



Staff Report for: PD-25-13

Hearing Dates: April 13, 2026/July 28, 2026

To: Planning and Zoning Board/Board of County Commissioners

From: Jie Shao, AICP, MCP, Planner, Principal (see attached Exhibit 1 for professional qualifications)

Regarding: A request to amend the Zoning Atlas

Part 1 – General Information

Applicant: Burnt Store Road RET – LLC, 8000 Summerlin Lakes Drive, Suite 100, Fort Myers, FL 33907

Agent: Daniel DeLisi, AICP, DeLisi, Inc., 520 27th Street, West Palm Beach, FL 33407

Owner(s): Light Daniel R & Burnt Store RD-RET, 8000 Summerlin Lakes Drive, Suite 100, Fort Myers, FL 33907

Request: A privately initiated request to amend the Charlotte County Zoning Atlas from Planned Development (PD) (265± acres) and Commercial General (CG) (12.55± acres) to PD, in order to have a mixture of residential uses up to 999 residential units and commercial uses up to 195,000 square feet; requiring transfer density of units for residential development above the base density of 26 units; adopting a General PD Concept Plan.

Location: **Commission District II:** The subject property, including 11 parcels, is located at 14290, 14310, 14300, 14330, 14340, 14380, 14400, 14410, 14430, 14440 Burnt Store Road and 26100 Zemel Road; in the Punta Gorda area, within the boundary of the Burnt Store Area Plan area.

Land Area: The subject property contains a total of 277.75± acres.

Public Notice: Public Notice has been given as required by Charlotte County Code, Section 3-9-10; sub-sections (d) Published Notice; (e) Mailed Notice (1,000-foot Mailed Notice Map); and (f) Posted Notice.

Part 2 - Analysis and Conclusion

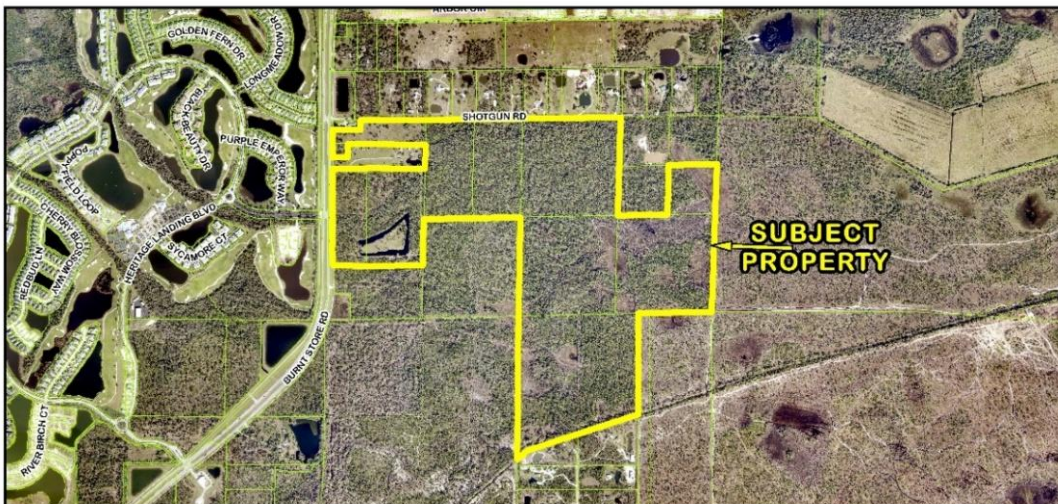
Request

The applicant and property owner is requesting a Planned Development (PD) rezoning from Planned Development (PD) (265± acres) and Commercial General (CG) (12.55± acres) to PD, in order to allow a mixture of residential uses of up to 999 dwelling units and commercial uses of up to 195,000 square feet. A Transfer of Density Units (TDU) is required for residential development above the base density of 26 dwelling units. The applicant is also requesting adoption of a General PD Concept Plan.

The subject property, consisting of approximately 277.55 acres, is generally located east of Burnt Store Road and north of Zemel Road, in the Punta Gorda area, within the Burnt Store Area Plan boundary, and in Commission District II.



PD-25-13 Area Image (Mid-Range)

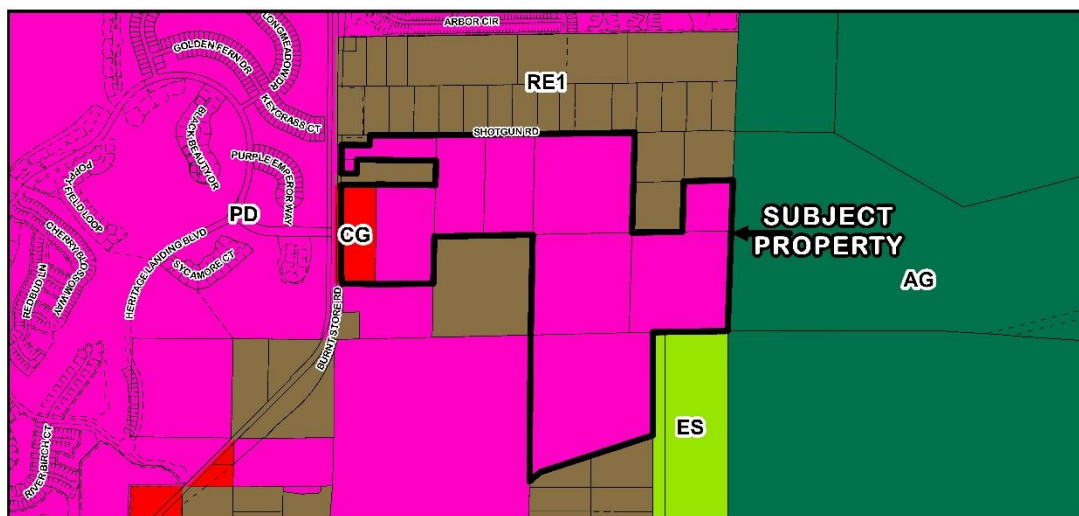


PD-25-13 Area Image

History of the Subject Property

One parcel of the subject property located at 14410 Burnt Store Road is currently zoned Commercial General (CG) (Attachment 1: 1989 Zoning Map) and had a Commercial Corridor Future Land Use Map (FLUM) designation on the County's 1997–2010 FLUM (Attachment 2). The property's FLUM designation was later amended to Village Residential as part of the Burnt Store Area Plan and renamed Burnt Store Village Residential (BSVR) during the County's Comprehensive Plan rewrite between 2008 and 2010, which was adopted in July 2010 and took effect in June 2011. The PD is the zoning category to implement the intent of BSVR FLUM category. This portion of the property has been identified for commercial general uses and is intended to be rezoned to PD in order to serve residents along Burnt Store Road.

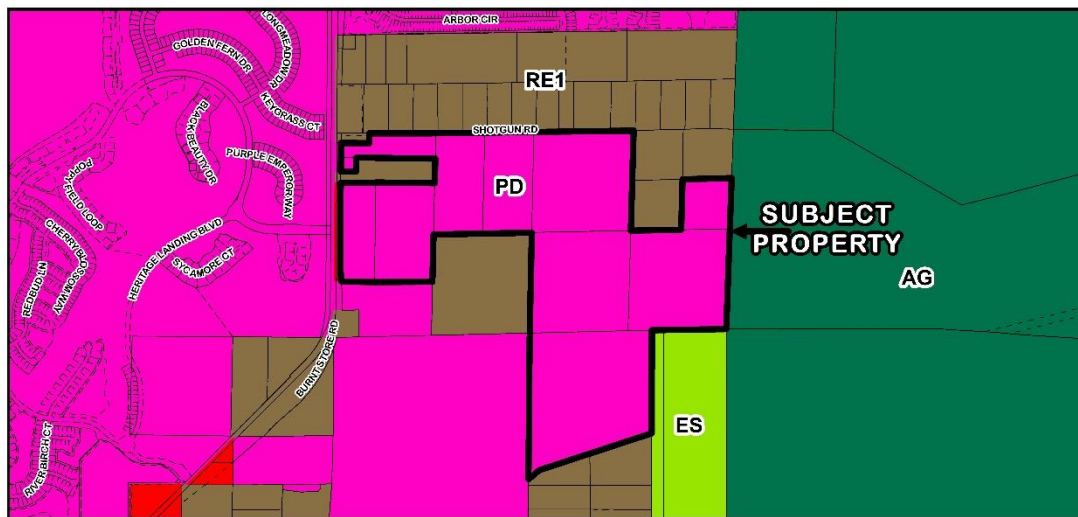
On September 18, 2007, the Board of County Commissioners (Board) approved an amendment to the Zoning Atlas from Agriculture Estates (AE) and Residential Multi-family 12 (RMF-12) to Planned Development (PD) for the remaining ten parcels of the subject property via Ordinance No. 2007-064, in order to allow a residential development of up to 999 dwelling units. The subject property retains a base density of 26 units and will require a total of 973 transferred density units to achieve development of up to 999 dwelling units. The associated PD Concept Plan expired on September 19, 2008, based on the Planned Development code in effect at that time. In November 2022, the previous property owner submitted a request to extend the expired PD Concept Plan. On February 28, 2023, the Board approved the extension request via Ordinance No. 2023-007 (Attachment 3).



PD-25-13 Zoning Designations

Current Status

The applicant/property owner is requesting a PD rezoning for the entire property in order to have a mixture of residential development up to 999 units and commercial general uses up to 195,000 square feet.



PD-25-13 Proposed Zoning Designations

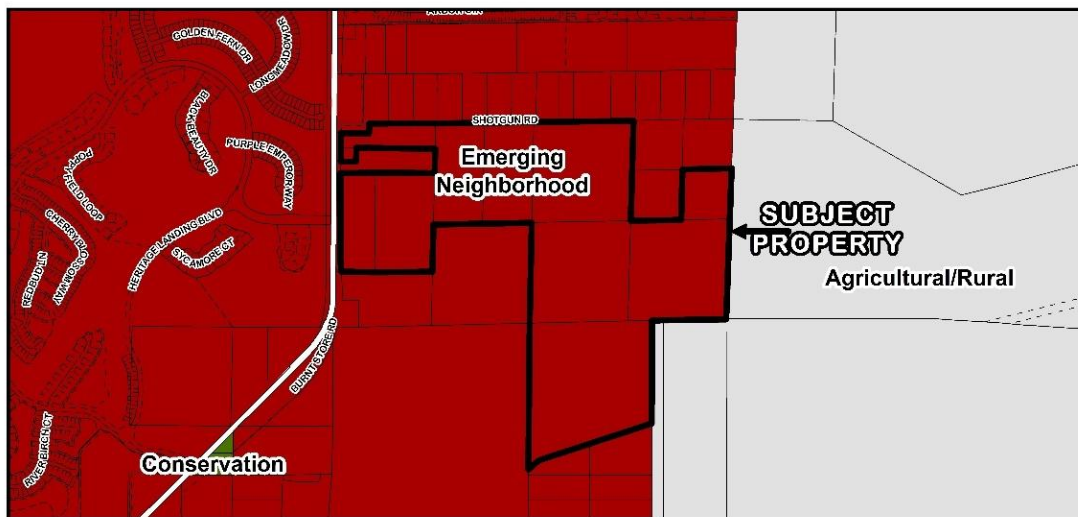
Base Density

The subject property is located within the boundary of the Burnt Store Area Plan and is designated Burnt Store Village Residential (BSVR) on the 2030 Future Land Use Map. The County's Comprehensive Plan states that *"properties within the BSVR Future Land Use Map category are allowed one dwelling unit per ten acres by right. Properties greater than 20 acres in size may develop up to five dwelling units per acre, and properties of 20 acres or less may develop up to one dwelling unit per acre. Any density above one dwelling unit per ten acres must be transferred through a Transfer of Density Units (TDU)."*

As noted above, the subject property consists of 11 parcels. The base density for approximately 265 acres of the property (ten parcels) is 26 units. The remaining parcel has a base density of zero units, as it is zoned Commercial General (CG), which does not permit residential development. Therefore, the total base density for the entire subject property is 26 units. To achieve the proposed maximum residential development of up to 999 dwelling units, a transfer of 973 density units will be required for the subject property.

Consistency with the County's Comprehensive Plan

The site is designated Emerging Neighborhood on the 2050 Framework Map (FLUM Map #2 - 2050 Framework). According to the County's Comprehensive Plan, "Emerging Neighborhoods include large areas of undeveloped lots or other undeveloped lands in locations that are appropriate for residential and mixed-use development. Emerging Neighborhoods are generally near regional transportation corridors, typically have central water and sewer infrastructure, and are in the path of future urban development. These neighborhoods have the opportunity to create a sense of identity for the community and to introduce planning principles supporting more sustainable neighborhoods prior to further development."



PD-25-13 Framework

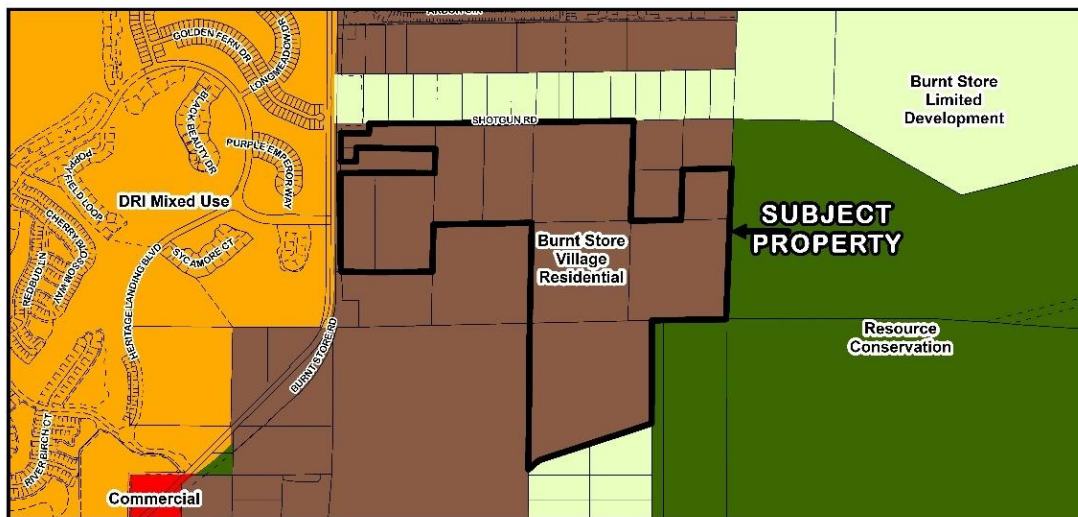
The subject property is located along Burnt Store Road and within the boundary of the Burnt Store Area Plan, which encourages higher density and intensity uses than the existing development rights of one unit per ten acres. The proposed development allows for a mixture of residential and commercial general uses and includes a proposed Habitat Management Plan to restore and preserve approximately 68.61 acres of onsite wetlands and associated uplands and buffers, which is consistent with the intent of the Emerging Neighborhood designation.

