

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

August 10, 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. Kevin Graham was absent.

Approval of Minutes – May 11, 2026, Regular Meeting, minutes were approved as circulated.

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

Announcements

None.

PETITIONS

1.) PAL-26-02

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 44800 Bermont Road, in the Punta Gorda area and within the East County area; containing 164.66± acres; Commission District I; Petition No. PAL-26-02; Applicant: James Weeks; providing an effective date.

Ms. Shao, Principal Planner, presented the findings and analysis for Petition **PAL-26-02** and recommended approval based on the staff report.

2.) Z-26-01

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 44800 Bermont Road, in the Punta Gorda area and within the East County area; containing 164.66± acres; Commission District I; Petition No. Z-26-16; Applicant: James Weeks; providing an effective date.

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

Questions for Staff

None.

Applicant's Presentation

James Weeks, the applicant, introduced the property owner, Kurt Traulsen. **Mr. Traulsen** explained that he would like to transition from his current motor sports facility to a water sports community. The lake is a byproduct of the mining operation conducted by Mr. Weeks' company.

Mr. Weeks stated that he is the owner of Farabe Mine & Shell. He also owns and operates Weeks Farms, which produces the washed shell landscape product. This product is found only in southwest Florida at a depth of 19'-22'. He would like this petition granted because the current supply will be depleted in 3 years. His company has had no mining violations since its inception in 2008. If granted, there will be no additional traffic impacts.

David Brown, National Practice Lead in Hydrogeology for RESPEC, spoke. He is familiar with this property because he previously worked for the Charlotte County water management district. He does not anticipate any water quality issues. There will be water level and water quality monitoring.

Public Input

Colonel Mary Ann Tipton, retired United States Air Force, spoke regarding this petition and read a handout prepared by **David Northcutt**. A copy of the handout was provided to the board.

Rob Robbins spoke regarding this petition. He distributed a handout to the board members.

Attorney Michael Haymans representing Kelly Family Holdings, the owners of the adjoining property, spoke. He provided his background and requested to be accepted as an expert for factual testimony. **Chair Baker** consulted with **Assistant County Attorney Moscoso**, who advised that decision was up to the board. Following discussion, **Chair Baker** accepted him as an expert. Mr. Haymans stated that, in his opinion, property was inappropriate due to access concerns.

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

Rebuttal

James Weeks addressed the traffic and easement concerns. He asked that the Board consider the benefits of the proposed end use of the land rather than the process involved.

Board Discussion

Mr. Vieira pointed out an inconsistency. The TR transportation consultants' report states 150 trucks will be entering and leaving the mine daily and the applicant's testimony was 30-40 per day. He expressed concern about potential traffic impacts.

Chair Baker explained that this is a mining area, and this case may be the exception. Mr. Weeks is just moving his business and the board may need to consider this situation separately. If we deny this petition based on traffic, we should deny all future mines until one of the current 9 mines is finished.

Recommendation

Mr. Vieira moved that **PAL-26-02**, be sent to the Board of County Commissioners with a recommendation of Denial based on the findings and analysis in the staff report dated **August 3, 2026**, Charlotte County's Comprehensive Plan along with the evidence and testimony presented at today's meeting, seconded by **Mr. Segur**; motion denied with a 3-1 vote. (Mr. Vieira, Mr. Smallwood, and Mr. Segur all voted against this request – Mr. Baker voted against the denial.)

Recommendation

Mr. Vieira moved that **Z-26-01**, be sent to the Board of County Commissioners with a recommendation of Denial based on the findings and analysis in the staff report dated **August 3, 2026**, Charlotte County's Comprehensive Plan along with the evidence and testimony presented at today's meeting, seconded by **Mr. Smallwood**; motion denied with a 3-1 vote. (Mr. Vieira, Mr. Smallwood, and Mr. Segur all voted against this request – Mr. Baker voted against the denial.)

3.) PAS-26-02

Legislative

Commission District II

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 Parks and Recreation (PKR) to Commercial (COM); for property located at 11040 Pinetrail Road, in the Punta Gorda area, containing 3.74± acres; Commission District II; Petition No. PAS-26-02; Applicant: Sharon Murray; providing an effective date.

