

**PLANNING COMMISSION
MEETING
FEBRUARY 24, 2020**

MEMBERS PRESENT: Harvey Goldberg, Chairman
Joseph Comeaux, Bradford Gamblin, Donna Peterman,
Roger Peterson, Paul Sacilotto, Edward Weiner

OTHERS PRESENT: Lisa Hannon, Zoning Official
Macalle Finkle, Paralegal
Joan LeBeau, Urban Design Manager
John Kloster, Rodney Hawksford, Tina Nusbaum,
Sandra Lozano, George Mueller, Gary Bain,
Ray Lozano

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting
- 1. March 23, 2020

CITIZENS COMMENTS ON AGENDA ITEMS ONLY

- Messrs. John Kloster and Rodney Hawksford and Mses. Tina Nusbaum and Sandra Lozano expressed concern regarding the impact of the annexations on their properties.

APPROVAL OF MINUTES

- A. January 27, 2020
- Ms. Peterman MOVED, Mr. Gamblin SECONDED approval of the January 27, 2020 minutes. MOTION CARRIED UNANIMOUSLY.

QUASI- JUDICIAL PUBLIC HEARINGS

- Mr. Goldberg reviewed the procedures for a quasi-judicial public hearing.
- Recording Secretary Pues swore in all participants.
- A. AX-03-19 - An Ordinance of the City Council of Punta Gorda, Florida, annexing within the corporate area of the City of Punta Gorda, 19.51 +/- acres being a portion of Section 33, Township 41 South, Range 23 East, more particularly described in the boundary survey attached hereto, and addressed as 11220 Burnt Store Road, in accordance with the voluntary annexation provisions of Section 171.044, Florida Statutes; redefining the boundary lines of said City in conformance therewith; amending the official boundary map of the City of Punta Gorda, Florida; directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; providing for conflict and severability; and providing an effective date.

- Ms. Lisa Hannon, Zoning Official, stated there was not sufficient capacity to provide municipal utilities services to the subject property; however, this issue did not preclude the annexation, Comprehensive Plan amendment and rezoning from moving forward. She explained the provision of utility services would need to be addressed prior to the property's development. She then read the staff report, as delineated in the agenda material, into the record, reviewing staff's findings and conclusions. She concluded staff recommended approval of the request.
- Mr. George Mueller, applicant's representative, offered to answer any questions regarding the annexation.
- Ms. Hannon indicated the subject property required annexation prior to the properties referenced in AX-02-19 to prevent an enclave from being created.
- Mr. Gary Bain, applicant's engineer, confirmed there were no further plans for the subject property at this time, explaining the annexation was requested to allow the properties referenced in AX-02-19 to be annexed.
- Mr. Hawksford stated the subject property was not suitable for the proposed development, opining the Burnt Store Presbyterian Church (Church) should refrain from jeopardizing neighboring properties in the course of developing their property.
- Mr. Mueller clarified the subject property was not owned by the Church, reiterating the property owners had no plans for development.
- Mr. Goldberg called three times for public comment on AX-03-19.
- Mr. Weiner MOVED, Mr. Peterson SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Weiner MOVED, Mr. Sacilotto SECONDED to find AX-03-19 consistent with the Comprehensive Plan and to recommend approval of the request based on the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
- B. CP-04-19 - An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to include newly annexed lands; amending the Future Land Use Map to reflect the change in the current designations of Low Density Residential/County (LDR/County) to High Density Residential/City (HDR/City) for 19.51 +/- acres being a portion of Section 33, Township 41 South, Range 23 East, more particularly described in the boundary survey attached hereto, and addressed as 11220 Burnt Store Road; providing for conflict and severability; and providing an effective date.
- Ms. Hannon announced CP-04-19 and Z-05-19 needed to be continued to the March 23, 2020, meeting, due to an error in the language of the advertisement for the public hearings.