FLU Policy 1.2.11: TDU Receiving Zones lists Emerging Neighborhood among the types of framework designations eligible to qualify as Receiving Zones. The required transfer of density is consistent with this policy.

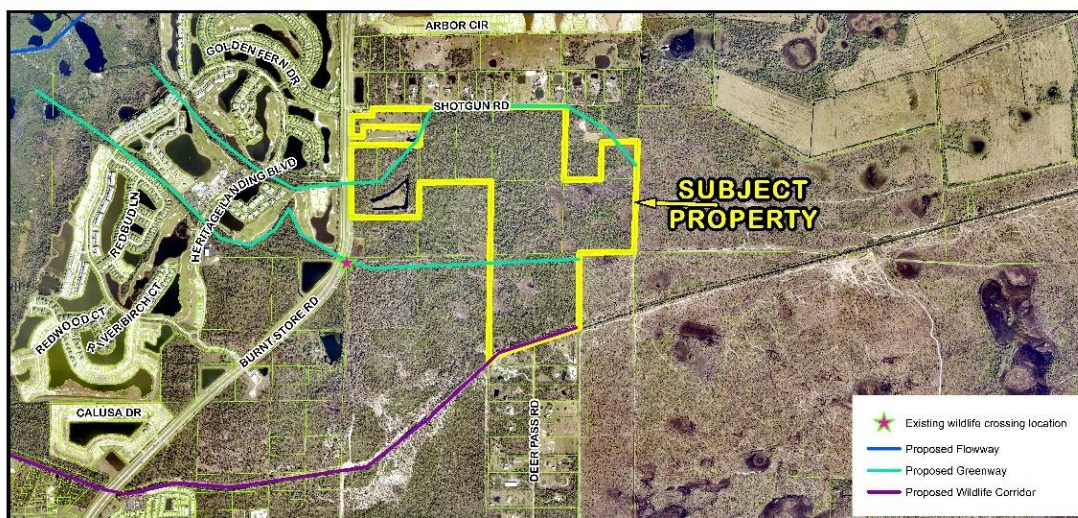
The Future Land Use Map (FLUM) designation for the site is Burnt Store Village Residential (BSVR), which allows for up to five dwelling units per acre. The proposed PD rezoning would allow residential development of up to 999 dwelling units, which is approximately 3.6 dwelling units per acre. Ordinance No. 2023-007 (Attachment 3) already authorizes a maximum of 999 dwelling units for approximately 265 acres of the subject property.

The commercial requirement under the BSVR FLUM designation states that *commercial and institutional development within this classification is limited to ten percent of the total development area for properties located outside of a Commercial Node, as illustrated on the Burnt Store Area Map (SPAM Series Map #5)*. According to the proposed General PD Concept Plan, the proposed commercial area contains approximately 17.91 acres, which equals 6.5 percent of the property and is within the allowable ten percent. The proposed maximum commercial square footage is 195,000 square feet, resulting in a Floor Area Ratio (FAR) of approximately 0.25.

Additionally, the property contains approximately 277.55 acres, which exceeds the minimum 100-acre requirement for recreational vehicle uses. Therefore, it is staff's professional opinion that the proposed development is consistent with the BSVR FLUM designation.



PD-25-13 FLUM Designations



PD-25-13 Area Image and Natural Resource Connections

Furthermore, ***Future Land Use (FLU) Policy 6.2.10: Natural Resource Connections***, states that: *The County shall coordinate with developers and property owners to create the following natural resource connections, as shown on the Burnt Store Area map (SPAM Series Map #5) which is based on input and recommendations from the Florida Fish and Wildlife Commission and the National Estuaries Program.* The proposed greenway and wildlife corridors run through the subject property. According to the proposed General PD Concept Plan and the submitted “Environmental Report,” prepared by Monarch Ecology Group, LLC, dated September 15, 2025, the applicant is proposing approximately 9.28± acres for the wildlife corridor and greenway corridor areas. Staff accepts the Environmental Report as the Comprehensive Plan’s required science-based analysis of possible impacts to the environmental resources of these lands and the manner in which these impacts can be eliminated. It is staff’s professional opinion that the

proposed changes are consistent with **Natural Resources (ENV) Policy 2.2.3: Developments Adjacent to Preserved Lands.**

The proposed Native Habitat Management Plan addresses the protection and preservation of the proposed greenway and wildlife corridors. In addition, according to the Environmental Report, the proposed 75-foot greenway corridor has been relocated to accommodate and align with the onsite wetland to the north, extend through the western side of the site, connect with the offsite property's greenway to the south, and align with State-owned lands to the south and east surrounding the site.

The proposed 100-foot wildlife corridor located along the southern boundary is aligned with Zemel Canal, which is consistent with the wildlife corridor on the adjacent property to the west. The proposed greenway and wildlife corridor will enhance the proposed project's overall connectivity to offsite preservation areas and surrounding State-owned lands.

Therefore, it is staff's professional opinion that the proposed development is consistent with **FLU Policy 6.2.10: Natural Resource Connections**, specifically:

Greenway. The County shall require developers and property owners to preserve property along the greenway to link up with the proposed "Wildlife Utilization Areas" in the Tern Bay DRI. The intent is to provide for a wildlife corridor with a minimum width of 75 feet or greater, depending on existing vegetation and wildlife habitat. The greenway should include the preservation or enhancement of natural habitats. Enhancement activities can include plantings of native vegetation and removal of exotic and nuisance vegetation. Low impacting recreational uses may be incorporated into the greenway; however, the greenway is primarily to be managed for wildlife usage. The County shall incorporate a wildlife crossing into the widening of Burnt Store Road, to be constructed of a size sufficient to accommodate small to medium size animals for at least one of the greenways.

Wildlife Corridor: The County shall require the preservation and enhancement of land within and along the wildlife corridor to provide sufficient coverage for utilization of wildlife. Enhancement activities can include plantings of native vegetation and removal of exotic and nuisance vegetation. The corridor should provide sufficient cover to encourage use by wildlife through compliance with the following provisions:

a. The corridor shall be at a minimum 200 feet wide. A smaller wildlife corridor may be utilized if a wildlife corridor study is conducted and an alternative corridor is provided to provide the same or enhanced level of protection.

b. A 25-foot undeveloped buffer will be established between the corridor and proposed development activities. The buffer will consist of native vegetation where native habitats currently exist. In areas where native vegetation does not currently exist, native vegetation plantings will be conducted within the 25-foot buffer.

c. Lighting within 50 feet of the corridor will be shielded and directed away from the corridor.

d. A conservation easement (or similar binding document) will be required at time of Final Plan Approval to ensure the protection in perpetuity of the 25-foot buffer and corridor. The conservation easement will limit human access to the corridor by prohibiting uses and structures

(gazebos, docks, etc.) within the 25-foot buffer, corridor, and adjacent canal. Nature trails are acceptable uses within the 25-foot buffer and corridor.

Additionally, according to the proposed General PD Concept Plan and the submitted “Environmental Report,” the majority of the jurisdictional extent of wetlands and surface waters has been formally reviewed and approved by the Southwest Florida Water Management District (SWFWMD) under Environmental Resource Permit (ERP) No. 43047604.000.

The project site contains 17 onsite wetlands, totaling approximately 64.17 acres, 1.05 acres of shallow surface water creek, 0.35 acres of surface water ditch, and 3.20 acres of surface water borrow pond. The proposed development has been designed to avoid the larger wetland systems while maintaining the proposed greenway and wildlife corridors through the site. However, due to site constraints, including proposed roadways, the development cannot avoid all wetlands.

The proposed impacts include approximately 4.76 acres of wetlands, 1.05 acres of the surface water creek, 3.20 acres of the upland-cut borrow pond, and 0.35 acres of the ditch along the southwest boundary. However, the project will preserve approximately 59.41 acres of wetlands, representing approximately 92.6 percent of the onsite wetlands, along with their associated upland buffers. The proposed Native Habitat Management Plan will ensure that the preservation areas are maintained and protected in perpetuity.

The primary reasons for the wetland impacts are the proposed roadways and small, isolated wetlands. Therefore, it is staff’s professional opinion that the proposed development is not contrary to **ENV Policy 3.1.9: Roads**, which states that *“Roads necessary for access to upland portions of a subject property may cross wetlands provided they cross the least sensitive portion (i.e., narrowest, most degraded, etc.) of the affected wetlands and all environmental permitting procedures have been followed. Minimally invasive building techniques and pervious road surfaces will be required.”*

The submitted Native Habitat Management Plan, which will be incorporated as part of the PD conditions, will ensure that the majority of the onsite wetlands are protected and preserved.

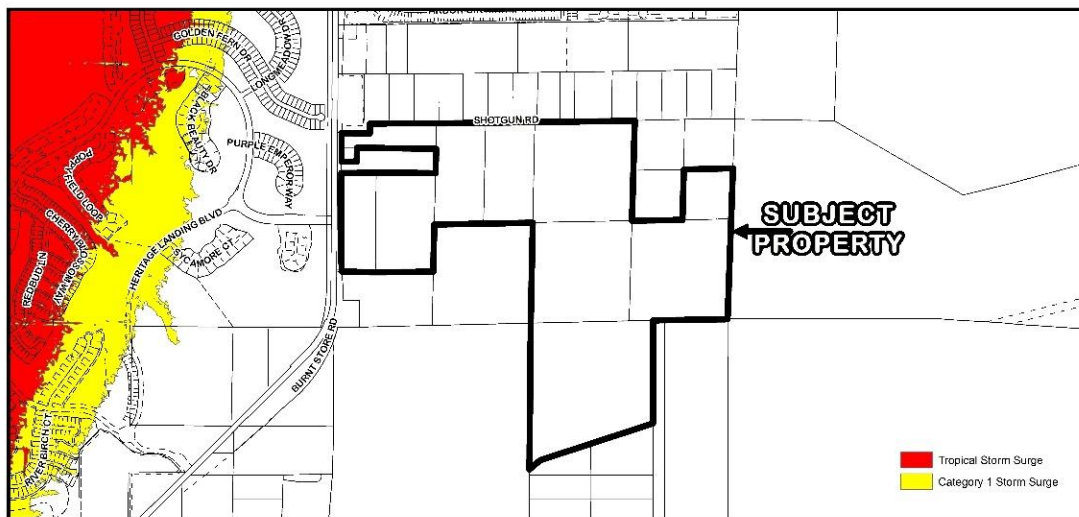
The applicant is proposing a maximum of 300 recreational vehicles on the property. Pursuant to State law and the proposed PD conditions, a recreational vehicle may remain on the property for a maximum of 180 days; however, another recreational vehicle may subsequently occupy the same pad after the required 30-day vacancy period. Staff finds that a recreational vehicle park functions similarly to the storage of automobiles or recreational vehicles on a property.

Natural Resources (ENV) Policy 3.1.6, Incompatible Uses, requires that *“where adequate land area exists to support the proposed use, the County shall require a 50-foot undeveloped buffer between any commercial, intensive, or industrial land uses, including associated uses such as parking lots and storage areas, and any waterways, wetlands, or lakes.”*

Therefore, to remain consistent with the intent of this policy, staff is proposing the following setback requirement for recreational vehicle uses: *Recreational vehicle pads shall be located at least 50 feet from on-site wetlands.* The applicant/property owner has agreed to the proposed 50-foot setback requirement.

In conclusion, it is staff's professional opinion that the proposed development, as conditioned, is generally consistent with the Comprehensive Plan's natural resource policies, including those related to species protection, habitat preservation, exotic plant removal, and wetland protection and preservation.

Furthermore, the entire subject property is located outside of the Coastal High Hazard Area (CHHA). Therefore, the proposed residential development is not contrary to CHHA related policies such as ***Coastal Planning (CST) Policy 4.1.4: Evacuation Provisions for all Plan Amendments and CST Policy 3.2.4: Applications for Development within the CHHA.***



PD-25-13 Coastal High Hazard Area

Therefore, it is staff's professional opinion that the proposed changes are generally consistent with and supported by various goals, objectives, and policies set forth in the County's Comprehensive Plan and the vision and intent of the Burnt Store Area Plan.