Ms. Shao, Principal Planner, presented the findings and analysis for Petition **PAS-26-02** and recommended approval based on the reasons outlined in the staff report.

4.) PD-26-03

Quasi-Judicial

Commission District II

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Commercial General (2.73± acres) and Parks and Recreation (PKR) (3.74± acres) to Planned Development (PD) to allow for commercial uses with outdoor storage and to bring the existing uses in compliance with the County's regulations; and also adopting a General PD Concept Plan; for property including multiple lots located at 11040 Pinetrail Road and 11119 and 11139 Tamiami Trail (US 41), in the Punta Gorda area, containing 6.47± acres; Commission District II; Petition No. PD-26-03; Applicant: Sharon Murray; providing an effective date.

Ms. Shao, Principal Planner, presented the findings and analysis for Petition **PD-26-03** and recommended approval based on the reasons outlined in the staff report.

Questions for Staff

None.

Applicant's Presentation

Attorney Michael Haymans represents the applicant, **Sharon Murray** and her son **Joe**, owner of Prompt Towing, spoke regarding the petition. **Reed McGowan** from Southwest Engineering spoke regarding water and drainage issues. Attorney Michael Haymans requested to reserve for rebuttal.

Public Input

Paul Foster, a neighbor who owns an adjoining property, spoke regarding exhaust issues of idling semis and fencing of the property.

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

Rebuttal

Michael Haymans spoke about the fence, landscaping, construction, and being a good neighbor.

Discussion

Mr. Vieira confirmed that the height of the fence is 8' with Ms. Shao. He also asked Reed McGowan about the type of locking mechanism. **Mr. McGowan** stated that entry will be via Knox Box. **Mr. Smallwood** inquired about the pending code case penalties. **Shaun Cullinan, Planning and Zoning Official**, stated that there is an abatement process for the fines that are accrued daily.

Recommendation

Mr. Smallwood moved that **PAS-26-02**, be sent to the Board of County Commissioners with a recommendation of Approval based on the findings and analysis in the staff report dated **July 23, 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 that **PD-26-03**, be sent to the Board of County Commissioners with a recommendation of Approval with conditions "a" through "k", based on the findings and analysis in the staff report dated **July 23, 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.

5.) TCP-26-01

Legislative

Countywide

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment (Text Amendment) to the Florida Department of Commerce and other State review agencies for review and comment to amend: 1) the Future Land Use (FLU) Element by adding new FLU Policy 1.2.18, Government-Created Nonconformities; and 2) the Property Rights (PR) Element by adding new PR Policy 1.2.5, Relief for Government-Created Nonconformities, to address properties rendered nonconforming solely as a result of a governmental taking; Countywide; Petition No. TCP-26-01; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

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

6.) TLDR-26-01

Legislative

Countywide

An Ordinance of the Board of County Commissioners of Charlotte County, Florida, amending Charlotte County Code Chapter 3-9, Zoning, Article I, In General, by adding new subsection (g), Nonconformities resulting from a governmental taking to Section 3-9-9, Legal Nonconformities, providing for administrative relief procedures and criteria for properties rendered nonconforming solely as a result of a governmental taking; providing for conflicts with other Ordinances; providing for severability; and providing for an effective date; Countywide; Petition No. TLDR-26-01; Applicant: Charlotte County Board of County Commissioners.

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

Questions for Staff

None.

Mr. Segur moved that **TCP-26-01**, be sent to the Board of County Commissioners with a recommendation of Approval to transmit Petition No. TCP-26-01 to the Department of Commerce and other State review agencies for Review and Comment, based on the findings and analysis in the Board memo dated **July 20, 2026**, and the evidence presented at the public hearing held by the Planning and Zoning Board, seconded by **Mr. Smallwood** and carried by a unanimous vote.

Mr. Segur moved that **TLDR-26-01**, be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the Board memorandum dated **July 20, 2026**, and the evidence and testimony presented at the public hearing held by the Planning and Zoning Board, seconded by **Mr. Smallwood** and carried by a unanimous vote.

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ADJOURNMENT

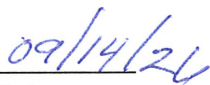
The meeting adjourned at 3:07 p.m.

Submitted by Jane Babler, recording secretary

Community Development Department



Clint Baker, Chair



Date