on to explain that this is an ongoing effort with Community Services so that all their facilities have the same Future Land Use and zoning.

Mr. Graham asked for clarification regarding the verbiage, "certify as sending zones.". **Ms. Shao** and **Mr. Cullinan** both explained.

Applicant's Presentation

N/A

Public Input

None.

- **Mr. Vieira** moved to close public comment, seconded by **Mr. Smallwood**, with a unanimous vote.

Discussion

None.

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Recommendation

Mr. Smallwood moved that application No. **CSZ-26-06** to the Board of County Commissioners with a recommendation of Approval to certify a Sending Zone for the subject property based on the findings and analysis in the staff report dated **April 7, 2026**, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board; seconded by **Mr. Vieira** and carried by a unanimous vote.

Recommendation

Mr. Smallwood moved to forward application No. **PAS-26-01** to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated **April 7, 2026**, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board; seconded by **Mr. Vieira** and carried by a unanimous vote.

Recommendation

Mr. Smallwood moved to forward application **Z-26-15** to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated **April 7, 2026**, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board; seconded by **Mr. Vieira** and carried by a unanimous vote.

ADJOURNMENT

The meeting adjourned at 3:33 p.m.

Submitted by Jane Babler, recording secretary

Community Development Department

 08/10/26

Clint Baker, Chair

Date