Surrounding Uses and Compatibility Issues

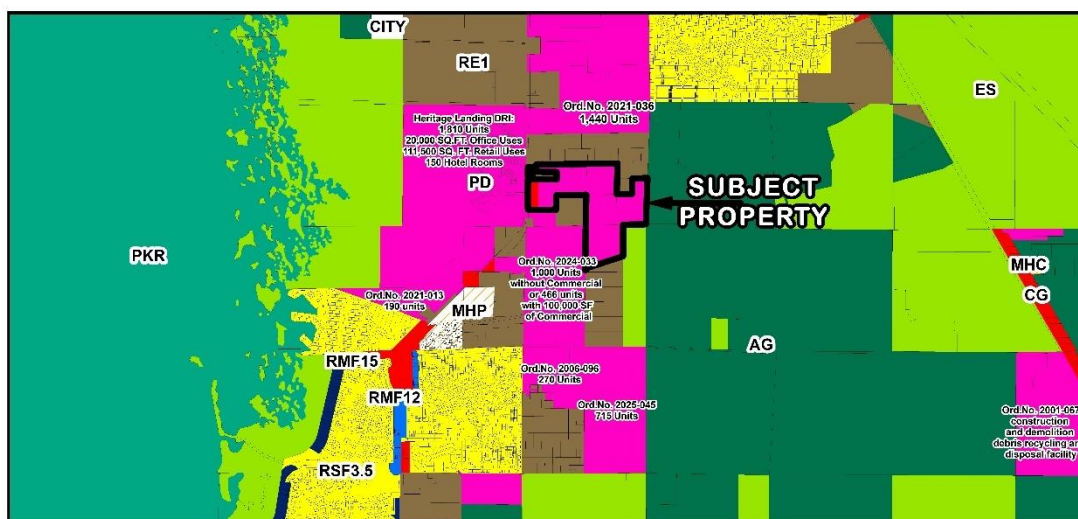
The subject site is located in the South County area and within the boundary of the Burnt Store Area Plan. To the west, across Burnt Store Road, the Heritage Landing Development of Regional Impact (DRI) contains a mixture of residential and commercial development. This area is designated as DRI Mixed Use with Planned Development (PD) zoning.

To the north, there are vacant lands, scattered single-family homes, and agricultural land uses. These areas are designated as Burnt Store Village Residential (BSVR) and Burnt Store Limited Development (BSLD) with Residential Estate (RE-1) zoning, which has a base density of one unit per 10 acres. Further to the north, a Planned Development was approved via Ordinance Number 2021-036 for a mixed residential development of up to 1,440 dwelling units.

To the east of the subject site are environmentally sensitive lands owned by the State of Florida. The property immediately to the south, containing approximately 349.1 acres, is approved for either residential development of up to 1,000 units without commercial uses or a mixed residential and commercial development of up to 466 dwelling units and 100,000 square

feet of commercial uses. This area is designated as BSVR with PD zoning pursuant to Ordinance Number 2024-033. There are some vacant lands, and single-family homes are located to the south of the subject site. This area is designated as Burnt Store Limited Development (BSLD) with RE-1 zoning (one unit per 10 acres).

Based on the above information, it is staff's professional opinion that the proposed development, which includes up to 999 dwelling units (no change) and commercial general uses of up to 195,000 square feet, will provide commercial services for future residents of the development as well as surrounding existing and planned residential neighborhoods, while minimizing detrimental or adverse impacts on nearby residential uses.



PD-25-13 Surrounding Zoning Designations

Concurrency issues

- **Water and Sewer:** The site is located in an area serviced by Charlotte County Utilities, the Burnt Store site. An “Availability Request Form” from Charlotte County Government Utilities Department dated August 22, 2025, states that: “potable water, sanitary sewer and reclaimed water are available to the subject property. *Services are available through a private developer’s agreement to extend and connect.*”
- **Traffic:** After reviewing the traffic impact statement prepared by TR Transportation Consultants, Inc., dated September 11, 2025, and submitted with the application, staff from the County Public Works Department agrees with the conclusion which states that: “*The Level of Service analysis conducted as part of this report indicates that the proposed rezoning request is NOT projected to cause any roadways to operate below the adopted Level of Service Standards. It is important to note that Burnt Store Road between Heritage Landing Boulevard and Acline Road was shown to operate at a poor Level of Service in the 2032 background (without project) conditions. Therefore, these roadway segments of Burnt Store Road are considered as future pre-existing deficiencies that this project should not be responsible for mitigating. This project will be responsible for the payment of the road impact fees, which are used to mitigate off-site roadway*

impacts.” However, based on Article XIV. Concurrency Management, staff has some concerns related to the future traffic concurrency/capacity, access points and safety on Burnt Store Road given the development trend in that area. Therefore, County staff proposes the following PD transportation conditions k & l:

k. *There may be up to four access points located on Burnt Store Road as shown on the General PD Concept Plan (Attachment 1).*

i. *Access point #5 shall only be approved if the developer enters into an agreement with the property located immediately to the south to eliminate their northernmost access point reflected on the approved General PD Concept Plan Via Ordinance Number 2024-033, as may be amended. The agreement shall also provide for a pedestrian and vehicular access between both parties (the subject property and the property immediately to the south of the subject property) and such agreement shall be recorded and provided as part of Final Detail Site Plan application, and Access point #4 must be removed.*

ii. *If such agreement is not provided as part of Final Detail Site Plan application, Access point #5 must be removed and Access point #4 is allowed.*

The exact locations for these access points will be determined during the Final Detail Site Plan review stage. With respect to the site related improvements and other items, County Transportation staff reserves the right to make additional comments at the time of Final Detail Site Plan review.

l. *Prior to Final Detail Site Plan approval of any commercial development, and each phase of the residential development, the applicant shall be required to meet concurrency per Article XIV. Concurrency Management. As to transportation concurrency, the applicant shall be required to account for project traffic and previously approved developments which have reserved capacity in the roadway level of service analysis. If the level of service (LOS) falls below the adopted minimum standard due to the proposed development traffic, a proportionate share analysis shall be required to satisfy concurrency. Based on the results of the analysis a developer’s proportionate share contribution shall be required.*

i. *The traffic signal at the project entrance at the intersection of Burnt Store Road and Heritage Landing Boulevard shall be memorialized in a developer’s agreement acceptable and approved by the County prior to the approval of any Final Detail Site Plan. The developers at their own costs shall design, permit and construct a traffic signal at the project entrance on Burnt Store Road prior to the issuance of a Certificate of Occupancy for any commercial development or at the 300th residential Certificate of Occupancy, whichever comes first.*

- School: The proposed changes will not increase the approved residential development rights of 999 units; therefore, the student population is not expected to be increased as a result of the proposed rezoning. However, the following existing PD condition is drafted in order to address the school concurrency issues:

If the school concurrency process is still required under a valid interlocal agreement, prior to Final Detail Site Plan or Final Plat approval for any residential development for any Phases, the applicant/property owner must obtain a School Concurrency Availability Determination Letter (SCADL) from Charlotte County Public Schools (CCPS) indicating that sufficient capacity exists or has been accounted for through a binding and enforceable agreement with CCPS to address school concurrency.

If an agreement is required, the terms the agreement shall be incorporated into the Planned Development Final Detail Site Plan approval and shall not constitute a major modification.

PD Concept Plan

The General PD Concept Plan associated with this PD rezoning was submitted for Site Plan Review. The petition number is DRC-25-177. A recommendation letter was issued on January 27, 2026 (Attachment 4).

Conclusion

It is staff's professional opinion that this PD rezoning request with the recommended conditions contained in Exhibit "A" attached is generally consistent with the Burnt Store Village Residential FLUM category and various goals, objectives, and policies set forth in the County's Comprehensive Plan as well as vision and intent of the Burnt Store Area Plan. As conditioned, the proposed development minimizes detrimental impacts on the surrounding properties.

Part 3 – Summary and Recommendation

Staff Summary:

Based upon the analysis and conclusions set forth herein, in staff's professional opinion, the application (Application No. PD-25-13) is generally consistent, as conditioned, with Charlotte County's Comprehensive Plan, Charlotte County's Code of Laws and Ordinances and other applicable guidelines.

The Planning and Zoning Board recommendation on April 13, 2026:

*A motion to forward application No. PD-25-13 to the Board of County Commissioners with a recommendation of **Approval with conditions "a" through "w"**, based on the findings and analysis in the staff report dated March 23, 2026, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.*

Part 4: Research and Findings

- 1. 2050 Framework Map Designation:** Emerging Neighborhood (FLUM Map #2 - 2050 Framework)
- 2. 2030 Service Area Delineation:** In the Urban Service Area
- 3. Existing Land Use on the Site:** The subject property is currently vacant. (see attached Site Image)

4. Existing Future Land Use and Zoning Designations:

(see attached Future Land Use Map and Zoning Map.)

FLUM:	Development Standards:
Burnt Store Village Residential (BSVR)	<u>General Range of Uses</u> Residential, commercial, recreational, institutional uses and public services and facilities are allowed in this category, and may either be independently developed or integrated through a common plan of development. The Burnt Store Village Residential land use category is intended to provide for a range of housing options including multi-family and single-family dwelling units sold either fee-simple or as condo units. Recreational vehicles may also be developed as a primary use. Each space that is to be occupied by a recreational vehicle shall count as a unit of density and any recreational vehicle use must be developed per Special Provision (3) below <u>Maximum Density</u> Density: Properties within this land use category are allowed one dwelling unit per ten acres by right. Property of more than 20 acres in size may develop up to five dwelling units per acre and property of 20 acres or less may develop up to one dwelling unit per acre. Any density above one dwelling unit per ten acres must be transferred through a TDU. Intensity: Commercial uses must be developed in a compact, nodal configuration. Retail development is limited to 0.25 maximum FAR and office and institutional development is limited to 0.5 maximum FAR. Commercial developers are encouraged to work with Charlotte County, the U.S. Postal Service and other governmental service providers to locate branch facilities in commercial areas. <u>Mix of Uses</u> Commercial and institutional development within this classification is limited to ten percent of the total development area for properties outside of the Commercial Node, as illustrated on the Burnt Store Area Map (SPAM Series Map #5). Residential may be developed independently of other uses; however, other uses may only be developed when integrated into a residential development plan. <u>Special Provisions</u> 1. Residential development must be clustered with a minimum common open space requirement of 20 percent of the total site area. Residential developments shall provide neighborhood or mini parks to offset the active recreational needs of their residents. 2. <i>Commercial Node Development:</i> Properties within one-quarter mile of the center point of the designated Commercial Node must be developed as follows: • Minimum square feet per Corner: 30,000 Sq. Ft. • Maximum square feet per Corner: 200,000 Sq. Ft. • Single use buildings shall be limited to 100,000 square feet 3. <i>Recreational Vehicles:</i> Recreational vehicles must be located on properties with a minimum of 100 acres and must provide on-site recreational amenities, which may include but not be limited to passive recreational trails, central community clubhouse

	facilities, pools, and tennis courts. Of the required 20 percent minimum open space, at least three acres must include active recreational amenities. Recreational vehicles shall not be granted access to or egress from a development site through local, residential roadways within any subdivision platted prior to August 2008.
Zoning:	Development Standards:
Planned Development (PD)	The purpose and intent of this district is to provide flexibility and to encourage concentrated, energy-efficient land development, and to provide opportunities to impose conditions to ensure that the proposed development is consistent and compatible with the surrounding neighborhood. <u>Minimum lot and yard requirements.</u> Internal lot and yard requirements shall be established through the PD rezoning process. Unless otherwise approved by the BCC or provided in section 3-9-45.1, no structure shall be located closer to the peripheral property line of the PD than twenty-five (25) feet or as required by section 3-9-88, "Waterfront property," as the same may be amended, whichever is greater. <u>Maximum height of structures.</u> The maximum height for structures shall be established through the PD rezoning process. <u>Open space.</u> Unless otherwise approved by the BCC or as provided in section 3-9-45.1, a minimum of twenty (20) percent of the entire PD parcel or phase shall be retained as open space. <u>Internal circulation.</u> All streets shall be designed to provide safe, efficient and convenient access to land uses within the development and to roadways adjacent to the development. In addition to vehicular thoroughfares, functional pedestrian and bicycle-path systems are required in accordance with the county's land development regulations.
Residential Estate 1 (RE-1)	The purpose and intent of this district is to allow low-density, large-lot residential and related uses. • Minimum lot area is one acre. • Minimum lot width is 125 feet. • Setbacks: ○ Front: 40 feet ○ Side: 20 feet ○ Rear: 15 feet ○ Rear (accessory buildings): 10 feet ○ Rear (street): 25 feet ○ Abutting greenbelt: 15 feet ○ Abutting greenbelt: 10 feet for all accessory structures ○ Abutting water: 20 feet • Maximum lot coverage of all buildings is 20 percent. • Maximum building height is 38 feet. Maximum density (units per acre): one unit per 10 acres within the Burnt Store Area Plan.
Commercial General (CG)	The purpose and intent of this district is to allow general commercial activity. • Minimum lot area is 12,000 square feet. • Minimum lot width is 100 feet. • Setbacks: ○ Front: 15 feet

	○ Side (interior): 0 feet ○ Side (street): 10 feet ○ Rear (interior): 10 feet ○ Abutting greenbelt: 15 feet ○ Abutting water: 20 feet • Maximum lot coverage of all buildings is 55% percent. Maximum building height is 60 feet.
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Table 1

5. Proposed Future Land Use and Zoning Designations:

(see attached Future Land Use Map and Zoning Map.)

FLUM:	Development Standards:
No Change Burnt Store Village Residential (BSVR)	<u>General Range of Uses</u> Residential, commercial, recreational, institutional uses and public services and facilities are allowed in this category, and may either be independently developed or integrated through a common plan of development. The Burnt Store Village Residential land use category is intended to provide for a range of housing options including multi-family and single-family dwelling units sold either fee-simple or as condo units. Recreational vehicles may also be developed as a primary use. Each space that is to be occupied by a recreational vehicle shall count as a unit of density and any recreational vehicle use must be developed per Special Provision (3) below <u>Maximum Density</u> Density: Properties within this land use category are allowed one dwelling unit per ten acres by right. Property of more than 20 acres in size may develop up to five dwelling units per acre and property of 20 acres or less may develop up to one dwelling unit per acre. Any density above one dwelling unit per ten acres must be transferred through a TDU. Intensity: Commercial uses must be developed in a compact, nodal configuration. Retail development is limited to 0.25 maximum FAR and office and institutional development is limited to 0.5 maximum FAR. Commercial developers are encouraged to work with Charlotte County, the U.S. Postal Service and other governmental service providers to locate branch facilities in commercial areas. Mix of Uses Commercial and institutional development within this classification is limited to ten percent of the total development area for properties outside of the Commercial Node, as illustrated on the Burnt Store Area Map (SPAM Series Map #5). Residential may be developed independently of other uses; however, other uses may only be developed when integrated into a residential development plan.
Zoning:	Development Standards:
Planned Development (PD)	The purpose and intent of this district is to provide flexibility and to encourage concentrated, energy-efficient land development, and to provide opportunities to impose conditions to ensure that the proposed development is consistent and compatible with the surrounding neighborhood.