- Mr. Weiner MOVED, Mr. Peterson SECONDED to continue CP-04-19 and Z-04-19 to March 23, 2020 meeting. MOTION CARRIED UNANIMOUSLY.
- C. Z-05-19 - An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning 19.51 +/- acres being a portion of Section 33, Township 41 South, Range 23 east, more particularly described in the boundary survey attached hereto, and addressed as 11220 Burnt Store Road, from its current Charlotte County Zoning Classification of Residential Estate 1 Unit Per Acre/County (RE1/County) to Neighborhood Residential 15 Units Per Acre/City (NR-15/City); providing for conflict and severability; and providing an effective date.
 - No discussion.
- D. AX-02-19 - An Ordinance of the City Council of Punta Gorda, Florida, annexing within the corporate area of the City of Punta Gorda, 16.33 +/- acres being a portion of Section 33, Township 41 South, Range 23 East, more particularly described in the boundary survey attached hereto, and addressed as 26150 Angelica Drive, 26041 Cuneo Road, 26021 Cuneo Road, in accordance with the voluntary annexation provisions of Section 171.044, Florida Statutes; redefining the boundary lines of said City in conformance therewith; amending the official boundary map of the City of Punta Gorda, Florida; directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic research; providing for conflict and severability; and providing an effective date.
 - Ms. Hannon stated there was not sufficient capacity to provide municipal utilities services to the subject property; however, this issue did not preclude the annexation, Comprehensive Plan amendment and rezoning from moving forward. She explained the provision of utility services would need to be addressed prior to the property's development. She then read the staff report, as delineated in the agenda material, into the record, reviewing staff's findings and conclusions. She concluded staff recommended approval of the request.
 - Mr. Mueller, applicant's representative, explained the applicant had worked with the adjoining property owner to avoid creation of an enclave, requesting approval of AX-02-19.
 - Mr. Hawksford questioned whether he and his neighbors would lose their properties and if the developer intended to convert their properties into a retention pond.
 - Ms. Hannon clarified any development would be limited to the applicant's property and storm water management would need to be contained onsite.

- Ms. Lozano questioned if she would be required to connect to the City's utilities if same were to be constructed within the subject properties.
 - Ms. Nusbaum expressed concern regarding the impact construction of a retention pond would have on her property.
 - Ms. Macalle Finkle, Paralegal, explained the subject property could be developed according to Charlotte County's codes at this time, clarifying the City would need to expand the utilities service area to serve the subject property.
 - Mr. Goldberg questioned what impact expanding the utilities service area would have on the properties outside of City limits.
 - Ms. Finkle replied the Utilities Department recommended property owners who pursue development be responsible for making any onsite or offsite upgrades.
 - Mr. Ray Lozano expressed concern regarding the impact the proposed development could have on surrounding properties' wells.
 - Mr. Weiner MOVED, Mr. Comeaux SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Bain indicated Southwest Engineering was working with the Utilities Department to address water and wastewater service for the subject property, stating no further utility extensions beyond the subject property were proposed.
 - Mr. Comeaux MOVED, Ms. Peterman SECONDED to find AX-02-19 consistent with the Comprehensive Plan and to recommend approval of the request based on the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
- E. CP-02-19 - An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to include newly annexed lands; amending the future land use map to reflect the change in the current designations of Low Density Residential/County (LDR/County) to Medium Density Residential/City (MDR/City) for 16.33 +/- acres, consisting of parcels of land addressed as 26150 Angelica Road, 26041 Cuneo Road, 26021 Cuneo Road, and being more particularly described in the boundary survey attached hereto and incorporated herein as Exhibit "A"; providing for conflict and severability; and providing an effective date.
- Ms. Hannon stated there was not sufficient capacity to provide municipal utilities services to the subject property, reiterating this issue did not preclude the Comprehensive Plan amendment from moving forward. She explained the provision of utility services would need to be addressed prior to the property's development. She then read the staff report, as delineated in the agenda material, into the record, reviewing staff's findings and conclusions. She concluded staff recommended approval of the request, with the

Development Review Committee recommending a contingency to address the utility expansion request procedure with the City's Legal Department.

- Mr. Sacilotto questioned whether the applicant requested the change from high density to medium density or if staff made the change in order to pursue the City's goal of increasing medium- and low-income housing.
 - Ms. Joan LeBeau, Urban Design Manager, clarified all of the Church's properties were being annexed at this time in order to gain as much density as possible for development of two other properties, explaining there was not an overall increase in density in the area; however, the request did support the City's goal to increase housing diversity.
 - Mr. Mueller, applicant's representative, explained the request would allow development of an assisted living facility on the subject property, noting the Church had no plans to develop the lots on Cuneo Road.
 - Mr. Bain, applicant's engineer, stated the density transfers would allow construction of more units for the proposed independent living facility and would provide for the possible creation of a small residential community. He concluded Southwest Engineering was working with City staff to rectify wastewater service issues.
 - Ms. LeBeau added that the density unit transfer required approval from Charlotte County.
 - Ms. Peterman MOVED, Mr. Comeaux SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Sacilotto MOVED, Mr. Peterson SECONDED to find CP-02-19 consistent with the Comprehensive Plan and to recommend approval of the request with the conditions identified in the staff report based on the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
- F. PD-03-19 - An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning 16.33 +/- acres being a portion of Section 33, Township 41 South, Range 23 East, more particularly described in the boundary survey attached hereto, and addressed as 26150 Angelica Drive, 26041 Cuneo Road, 26021 Cuneo Road; from its current Charlotte County zoning classification of residential single-family 5 units per acre/County (RSF5/County) to Planned Development Neighborhood/City (PDN/City); providing for conflict and severability; and providing an effective date.
- Ms. Hannon entered the staff report, as delineated in the agenda material, into the record by reference, noting there was not sufficient capacity to provide municipal utility services to the subject property, reiterating this issue did not preclude the rezoning from moving forward. She stated provision of utility services would need to be addressed prior to the property's development. She then reviewed the request's conformance with the Comprehensive Plan as well as staff's findings and conclusions. She concluded the

Development Review Committee and staff recommended approval of the request with a contingency to address the utility expansion request procedure with the City's Legal Department.

- Mr. Mueller, applicant's representative, clarified water would not be pumped into the retention ponds nor allowed to run off the property. He then provided an overview of the proposed development, opining same would be architecturally compatible with surrounding structures and integrated into the community.
- Mr. Bain, applicant's engineer, explained storm water from a 25-year, 24-hour storm event would have to be retained on site and would be dry within a 36-hour period as per the Southwest Florida Water Management District's (SWFWMD) criteria.
- Mr. Goldberg confirmed deliveries would be made through a separate entrance connected to Burnt Store Road.
- Mr. Comeaux confirmed the assisted living facility was open to the public and would lease land from the Church.
- Discussion ensued regarding the Church's involvement with the assisted living facility and the subject property's proposed landscaping.
- Ms. Nusbaum questioned whether a road would be located between the retention pond and her property.
- Ms. Hannon replied a road was proposed around the side of the assisted living facility, noting landscaping would be reviewed once development plans were received.
- Ms. Peterman MOVED, Mr. Gamblin SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Bain explained SWFWMD's requirements for dry retention ponds and standards for maintaining same. He then confirmed landscape buffering was proposed for the assisted living facility.
- Mr. Mueller explained the memory care unit would be a locked unit, adding a fence could be installed in addition to landscape buffering if necessary.
- Mr. Weiner MOVED, Mr. Sacilotto SECONDED to find PD-03-19 consistent with the Comprehensive Plan and to recommend approval of the request with the conditions identified in the staff report based on the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
- Mr. Mueller indicated he desired to begin construction in May 2020.

STAFF COMMENTS

- A. Election of Chair & Vice Chairman
- Recording Secretary Pues opened the floor for nominations for Chair.
 - Mr. Gamblin NOMINATED Mr. Goldberg for Chair.

- As there were no other nominations, Mr. Goldberg was appointed Chairman by acclamation.
- Recording Secretary Pues opened the floor for nominations for Vice Chair.
- Mr. Peterson NOMINATED Mr. Comeaux for Vice Chair.
- As there were no other nominations, Mr. Comeaux was appointed Vice Chair by acclamation.

COMMITTEE/BOARD COMMENTS

- None.

CITIZENS' COMMENTS

- None.

ADJOURNMENT

- Meeting Adjourned: 4:11 p.m.

Harvey Goldberg, Chairman

Leah Pues, Recording Secretary