	<u>Minimum lot and yard requirements.</u> Internal lot and yard requirements shall be established through the PD rezoning process. Unless otherwise approved by the BCC or provided in Section 3-9-45.1, no structure shall be located closer to the peripheral property line of the PD than 25 feet or as required by section 3-9-88, "Waterfront property," as the same may be amended, whichever is greater. <u>Maximum height of structures.</u> The maximum height for structures shall be established through the PD rezoning process. <u>Open space.</u> Unless otherwise approved by the BCC or as provided in Section 3-9-45.1, a minimum of 20 percent of the entire PD parcel or phase shall be retained as open space. <u>Internal circulation.</u> All streets shall be designed to provide safe, efficient and convenient access to land uses within the development and to roadways adjacent to the development. In addition to vehicular thoroughfares, functional pedestrian and bicycle-path systems are required in accordance with the County's Land Development Regulations. <u>Utilities.</u> PDs shall be served by public water and sanitary sewers, storm and surface drainage systems, and other applicable utilities systems. The preceding sentence shall not apply if the developer: 1. Provides private facilities, utilities or services approved by appropriate public agencies as substantially similar to public services which would otherwise be provided to the development under conventional zoning; and 2. Makes provision for their continued operation thereafter, or until public facilities, utilities and services are available for use.
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Table 2

6. Surrounding Land Uses and their Future Land Use and Zoning Designations:

Direction:	Existing Land Use:	FLUM Designation:	Zoning District Designation:
North	Single-family homes Vacant lands designated for residential development Approved PD for residential development	Burnt Store Village Residential (BSVR) Burnt Store Limited Development (BSLD)	Residential Estate (RE-1) - The base density is one unit per 10 acres per Burnt Store Area Plan. Planned Development (PD)
East	Environmentally sensitive land owned by State of Florida	Resource Conservation	Residential Estate (RE-1) - The base density is one unit per 10 acres per Burnt Store Area Plan.
South	Approved PD for residential and commercial uses Vacant lands designated for residential development	Burnt Store Village Residential (BSVR) Burnt Store Limited Development (BSLD)	Planned Development (PD) Residential Estate (RE-1) - The base density is one unit per

	Single-family homes		10 acres per Burnt Store Area Plan.
West	Burnt Store Road Heritage Landing DRI Burnt Store Colony Mobile Home Park	DRI Mixed Use	Planned Development (PD)

Table 3

7. Buildout Calculations (square footage or density):

The proposed development includes residential development of up to 999 dwelling units and commercial uses up to 195,000 square feet. If the Board approves this PD rezoning, in order to develop the site based on the proposed General PD Concept Plan, the applicant/property owner must transfer residential dwelling units onto the subject site for any development above 27 units. The entire site for is located within a designated Emerging Neighborhood. The subject property is qualified as a receiving zone based on the following:

- The site for residential development meets FLU Policy 1.2.10, TDU Receiving Zones, which states that Receiving Zones inside the Urban Service Area include lands within the following designations of FLUM Series Map #2: 2050 Framework: 1. Emerging Neighborhoods.
- FLU Policy 1.2.11. Prohibited Receiving Zones does not apply to the subject property because the subject property does not meet any criteria listed in FLU Policy 1.2.11. The policy states:

Density shall not be transferred into:

1. Lands within Managed Neighborhoods (FLUM Series Map #2).
2. Lands within the Resource Conservation and Preservation FLUM categories.
3. Land containing historical or archeological resources, or land deemed to contain environmentally sensitive resources; except that when a portion of a property contains these resources, that area deemed not to contain resources may receive density if it meets one of the criteria of a receiving zone, a conservation easement will be required over the resource along with an undeveloped buffer of at least 100 feet or may have the required 100-foot buffer reduced only if approved through an environmental resource permit or applicable State or Federal permit. Any development shall comply with Federal and State regulations as well as policies set forth in this Plan to protect environmentally sensitive resources. An historical or archaeological resource that is to be integrated into a development will not need to be buffered.
4. Lands within the Prime Aquifer Recharge Area (FLUM Series Map #6).
5. Lands within the one-half mile setback of the Watershed Overlay District and Tippen Bay and Long Island Marsh (FLUM Series Map #4).
6. Land within a Public Water System Wellhead Protection Area (FLUM Series Map #7) unless public potable water and sanitary sewer services are available.
7. Land on a barrier island, except that density may be transferred within Manasota Key or Sandpiper Key.

8. Is subject property in a Community, Special Planning Area or Overlay District? Yes

Subject property is located within the boundary of the Burnt Store Area Plan area. (FLUM Series Maps #8, #9, #10 or #11)

9. Is subject property located adjacent to existing or proposed Federal, State, or

County wildlife management areas, parks, preserves or reserves? Yes
The subject property is located adjacent to the State-owned lands to the east. (SPAM Maps, #35, #74 and #75)

10. Is the proposed land use designation consistent with the provisions of the:

- a. Charlotte Harbor Aquatic Preserves Management Plan? (SPAM Map #36)
Subject property is located outside the boundary of the Charlotte Harbor Aquatic Preserves.
- b. Lemon Bay Aquatic Preserve Management Plan? (SPAM Map #36)
Subject property is located outside the boundary of the Lemon Bay Aquatic Preserve.

11. Does subject property contain archaeological or historic resources? (SPAM Map #3, #27 & 53) No, a letter from Division of Historical Resource & State Historic Preservation Officer dated July 7, 2025 states that: *"Based on the information provided, our office concurs with the presented survey results and recommendations and finds that the proposed project will have no effect on historic properties listed, or eligible for listing, in the NRHP, or otherwise of historical, archaeological, or architectural value within the surveyed APE. Further, we find the submitted report complete and sufficient in accordance with Chapter 1A-46, Florida Administrative Code."*

12. Are there wetlands on the property? Yes, according to the submitted "Environmental Report," the project site contains 17 onsite wetlands, totaling approximately 64.17 acres, 1.05 acres of shallow surface water creek, 0.35 acres of surface water ditch, and 3.20 acres of surface water borrow pond.

- a. Number of acres of Category I: Possible
- b. Number of acres of Category II: Possible

13. Natural Resources:

- a. **Significant natural resources or critical habitat for endangered species:** According to the submitted "Environmental Report," prepared by Monarch Ecology Group, LLC, dated September 15, 2025, One alligator was observed in the sump adjacent to Burnt Store Road; a total of three (3) potentially occupied and three (3) abandoned gopher tortoise burrows were observed throughout the site; no eagle nests were observed during multiple field surveys; No red cockaded woodpeckers (RCWs) or cavities in live pine trees have been documented on-site during the listed species surveys or other fieldwork conducted on the Project site; no Florida scrub-jays were observed or heard during multiple field surveys; no kestrels have been observed on this site during multiple field surveys; no burrowing owls or burrows were observed onsite, nor are they expected to occur given most of the uplands are highly overgrown with canopy or dense shrub and brush cover.
- b. **Possible impacts to groundwater, surface water, wetlands or other significant natural resources:** The proposed impacts include approximately 4.76 acres of wetlands, 1.05 acres of the surface water creek, 3.20 acres of the upland-cut borrow pond, and 0.35 acres of the ditch along the southwest boundary.
- c. Is subject property in the **Watershed Overlay District?** (FLUM Map #4)No
- d. Is subject property in the **Surface Water Protection Overlay District?** (FLUM Map #5)No
- e. Is subject property in the **Prime Aquifer Recharge Area?** (FLUM Map #6)No
- f. Is subject property in a **Wellhead Protection Area?** (FLUM Map #7)No

14. Coastal Planning:

- a. Is the subject site within the **Coastal Planning Area?** (FLUM Map #13) Yes
Subject Property is located within Zone 2 and Zone 3 of the Coastal Planning Area.

- b. Could the proposed changes impact beach accessibility? No
- c. Could the proposed change affect other waterfront access? No
- d. Flood Zone: The subject site is in Flood Zone "D". Flood Zone "D" is an area in which flood hazards are undetermined, but possible. (per FEMA Codes)
- e. Storm Surge Evacuation Zone: The site is located within Evacuation Zone "C".
- f. Is the subject site within the Coastal High Hazard Area? (FLUM Map #14) No
- g. Could the proposed changes impact evacuation times? No

15. Charlotte County Facilities and Services:

- a. Nearest Park: **Bissett Park** (SPAM Map #74)
Address: 12455 Path Avenue, Punta Gorda
Distance: approximately 7.6 miles to the north of subject property
- b. Nearest Police Station: **District 4 Charlotte County Sheriff's Office** (SPAM Map #25)
Address: 7474 Utilities Road, Punta Gorda
Distance: approximately 14 miles to the north of subject property
- c. Nearest Fire/EMS Station: **Charlotte County Fire Station No. 5** (SPAM Map #22)
Address: 26287 Notre Dame Boulevard, Punta Gorda
Response Time: approximate response time is 4-6 minutes (SPAM Map #39)
- d. Nearest Library: **Punta Gorda Charlotte Library** (SPAM Map #73)
Address: 401 Shreve St, Punta Gorda
Distance: approximately 13.9 miles to the northwest of subject property
- e. Nearest Hospital: **Fawcett Memorial** (SPAM Map #24)
Address: 21298 Olean Blvd, Port Charlotte
Distance: approximately 19 miles to the north of subject property
- f. Nearest Emergency Shelter: **Kingsway Elementary School** (SPAM Map #21)
Address: 23300 Quasar Boulevard, Port Charlotte
Distance: approximately 21 miles to the northwest of subject property
- g. Public School Attendance Boundary:
 - 1. Elementary School: **Sallie Jones Elementary School** (SFAM Map #1)
Address: 1230 Narranja Street, Punta Gorda
Distance: approximately 13.6 miles to the northwest of subject property
 - 2. Middle School: **Punta Gorda Middle School** (SFAM Map #2)
Address: 825 Carmalita Street, Punta Gorda
Distance: approximately 13.5 miles to the northwest of subject property
 - 3. High School: **Charlotte High School** (SFAM Map #3)
Address: 1250 Cooper Street, Punta Gorda
Distance: approximately 13.7 miles to the northwest of subject property

16. Concurrency:

- a. **Roads Level of Service:** After reviewing the traffic impact statement prepared by TR Transportation Consultants, Inc., dated September 11, 2025, and submitted with the application, staff from the County Public Works Department agrees with the conclusion which states that: *"The Level of Service analysis conducted as part of this report indicates that the proposed rezoning request is NOT projected to cause any roadways to*

operate below the adopted Level of Service Standards. It is important to note that Burnt Store Road between Heritage Landing Boulevard and Acline Road was shown to operate at a poor Level of Service in the 2032 background (without project) conditions. Therefore, these roadway segments of Burnt Store Road are considered as future pre-existing deficiencies that this project should not be responsible for mitigating. This project will be responsible for the payment of the road impact fees, which are used to mitigate off-site roadway impacts.”

b. Potable Water Level of Service:

1. *Provider’s Name:* Charlotte County Utilities (SPAM Map #66)
2. *Analysis:* The site is not currently provided with the water service, it is located in an area serviced by Charlotte County Utilities, the Burnt Store site.

c. Sanitary Sewage Level of Service:

1. *Provider’s Name:* Charlotte County Utilities (SPAM Map #69)
2. *Analysis:* The site is not currently provided with the water service, it is located in an area serviced by Charlotte County Utilities, the Burnt Store site.

d. Park and Recreation Level of Service:

1. *Level of Service:***Adopted Level of Service is 16 Park, Recreation & Open Space points (16 PROS points) per 1,000 population.**
2. *Analysis:*.....**A 2009 analysis shows that the County currently has 17.2 PROS points per 1,000 population.**

e. Schools:.....The originally approved residential development rights of 999 units will remain unchanged; therefore, the student population is not expected to be increased as a result of the proposed rezoning.

1. *Refuse Collector:***Waste Management Inc. of Florida or another provider**
2. *Solid Waste Provider:***Public Works Dept. - Municipal Solid Waste Management**
3. *Level of Service:* Zemel Road landfill currently has capacity to dispose of 4.6 million cubic yards of waste. The landfill has a projected remaining lifespan to the year 2027. An estimated 170 acres for future disposal cells will provide disposal capacity beyond the year 2050.
 - Solid Waste (Landfill) 5.0 pounds per day per equivalent fulltime resident
 - Solid Waste (Recycle) 2.2 pounds per day per equivalent fulltime resident

f. Drainage: *Level of Service:*

New arterials: flood free in the 100-year rainfall event.

New and improved collectors: not less than one lane of traffic in each direction above the design high water elevation from a 25-year, 24-hour rainfall.

New local residential streets: designed and constructed with the pavement centerline at or above the design high water elevation resulting from a 5-year, 24-hour rainfall.

Storm-water management facilities: in all new subdivisions manage a 25-year, 24-hour rainfall.

New parking facilities: maximum temporary detention depth of nine inches (9”) resulting from a 5-year, 24-hour rainfall.

New development on existing platted lots (except single-family, duplex, and triplex dwellings):
on-site storm-water management for a 25-year, 24-hour rainfall.

Analysis: The SW Florida Water Management District and the Community Development Department review storm-water management plans on a project specific basis.

17. Capital Improvements Program:

Are any updates to the CIP required because of this petition? No

18. Intergovernmental Coordination:

Does this amendment require comments from, or coordination with, adjacent governments or other governmental agencies? No.
However, the advertisement of this application will be emailed to the City of Punta Gorda.

19. Has a public hearing been held on this property within the last year? No.

20. 2050 Comprehensive Plan: Goals, Objectives, and Policies that may be relevant to the proposed amendment:

Various goals, objectives, and policies set forth in the County's Comprehensive Plan as analyzed above.

Part 5 – Approval Criteria

21. Standards for Rezoning Approval: For the rezoning of land, the final action of the Board shall be made after giving due consideration to the following criteria:

a. Would the proposed change be consistent with the Comprehensive Plan?

Finding: The subject property is designated Burnt Store Village Residential (BSVR) on the 2030 Future Land Use Map and is located within the Burnt Store Area Plan. The proposed Planned Development (PD) rezoning, if approved, will allow residential development of up to 999 dwelling units (unchanged) and commercial general uses of up to 195,000 square feet. The proposed change is generally consistent with and supported by the goals, objectives, and policies set forth in the County's Comprehensive Plan, as well as the vision and intent of the Burnt Store Area Plan.

b. The existing land use pattern in adjacent areas:

Finding: The subject site is located in the South County area and within the boundary of the Burnt Store Area Plan. To the west, across Burnt Store Road, the Heritage Landing Development of Regional Impact (DRI) contains a mixture of residential and commercial development. To the north, there are vacant lands, scattered single-family homes, and agricultural land uses. Further to the north, a Planned Development was approved via Ordinance Number 2021-036 for a mixed residential development of up to 1,440 dwelling units. To the east of the subject site are environmentally sensitive lands owned by the State of Florida. The property immediately to the south, containing approximately 349.1 acres, is approved for either residential development of up to 1,000 units without commercial uses or a mixed residential and commercial development of up to 466

dwelling units and 100,000 square feet of commercial uses. There are vacant residential parcels and some single-family homes located to the south of the subject property.

c. The capacity of public facilities and services, including but not limited to schools, roads, recreational facilities, wastewater treatment, water supply, and storm-water drainage facilities:

Finding: The proposed change will not change the approved residential development rights of 999 dwelling units; therefore, the student population is not expected to be increased as a result of the proposed rezoning. However, the following PD condition is drafted in order to address the school concurrency issues:

- *If the school concurrency process is still required under a valid interlocal agreement, prior to Final Detail Site Plan or Final Plat approval for any residential development for any Phases, the applicant/property owner must obtain a School Concurrency Availability Determination Letter (SCADL) from Charlotte County Public Schools (CCPS) indicating that sufficient capacity exists or has been accounted for through a binding and enforceable agreement with CCPS to address school concurrency.*
- *If an agreement is required, the terms of the agreement shall be incorporated into the Planned Development Final Detail Site Plan approval and shall not constitute a major modification.*

After reviewing the traffic impact statement prepared by TR Transportation Consultants, Inc., dated September 11, 2025, and submitted with the application, staff from the County Public Works Department agrees with the conclusion which states that: *“The Level of Service analysis conducted as part of this report indicates that the proposed rezoning request is NOT projected to cause any roadways to operate below the adopted Level of Service Standards. It is important to note that Burnt Store Road between Heritage Landing Boulevard and Acline Road was shown to operate at a poor Level of Service in the 2032 background (without project) conditions. Therefore, these roadway segments of Burnt Store Road are considered as future pre-existing deficiencies that this project should not be responsible for mitigating. This project will be responsible for the payment of the road impact fees, which are used to mitigate off-site roadway impacts.”* However, based on Article XIV. Concurrency Management, staff has some concerns related to the future traffic concurrency/capacity, access points and safety on Burnt Store Road given the development trend in that area. Therefore, County staff proposes the following PD transportation conditions k & l:

k. There may be up to four access points located on Burnt Store Road as shown on the General PD Concept Plan (Attachment 1).

- i. Access point #5 shall only be approved if the developer enters into an agreement with the property located immediately to the south to eliminate their northernmost access point reflected on the approved General PD Concept*

Plan Via Ordinance Number 2024-033, as may be amended. The agreement shall also provide for a pedestrian and vehicular access between both parties (the subject property and the property immediately to the south of the subject property) and such agreement shall be recorded and provided as part of Final Detail Site Plan application, and Access point #4 must be removed.

- ii. If such agreement is not provided as part of Final Detail Site Plan application, Access point #5 must be removed and Access point #4 is allowed.*

The exact locations for these access points will be determined during the Final Detail Site Plan review stage. With respect to the site related improvements and other items, County Transportation staff reserves the right to make additional comments at the time of Final Detail Site Plan review.

- I. Prior to Final Detail Site Plan approval of any commercial development, and each phase of the residential development, the applicant shall be required to meet concurrency per Article XIV. Concurrency Management. As to transportation concurrency, the applicant shall be required to account for project traffic and previously approved developments which have reserved capacity in the roadway level of service analysis. If the level of service (LOS) falls below the adopted minimum standard due to the proposed development traffic, a proportionate share analysis shall be required to satisfy concurrency. Based on the results of the analysis a developer's proportionate share contribution shall be required.*
 - i. The traffic signal at the project entrance at the intersection of Burnt Store Road and Heritage Landing Boulevard shall be memorialized in a developer's agreement acceptable and approved by the County prior to the approval of any Final Detail Site Plan. The developers at their own costs shall design, permit and construct a traffic signal at the project entrance on Burnt Store Road prior to the issuance of a Certificate of Occupancy for any commercial development or at the 300th residential Certificate of Occupancy, whichever comes first.*

The site is located in an area serviced by Charlotte County Utilities, the Burnt Store site. An "Availability Request Form" from Charlotte County Government Utilities Department dated August 22, 2025, states that: "potable water, sanitary sewer and reclaimed water are available to the subject property. Services are available through a private developer's agreement to extend and connect."

Therefore, it is staff's professional opinion that the proposed changes shall not create any concurrency issues.

d. Would the proposed change adversely influence living conditions or property values in adjacent areas?

Finding: The proposed PD conditions will ensure that the development does not create negative noise or visual impacts on surrounding existing and future residents. The approved PD conditions require a 25-foot setback along the subject property boundary

and enhanced landscaping and buffering. Specifically, at a minimum, a Type B buffer is required instead of the Code-required Type A buffer between multi-family development and single-family homes, and a Type B buffer is required along the property boundary instead of the Code-required no buffer between single-family uses.

Therefore, it is staff's professional opinion that the proposed changes will not adversely influence living conditions or property values in adjacent areas.

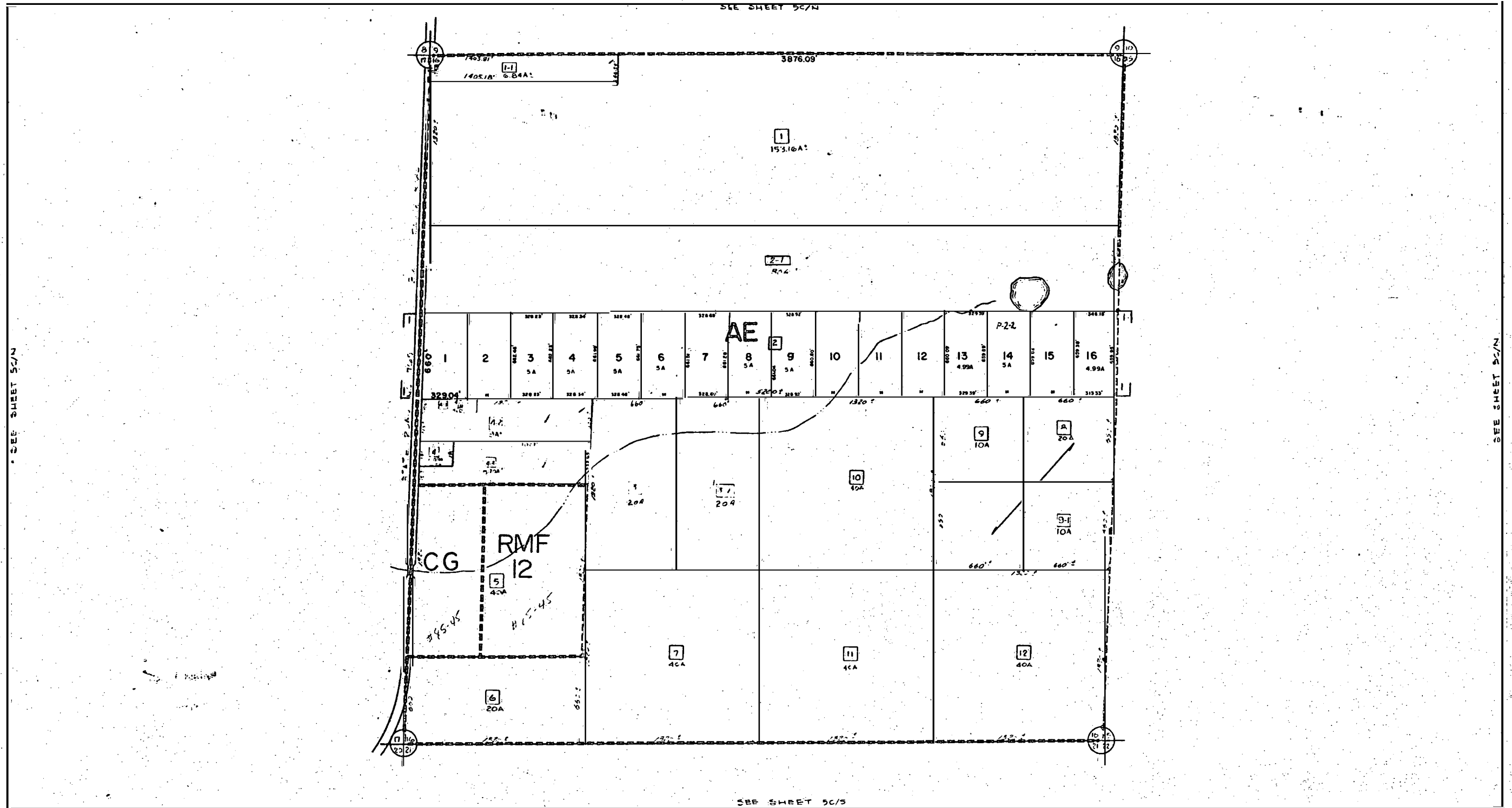
e. Would the proposed change affect public safety?

Finding: The proposed mixed residential commercial development as conditioned shall not affect public safety.

Attachment 1

1989 Zoning Map

THIS MAP HAS BEEN COMPILED FROM THE MOST AUTHENTIC INFORMATION AVAILABLE AND NEITHER CHARLOTTE COUNTY NOR HUNNICUTT AND ASSOCIATES, INC. ASSUMES RESPONSIBILITY FOR ERRORS OR OMISSIONS CONTAINED HEREON.



NO. 1. SUBDIVISION INDEX
SUBDIVISION OF SOUTH QTR. OF NORTH HALF OF SEC



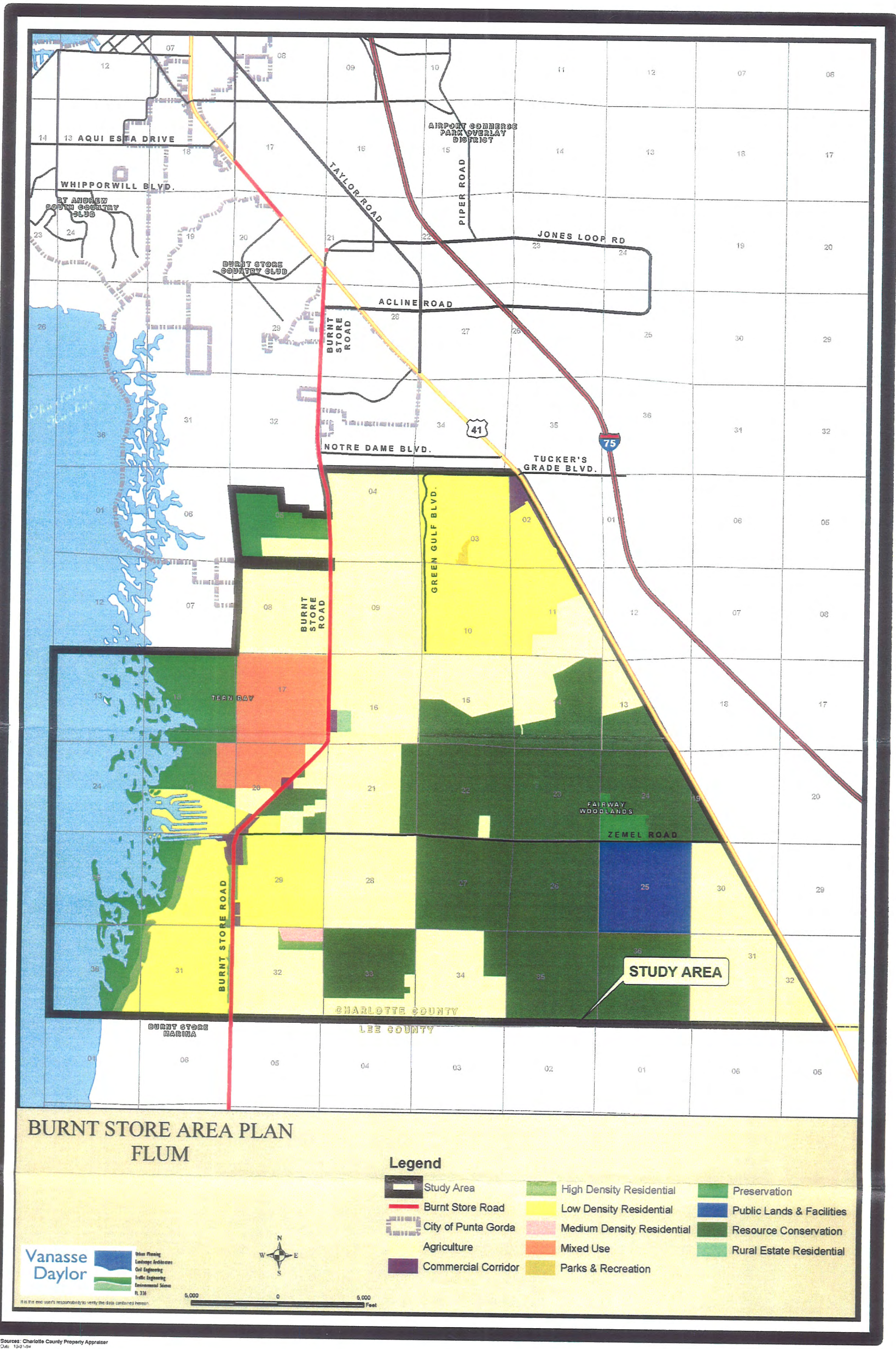
ASSESSMENT MAP
CHARLOTTE COUNTY,
FLORIDA
COMPILED & DRAWN BY
HUNNICUTT & ASSOCIATES, INC.
ST. PETERSBURG, FLORIDA

SECTION 16
TOWNSHIP 42S
RANGE 25E
COMPILED & DRAWN 1961
REVISION DATES
TRACING PRINT

SHEET
NUMBER
5C/16

Attachment 2

1997-2010 FLUM



Attachment 3

Ordinance Number 2023-007

CHG
BCC

FILED WITH THE DEPARTMENT OF STATE March 1, 2023

ORDINANCE
NUMBER 2023-007

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 3-9-45, PLANNED DEVELOPMENT, UNDER CHAPTER 3-9, ZONING, OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, APPROVING THE REQUEST TO EXTEND THE TIME LIMITATION OF THE PLANNED DEVELOPMENT (PD) CONCEPT PLAN APPROVED VIA ORDINANCE NUMBER 2007-064, FOR PROPERTY GENERALLY LOCATED SOUTH OF SHOTGUN ROAD, EAST OF BURNT STORE ROAD, AND NORTH OF ZEMEL ROAD, IN THE PUNTA GORDA AREA; CONTAINING 265± ACRES; COMMISSION DISTRICT II; PETITION CPE-22-03; APPLICANTS: DANIEL B. LIGHT AND BURNT STORE ROAD-RET, LLC; PROVIDING FOR AN EFFECTIVE DATE.

ROGER D. EATON, CHARLOTTE COUNTY CLERK OF
CIRCUIT COURT
PAGE: 14

INSTR #: 3227887 Doc Type: GOV
Recorded: 03/01/2023 at 06:10 PM
Rec. Fee: RECORDING \$120.50

RECITALS

WHEREAS, in a public hearing held on Tuesday, February 28, 2023, the Board of County Commissioners of Charlotte County, Florida ("Board") reviewed Petition CPE-22-03, submitted by property owners and applicants, Daniel B. Light and Burnt Store Road-RET, LLC ("Applicants"), requesting to extend the Planned Development (PD) Concept Plan which was adopted by the Board via Ordinance Number 2007-064 on September 18, 2007; and

WHEREAS, the subject property is generally located south of Shotgun Road, east of Burnt Store Road, and north of Zemel Road, in the Punta Gorda area, containing 265 acres more or less ("Property"); and

WHEREAS, on September 18, 2007, the Board approved an amendment to the Zoning Atlas from Agriculture Estates (AE) and Residential Multi-family 12 (RMF-12) to Planned Development (PD) for the Property, along with its associated Planned Development (PD) Concept Plan, via Ordinance

33 Number 2007-064 (attached as Exhibit "A"), in order to have a residential
34 development up to 999 units; and

35 WHEREAS, since the Board approved this PD rezoning, along with
36 its associated Planned Development (PD) Concept Plan, no density has been
37 transferred onto the Property and no Final Detail Site Plan has been submitted;
38 and

39 WHEREAS, Section 3-9-45(d)(3)d.1. of the Code of Laws and
40 Ordinances of Charlotte County, Florida ("Code") states that "the
41 applicant/property owner may petition the BCC to extend the expiration date of
42 the Planned Development (PD) Concept Plan. Such request shall be
43 accompanied by a fee as established by the BCC. The extension shall contain a
44 provision requiring the Planned Development (PD) Concept Plan to conform to
45 the Code in effect at the time of the granting of the extension and other
46 reasonable conditions as the BCC may impose"; and

47 WHEREAS, pursuant to Section 3-9-45(d)(3)d.1. of the Code, the
48 Applicants have submitted a request to extend the Planned Development (PD)
49 Concept Plan; and

50 WHEREAS, after due consideration, based on the findings and
51 analysis provided by County Staff and the evidence presented to it, the Board
52 has found that approval of Petition CPE-22-03 is consistent with the County's
53 Comprehensive Plan, and that it meets the requirements for the granting of an
54 extension; and

55 WHEREAS, based on the above findings, the Board has
56 determined it to be in the best interests of the County to extend the Planned
57 Development (PD) Concept Plan (attached as Exhibit "B") until a Final Detail Site
58 Plan is approved by the Board.

59 NOW, THEREFORE, BE IT ORDAINED by the Board of County
60 Commissioners of Charlotte County, Florida ("Board"):

61 SECTION 1. Petition CPE-22-03, submitted by property owners
62 and applicants, Daniel B. Light and Burnt Store Road-RET, LLC, to extend the
63 Planned Development (PD) Concept Plan until a Final Detail Site Plan is
64 approved by the Board, is hereby approved.

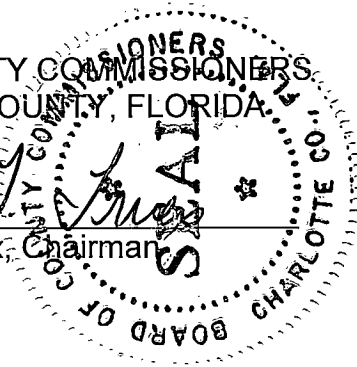
65 SECTION 2. This Ordinance shall take effect upon filing in the
66 Office of the Secretary of State, State of Florida.

67
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73 [SIGNATURE PAGE FOLLOWS]
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PASSED AND DULY ADOPTED this 28th day of February, 2023.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: William G. Truex
William G. Truex, Chairman



ATTEST:

Roger D. Eaton, Clerk of the Circuit Court
and Ex-Officio Clerk of the
Board of County Commissioners

By: Roger D. Eaton
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney
LR2022-0947 

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ORDINANCE
NUMBER 2007 - *064*

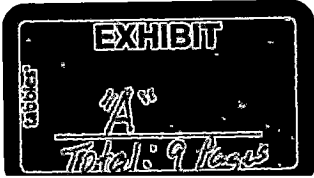
AN ORDINANCE APPROVING AN AMENDMENT TO THE CHARLOTTE COUNTY ZONING ATLAS FROM AGRICULTURE ESTATES (AE) TO PLANNED DEVELOPMENT (PD), FOR PROPERTY LOCATED SOUTH OF SHOTGUN ROAD, EAST OF BURNT STORE ROAD, AND NORTH OF ZEMEL ROAD, IN THE PUNTA GORDA AREA, CONTAINING 265 ACRES MORE OR LESS; PETITION *Z-07-06-44-TDU* APPLICANT, SOUTH CHARLOTTE PROPERTIES, LLC C/O KEN SAUNDRY; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, September 18, 2007, the Board of County Commissioners of Charlotte County ("Board") reviewed Petition *Z-07-06-44-TDU* which requested a rezoning from Agriculture Estates (AE) to Planned Development (PD) on 265 acres more or less of property owned by South Charlotte Properties, LLC c/o Mr. Ken Saundry, 407 West Street, Building B, Naples, Florida 34108, and described as located South of Shotgun Road, East of Burnt Store Road, and North of Zemel Road, Punta Gorda area, in Commission District II, and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, South Charlotte Properties, LLC c/o Mr. Ken Saundry, as the applicant, seeks a rezoning to Planned Development to allow a 999-unit residential development including single-family units as well as multi-family units; and

WHEREAS, Petition *Z-07-06-44-TDU* has previously been heard by the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on



man

1 the findings and analysis presented in the Planning and Zoning Division staff
2 report dated July 20, 2007, and the evidence presented to the P&Z Board, has
3 been recommended for approval with conditions; and

4 WHEREAS, after due consideration, based on the Planning and
5 Zoning Division staff report dated July 20, 2007, and the evidence presented to it,
6 the Board has found that approval of Petition
7 Z-07-06-44-TDU is consistent with the 1997-2010 Charlotte County
8 Comprehensive Plan, and that it meets the requirements for the granting of a
9 rezoning, and;

10 WHEREAS, based on the above findings, the Board has
11 determined it to be in the best interests of the County to rezone the subject
12 property from Agriculture Estates (AE) to Planned Development (PD).

13 NOW, THEREFORE, BE IT ORDAINED by the Board of County
14 Commissioners of Charlotte County, Florida:

15 SECTION 1. The following petition for an amendment to the
16 Charlotte County Zoning Atlas is hereby approved subject to the conditions
17 contained in the attached Exhibit "B":

18 Petition Z-07-06-44-TDU requesting rezoning from
19 Agriculture Estates (AE) to Planned Development
20 (PD) for 265 acres more or less of property owned by
21 South Charlotte Properties, LLC c/o Mr. Ken Saundry,
22 and described as located South of Shotgun Road,
23 East of Burnt Store Road, and North of Zemel Road,
24 in the Punta Gorda area, Charlotte County, Florida,
25 and more particularly described in Exhibit "A"
26 attached hereto and incorporated herein by this
27 reference.
28

1 SECTION 2. That the zoning for this property shall run with the
2 property and shall apply to any subsequent owners, heirs and assigns.

3 SECTION 3. This ordinance shall take effect upon filing in the
4 Office of the Secretary of State, State of Florida.

5 PASSED AND DULY ADOPTED this 18 day of September, 2007.

6
7 BOARD OF COUNTY COMMISSIONERS
8 OF CHARLOTTE COUNTY, FLORIDA

9
10 By: Richard D. Loftus
11 Richard D. Loftus, Chairman
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16 ATTEST:
17 Barbara T. Scott, Clerk of
18 Circuit Court and Ex-Officio Clerk
19 to the Board of County Commissioners

20 By: Anne L. Bahler
21 Deputy Clerk
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28 APPROVED AS TO FORM
29 AND LEGAL SUFFICIENCY

30 By: Janette S. Knowlton
31 Janette S. Knowlton, County Attorney
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46 LR2007-443

LEGAL DESCRIPTION

PARCELS 1, 2, 3, 4, 5, 6, 7 AND 8 AS DESCRIBED IN EXHIBIT "A" PER COMMITMENT FOR TITLE INSURANCE, BY LAWYERS TITLE INSURANCE CORPORATION, CASE No. 0140-076, DATED FEBRUARY 14, 2006; PARCEL 9 AS DESCRIBED IN COMMITMENT No. CF1333756; PARCEL 10 AS DESCRIBED IN LAWYERS TITLE INSURANCE CORPORATION COMMITMENT FILE No. 140.076; AND PARCELS B AND C AS DEPICTED HEREON, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:
THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 16, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

AND

PARCEL 2:
THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 16, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

AND

PARCEL 3:
THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 16, TOWNSHIP 42 SOUTH,
RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

AND

PARCEL 4:
THE EAST $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 16, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

AND

PARCEL 5:
THE WEST $\frac{1}{2}$ OF THE EAST $\frac{1}{2}$ AND THE WEST $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ OF THE EAST $\frac{1}{2}$ OF THE EAST $\frac{1}{2}$ OF SECTION 21, TOWNSHIP 42 SOUTH, RANGE 23 EAST OF CHARLOTTE COUNTY, FLORIDA. LESS AND EXCEPT THAT PARCEL KNOWN AS DEER PASS ACRES SUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15,

EXHIBIT A

PAGES 15A AND 15B OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY,
FLORIDA.

AND

PARCEL 6:

THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$, SECTION
16, TOWNSHIP 42 SOUTH, RANGE 23 EAST, LYING AND BEING IN
CHARLOTTE COUNTY, FLORIDA.

AND

PARCEL 7:

THAT PORTION OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION
16, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, BEING
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT FOUND AT THE SOUTHEAST
CORNER OF THE NORTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$
OF SECTION 16, TOWNSHIP 42 SOUTH, RANGE 23 EAST, RUN SOUTH $88^{\circ}49'43''$
WEST, 1267.85 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF STATE
ROAD 765 A/K/A BURNT STORE ROAD; THENCE NORTH $00^{\circ}18'43''$ EAST,
ALONG SAID RIGHT-OF-WAY LINE, 30 FEET; THENCE LEAVING SAID RIGHT-
OF-WAY LINE, NORTH $88^{\circ}49'43''$ EAST, 500.17 FEET; THENCE NORTH $00^{\circ}18'43''$
EAST, 640.18 FEET; THENCE NORTH $88^{\circ}58'35''$ EAST, 772.75 FEET; THENCE
SOUTH $00^{\circ}45'01''$ WEST, 668.52 FEET TO THE POINT OF BEGINNING.

AND

PARCEL 8:

THAT PORTION OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION
16, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT FOUND AT THE SOUTHEAST
CORNER OF THE NORTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$
OF SECTION 16, TOWNSHIP 42 SOUTH, RANGE 23 EAST, RUN NORTH $00^{\circ}45'01''$
EAST, 668.52 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID
POINT OF BEGINNING RUN SOUTH $88^{\circ}58'35''$ WEST, 772.75 FEET THENCE
NORTH $00^{\circ}18'43''$ EAST, 640.18 FEET; THENCE SOUTH $89^{\circ}05'46''$ WEST, 500.11
FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 765 A/K/A
BURNT STORE ROAD; THENCE NORTH $00^{\circ}18'43''$ EAST, ALONG SAID RIGHT-
OF-WAY LINE, 30 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE,

NORTH 89°05'46" EAST, 1277.94 FEET; THENCE SOUTH 00°45'01" WEST, 668.52 FEET TO THE POINT OF BEGINNING.

AND

PARCEL 9:

THE WEST ONE-HALF (W 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 16, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

AND

PARCEL 10:

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS DEER PASS ROAD EASEMENT, AS SHOWN ON THE PLAT OF DEER PASS ACRES, A SUBDIVISION IN SECTION 21, TOWNSHIP 42 SOUTH, RANGE 23 EAST, AS RECORDED IN PLAT BOOK 15, PAGES 56A AND 56B, AND AS SET FORTH AND RECORDED IN OFFICIAL RECORDS BOOK 743, PAGE 390, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

AND

PARCEL B

THE NORTH HALF (N½) OF THE NORTH HALF (N½) OF THE NORTHWEST QUARTER (NW¼) OF THE SOUTHWEST QUARTER (SW¼) OF SEC 16, TWP 42S, RNG 23E, LESS THE FOLLOWING: BEGIN AT THE NORTHWEST (NW) CORNER OF THE NORTH HALF (N½) OF THE NORTHWEST QUARTER (NW¼) OF THE SOUTHWEST QUARTER (SW¼); THENCE EAST ALONG THE NORTH LINE OF SAID TRACT 420 FEET TO A POINT; THENCE SOUTH 105 FEET TO A POINT; THENCE WEST 420 FEET TO A POINT; THENCE NORTH 105 FEET MORE OR LESS, TO THE POINT OF BEGINNING. ALSO LESS AND EXCEPT THE WESTERLY 40.00 FEET THEREOF FOR STATE ROAD RIGHT-OF-WAY. ALL LYING IN CHARLOTTE COUNTY, FLORIDA.

PARCEL C

THE NORTH 190 FEET OF THE WEST 290 FEET OF THE SOUTH HALF (S½) OF THE NORTH HALF (N½) OF THE NORTHWEST QUARTER (NW¼) OF THE SOUTHWEST QUARTER (SW¼) OF SEC 16, TWP 42S, RNG 23E, LESS STATE ROAD RIGHT OF WAY.

CONDITIONS:

- a. Development on the subject property shall occur as generally illustrated in the PD Concept Plan submitted by the applicant, prepared by Vanasse & Daylor, LLP, dated March 9, 2007, and except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the Development Review Committee (DRC) conditions of approval per letter dated May 4, 2007 are required to be met. The open space area shall be no less than 111.539± acres (The PD Concept Plan includes 40.19± acres of lake area, 4.029± acres of which may be counted toward open space). Areas indicated for single-family development and multi-family development will be developed as such. Revisions consistent with the notes on the approved PD Concept Plan shall be permitted. Residential development standards shall be as indicated on the PD Concept Plan, with minor modifications allowed only to increase lot sizes.
- b. The subject property currently retains 26 units of density. The applicant is proposing to develop a total of 999 units including 643 multi-family units and 356 single-family units. The mix of multi-family units and single family units may be changed consistent with the PD Concept Plan. If more than 356 single family units are proposed, the applicant shall submit a revised Traffic Impact Statement and proportionate share analysis. The subject property shall require 973 units of transferred density. The transfer of density units must be approved by the Board of County Commissioners prior to Preliminary Plat application or Final DRC application, whichever shall occur first.
- c. No development shall occur prior to Final DRC approval.
- d. The developer shall minimize impervious surfaces within the development wherever practicable.
- e. A development time line and phasing plan for the entire PD shall be submitted prior to Final DRC approval. A monitoring report shall be submitted annually from the day of Final DRC approval until buildout, identifying the development activities which occurred during the past year and summarizing current and previous year statistics (as applicable).
- f. The maximum building height for single-family development is 35 feet from the base flood elevation; the maximum building height for multi-family development is 45 feet from the base flood elevation. The maximum building height within the recreation area is 40 feet from the base flood elevation.
- g. The roadways for this development shall be constructed to Charlotte County standards. If the roadways for this development are to be private, following Final DRC approval, the developer, and subsequently, the homeowner's association, is required to maintain all private roads within the development area.
- h. The developer, and subsequently, the homeowner's association or similar entity, is required to construct the future roadway connection(s) to the property which is located to the south of the subject site when that property is developed.
- i. The development must utilize potable water and sanitary sewer utilities. The potable water and sanitary sewer lines must be connected to the site before any certificates of occupancy shall be issued. The developer must also extend re-used water utility lines along with the potable water and sanitary sewer lines throughout the development. A developer's agreement with Charlotte County Utilities for the extension of potable water, sanitary sewer, and re-use lines must be approved by the Board of County Commissioners prior to the final DRC application for any phase of development.

j. The site shall be developed with a unified landscaping theme. Only Florida Friendly plantings and/or xeriscaping shall be allowed for landscape plantings within the common areas. The developer shall also make every effort to ensure that residential property owners within the development also utilize Florida Friendly plantings and xeriscape landscaping. The applicant shall institute an education program for all homeowners on the correct use of pesticides, herbicides, and fertilizers. A partnership with the Cooperative Extension Service of the University of Florida to interact with the Florida Yards and Neighborhoods program is encouraged. Only natural organic or other slow release forms of fertilizers shall be utilized throughout the development. The aforesaid condition does not preclude the developer from utilizing annuals or other ornamental landscaping in the main entry signage and landscape entry areas.

k. All landscaping must be irrigated as necessary to ensure survival. When made available by the Utility, non-potable water shall be utilized for common area and private irrigation throughout the development. The developer is encouraged to construct grey water retention basins on site if at all possible. The developer, a homeowner's association, community development district or similar entity, is required to maintain all common areas within the development area.

l. The development must comply with Chapter 3-2, Article IX, Tree Requirements, of the Charlotte County Code. All heritage trees shall be preserved unless the applicant can provide substantial evidence that such preservation will cause the development of the site to be severely hindered. Should any heritage tree be removed, the applicant will plant a sufficient number of trees of the same species to equal the girth of the tree removed. These trees will not be counted as part of the points needed for development but in addition to those trees needed for points.

m. The developer shall maintain, restore, or otherwise adjust the hydrology of the wetlands to create a well functioning wetlands system as required by the Army Corp of Engineers and Southwest Florida Water Management District through the permitting process. The project must comply with Chapter 3-5, Article XV, Upland Buffer Zone requirements of the County Code. A naturally vegetated upland buffer zone shall be preserved along the perimeter of all wetlands and natural surface waters to the edge of development. The buffer shall be a minimum of fifteen (15) feet and average twenty-five (25) feet in width as measured from the landward limit of the wetland or surface water.

n. A Conservation Easement preserving in perpetuity all wetlands and associated buffer uplands in the area shall be granted to the County or the Southwest Florida Water Management District. A copy of the easement shall be sent to the County Attorney's Office and Comprehensive Planning Section of the Community Development Department for review and approval prior to being filed with the Clerk of the Circuit Court. The filing shall be completed prior to Preliminary Plat application or Final DRC application, whichever shall occur first.

o. A developer's agreement to fund the widening the Burnt Store Road shall be finalized and approved prior to the final DRC application for any phase of development.

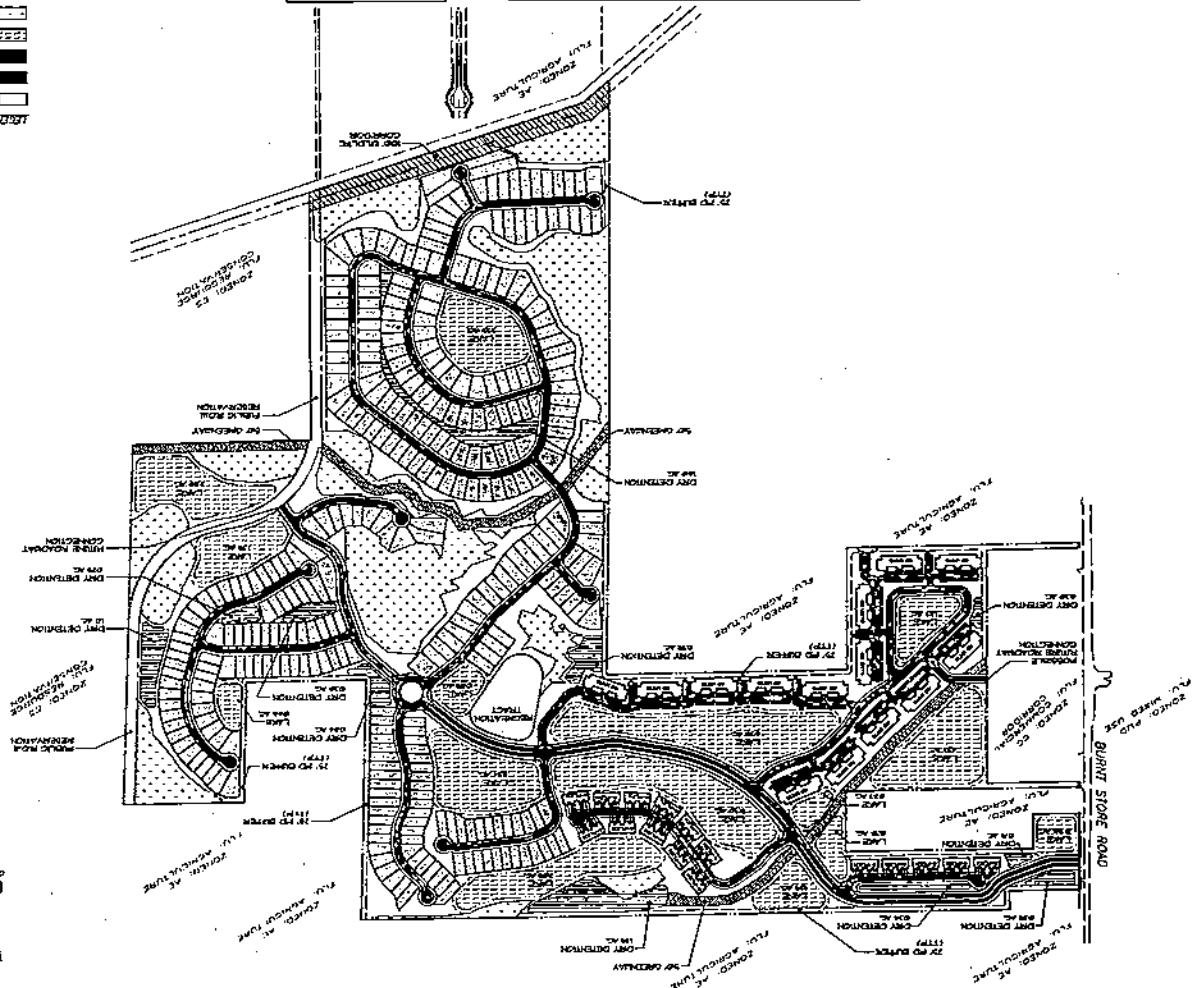
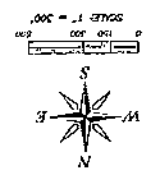
p. Landscaping and Buffer requirements:

- i. At a minimum, the 25-foot PD setback for the property boundary adjacent to Burnt Store Road shall be landscaped. The applicant must comply with Chapter 3-5, Article XVIII, Landscaping and Buffer Requirements, of the

- County Code, by providing an eight-foot (8) perimeter landscaping strip along Burnt Store Road.
- ii. At a minimum, a type B buffer must be placed within the 25-foot PD setback along the northern portion of the property line which is adjacent to the property zoned AE.
 - iii. At a minimum, a type B Buffer must be placed within the multi-family development area which is adjacent to internal single-family development.
 - iv. At a minimum, a type C buffer must be provided around the recreation area as it considered to be similar to an "active use park". The applicant must comply with Chapter 3-5, Article XVIII, Landscaping and Buffer Requirements, of the County Code.
 - v. The developer is required to remove exotic/nuisance species from the subject property.
- q. The developer shall obtain stormwater approval prior to final DRC approval. Applicable SWFWMD and Army Corp. permits must be obtained prior to the commencement of development. All stormwater facilities must be designed to protect groundwater and surface water resources.
- r. The developer is required to provide a sidewalk throughout the subject site, with a minimum width of five (5) feet along at least one side of all internal roadways. An eight (8) foot wide bicycle/pedestrian trail is required along the western property line on Burnt Store Road. The developer shall coordinate with the Department of Public Works. The sidewalk must be completed at the time of the Burnt Store Road widening.
- s. The recreation area shall be 2.97± acres and will contain a clubhouse with a swimming pool together with other amenities such as a basketball court, tennis courts, and a parking area. The final design of the recreation area shall be determined at Final Detail Plan approval. The clubhouse shall be built to the highest wind-bearing loads required by Charlotte County and will be made available for use as a post-storm hurricane refuge to the proposed neighborhood following a natural disaster. It is understood that the clubhouse will not be able to accommodate all residents of the community.
- t. The applicant shall work with the Charlotte County Public Schools Transportation Department to provide a bus stop(s) and shelter(s) for the community. Should the pick up and drop off point be located at the entrance of the development, the developer shall allow for sufficient room for a parent drop-off and bus pick-up along with an adequate means for traffic circulation at the entrance. A shelter for the children is required at the pick-up area(s). This addition must be shown on the Final DRC plan for approval.
- u. Any changes in the Concept Plan must receive a recommendation from the Natural Resources Planning Section and the Comprehensive Planning Section.

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FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

March 1, 2023

Roger D. Eaton
Clerk of the Circuit Court
County Comptroller
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948

Attention: Dawn Johnston

Dear Roger Eaton,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2023-07, which was filed in this office on March 1, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/rra



Ticket# 3879287-1
02-28-23 Ad 1
AD ID# 3879290
5 x 16
Submitted by: Heather Bennett
Publish: 02/13/2023
163352 3879290

**PUBLISHER'S AFFIDAVIT OF
PUBLICATION STATE OF FLORIDA COUNTY
OF CHARLOTTE:**

Before the undersigned authority personally appeared Melinda Prescott, who on oath says that she is the Legal Advertising Representative of The Daily Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Legal Notice that was published in said newspaper in the issue(s)

02/13/23

as well as being posted online at www.yoursun.com and www.floridapublicnotices.com.

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

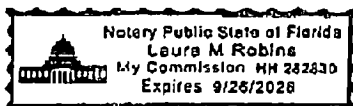
Melinda Prescott

(Signature of Affiant)

Sworn and subscribed before me this 13th day of
February, 2023

Laura M Robins

(Signature of Notary Public)



Personally known X OR Produced Identification

Attachment 4

DRC Recommendation Letter



January 27, 2026

Atwell LLC
Attn: Heather Polito
4161 Tamiami Trail, Bldg. 5, Unit 501
Port Charlotte, FL. 33952

**Re: DRC-25-177 Sage Pointe – General PD Concept Plan
November 6, 2025, Site Plan Review agenda**

County staff has reviewed the General PD Concept plan for Sage Pointe. The project consists of a maximum residential density of 999 units. In addition, Recreational Vehicles (RV's) are also a proposed use within the designated residential areas of the project. The project proposes three access points on Burnt Store Road, as well as one optional access point and one alternative access point. This project site is 278± acres and is located at 14300 Burnt Store Road, Punta Gorda, FL.

PID#s

422316300002,422316300003,422316300006,422316300007,422316300009,422316300010,422316400001,422316400005,422316400004,422316400006,422321200001.

It is the decision of the Zoning Official to forward DRC-25-177 to the Board of County Commissioners with a recommendation of approval. The following comments must be met prior to submit Final Detail Site Plan:

1. Site concept only. Level of detail not enough to provide comments. Subject to further review in future submittals.
2. Please be advised that the subject project will require Stormwater Plan Approval per Charlotte County Stormwater Management Ordinance No. 89-37 / County Code 3-5-111 to 3-5-123. The following link provides the Stormwater Plan Approval submittal procedures & requirements, and a downloadable Stormwater Plan Approval Application: Please call 941-575-3650 with any questions.
<https://www.charlottecountyfl.gov/departments/community-development/building-construction/permits/stormwater-permit.html>

3. Roadways shall be at least 20' wide of clear space for fire department access.
4. Gates shall be installed with an EVAC System for emergency operation use.
5. Fire hydrant required within 800' between each fire hydrant.
6. Before plat submittal be sure to reach out to the addressing department to confirm availability and reserve road names for this community.
7. PD Concept plan is approved. Full CCU plan submission and approval is required prior to installation of utilities.
8. Consolidate lots or replat. Must rezone to PD.
9. Real Estate Services is ok with the current PD Concept plan if there are no items encroaching in the drainage slope easements on the parcels adjacent to Burnt Store Road or the 100' wide County Canal and Drainage Easements. Any encroachments into public easements will require a release and/or occupation of easement.
10. Central water and sewer proposed. Must submit plans and obtain operating permit for RV portion of project.
11. Landscaping, buffers, and tree requirements must be consistent with the conditions established in the PD rezoning and meet all applicable regulations of Section 3-9-100: Buffers, Landscaping, and Tree Requirements.
12. Proposed PD conditions have not been provided for review. This project has not been reviewed for compliance. A full landscape plan will be required at time of PD Final Detail.
13. Prior to or at the time of building permit application, provide a completed Tree Permit Application as appropriate for this site, along with a tree inventory of location, types, sizes of trees overlaid on a site plan of the building, parking, and other site amenities. Identify the trees proposed to be removed and preserved. All trees to be preserved or removed must be in accordance with Section 3-9-100: Buffers, Landscaping, and Tree Requirements, of the County Code. Tree permits must be obtained prior to any land clearing/ fill activity or the issuance of any building permits.
14. Approved as noted. I understand that this is just a concept but want to make aware to the developer that having three to four entrances onto Burnt Store Rd will have a substantial impact on the Streetlighting and Fiber Optic facilities. If any questions should arise, please contact Jody Mansell at Charlotte County Public Works Lighting District 941-575-3648 or email jody.mansell@charlottecountyfl.gov
15. Charlotte County owns and maintains Fiber Optic facilities and streetlights within the rights-of-way areas of this DRC application. These facilities are in very close proximity to this project and are not reflected on the plan sheets. Any alteration, relocation, or repair, whether identified prior to construction or unforeseen made necessary by this permit, will be made by Charlotte County, forces contracted by Charlotte County or forces contracted by the permit holder that install traffic signal and/or roadway lighting facilities to all applicable standards at the applicant's expense. All work and materials shall conform to Charlotte County Supplemental Specifications for Traffic Signal Installations and Charlotte County Supplemental Specifications for Roadway Lighting Systems

16. In the event a cable is cut or damaged, splice(s) will not be permitted. The cable(s) shall be completely replaced from point to point. Point to point is defined as the closest original termination or splice point within the run. The permit holder must make every effort to avoid damage to these facilities.
17. In the event conduit damage occurs, the use of split duct pipe will not be accepted. The applicant shall be responsible for all costs associated to remove the cable(s) from the conduit, the necessary repairs made to the conduit and the re-installation of the cable(s), including any terminations.
18. In the event alterations, relocations, or repairs become necessary, the applicant shall cease work within the right-of-way and apply for a Right of Way Internet Utilities permit. Specific stipulations or conditions will be imposed at the time of permit application. All work towards the damaged or relocated facility will be performed or supervised by Charlotte County's Lighting District staff.
Charlotte County Public Works 941.575-3600
Lighting District 941.637.9265 fax
7000 Florida St., Punta Gorda, FL 33950 CharlotteCountyFL.gov
19. The applicant should be made aware that Charlotte County owns and maintains buried junction boxes for fiber optic and streetlight facilities within the rights-of-way areas of this project. These facilities will be clearly identified when the contractor calls for utility locates. Extreme care should be used not to damage these boxes. Any alteration, relocation, or repair to these facilities, whether identified prior to construction or unforeseen made necessary by this permit, will be made by Charlotte County or forces contracted by Charlotte County to all applicable standards at the applicants' expense.
20. Prior to any excavations, the excavator must contact the Sunshine State One Call System and adhere to all conditions of Florida Statutes Chapter 556. The applicant shall notify the Charlotte County Lighting District (941.575.3648 or 941.628.9300) a minimum of 48 hours prior to the start of any work.
21. By acceptance of these permit conditions, the applicant acknowledges the fact that there is buried facilities maintained by Charlotte County in the immediate area of this permit application. After requesting utility locates if there are any questions concerning the path(s) of the buried facilities, the contractor shall contact Charlotte County Lighting District to assist in locating the facilities. The contractor can use the telephone numbers shown above to contact the Charlotte County Lighting District.
22. The project contains potentially occupied gopher tortoise burrows. Burrows must be excavated / bucket-trapped and if tortoise captured moved out of harm's way prior to Tree Removal Approval.
23. The development site must be surveyed for potential eagle nest prior to Tree Removal Approval.
24. At the time of development, the project must comply with Chapter 3-5, Article IV, Clearing, Filling and Soil Conservation requirements of the County Code. Best Use Management Plans must be documented on final site plans and utilized during all land clearing and development activities.

25. The project must also comply with Chapter 3-5, Article XVI, Open Space/Habitat Reservation Trust requirements of the County Code. Given the presence of habitat for use by listed species, the Final site and Landscape plans should depict, and label as preserved, in perpetuity a minimum of 20% of the development area for preservation area with calculations shown to meet or exceed requirements OR absence of preservation of habitat, the applicant must contribute an equal amount of \$300 per acre or fraction thereof, to the Open Space/Habitat Reservation Fund.
26. The project must comply with Chapter 3-5, Article XV, Surface Water and Wetland Protection requirements of the County Code. A naturally vegetated upland buffer zone shall be preserved along the perimeter of all wetlands and natural surface waters and shall be a minimum of 15-feet in width.
27. Applicant must follow the Habitat Management Plan provided.
28. The proposed General PD Concept Plan may be required to revise during the PD rezoning process.
29. There is a conflict with access #5 as proposed and can't be approved as shown. However, the applicant is required to continue the discussions regarding a potential agreement with the adjacent property owner on joint access. The applicant shall continue to coordinate with county staff regarding this item throughout the PD rezoning with applicable conditions.

The General PD concept plan approval shall be valid until Final Detail Site Plan. Concept Plans are approved by the Board of County Commissioners.

Sincerely,

Shaun Cullinan

Shaun Cullinan
Planning and Zoning Official

Exhibit “A”

Proposed PD Conditions

PD Conditions for Application PD-25-13

This proposed development shall comply with all applicable requirements as set forth in Charlotte County's Code of Laws and Ordinances. In addition, the following shall apply:

- a. Development of the subject property shall occur as generally illustrated on the General PD Concept Plan (Attachment 1: Sage Pointe PD Concept Plan) submitted by the applicant, prepared by Atwell, LLC, signed October 7, 2025, revised and dated March 10, 2026, except such modifications as may be required to meet the conditions of the PD zoning district. The open space area shall be no less than 101.19± acres. The General PD Concept Plan includes 68.61± acres of preservation area, 9.28± acres Wildlife / Greenway corridor area, and 23.3± acres of common open space area which shall not include any stormwater areas. In addition, the PD Concept Plan Site Plan Review (Petition No. DRC-25-177) is subject to the comments and conditions contained in the DRC letter dated January 27, 2026. The General PD Concept Plan shall be valid until a Final Detail Site Plan is approved per Code Section 3-9-45.
- b. The base density for the subject property is 26 units. The proposal is to develop a total of 999 dwelling units including recreational vehicles. Any residential development above 26 units shall require transferred density units. The transfer of density units must be approved by the Board of County Commissioners subject to the County's Land Development Regulations 3-9-150: Transfer of Density Units, as may be amended, prior to Final Detail Site Plan or Preliminary Plat approval, whichever occurs first.
- c. Permitted uses and accessory uses.
For "Residential Area":
 - i. Single-family homes attached or detached.
 - ii. Multi-family.
 - iii. Duplex or triplex.
 - iv. Townhomes.
 - v. Amenities such as clubhouse, community pool, tennis court, pickleball or other similar non-commercial recreational uses and structures.
 - vi. Community garden.
 - vii. Emergency services.
 - viii. Model homes.
 - ix. Park, public or not-for-profit.
 - x. Accessory uses and structures. Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are permitted within this development, including, but not limited to:
 - 1) Accessory structures, including, but not limited to, garages, carports and sheds.
 - 2) Fences or walls.

- 3) Swimming pools, tennis court or other similar non-commercial recreational uses and structures.

For "Recreational Vehicle area":

- i. Recreational vehicles up to 300 units occupied as temporary dwelling units, which do not require transfer of density units. The occupancy of any individual Recreational Vehicle site by any individual or group of individuals shall be strictly limited to 180 days and no individual or group of individuals may re-establish occupancy of any individual Recreational Vehicle site until at least 30 days following their departure. The County reserves the right to inspect occupancy records of the proposed development to ensure enforcement of this condition. An RV site may be occupied by a Recreational vehicle, a travel trailer, a motor home, a camping trailer, or a truck camper. The following development standards shall apply:

Max Coverage of All Structures (Percent)	60
Min. Recreational Vehicle Site (SQ. FT.)	3,000
PD Setback/Project Boundary (FT.)	25
Abutting Water for All Structures (FT.)	20
Max. Recreational Vehicle /Other Structure Height (FT.)	38

The separation between structures shall be at least ten feet and ten feet to the edge of the pavement of any internal street excluding driveways.

- ii. On-site recreational amenities must be provided, which may include but not limited to passive recreational trails, central community clubhouse facilities, pools, and tennis courts. Such amenities shall be finalized at Final Detail Site Plan Review application for recreational vehicle uses.
- iii. Accessory uses and structures within a recreational vehicle site:
- 1) Detached, freestanding accessory structures such as screen rooms and storage structures not intended for occupancy or sleeping and either an (1) outdoor kitchen, (2) laundry or washroom facility, or (3) laundry and

washroom facility, not exceeding 250 total square feet for each recreational vehicle site are allowed, provided that such structures are totally independent from the recreational vehicle and shall be constructed and located in such a manner as to not impede the immediate removal of any recreational vehicle from each site.

- 2) Concrete slabs, decks, and patios provided such structures are detached and structurally independent from the accompanying recreational vehicles and in no way impede the immediate removal of recreational vehicles from the site.
 - 3) Casita accessory units may be allowed and subject to the County's Land Development Regulations 3-9-150: Transfer of Density Units, as may be amended, prior to Final Detail Site Plan or Preliminary Plat approval, whichever occurs first.
- iv. At a minimum, 20 percent open space is required for recreational vehicle uses, and at least three acres must include active recreational amenities, which may include but not be limited to passive recreational trails, central community clubhouse facilities, pools, pickleball, and tennis courts.
 - v. Buffers for RV areas are required as outlined in Condition p.vii.

The maximum square footage for commercial uses shall be 195,000. Hotel rooms may be allowed at a conversion rate of 1 hotel room for every 203 square feet of commercial uses.

For "Commercial Area":

- i. Amphitheater.
- ii. Animal hospital, boarding facility.
- iii. Art, dance, music, photo studio or gallery.
- iv. Assisted living facility or day care center, adult.
- v. Auditorium, performing arts center.
- vi. Bar, cocktail lounge.
- vii. Bank, financial services.
- viii. Business services.
- ix. Boat, travel trailer and motor vehicle sales, including recreational vehicles and campers, and subject to Sec. 3-9-61. Accessory Outdoor Retail Sales, Display, and Storage, as may be amended.
- x. Boat, travel trailer and motor vehicle repair, services, including recreational vehicles and campers, and subject to Sec. 3-9-61. Accessory Outdoor Retail Sales, Display, and Storage, as may be amended.
- xi. Building trades contractor's office.
- xii. Business services.
- xiii. Clubhouse, community center.
- xiv. Day care center, child.
- xv. Drug store, pharmacy.

- xvi. Dry cleaner.
- xvii. Emergency services.
- xviii. Elementary, middle, or high school.
- xix. Essential services.
- xx. Gas station.
- xxi. General offices.
- xxii. General retail sales and services subject to Sec. 3-9-61. Accessory Outdoor Retail Sales, Display, and Storage, as may be amended.
- xxiii. Government uses and facilities.
- xxiv. Hospital.
- xxv. Hotel, motel, inn
- xxvi. Laboratories, class 1, 2, 3.
- xxvii. Laundromat.
- xxviii. Leisure vehicle rental.
- xxix. Liquor, package store.
- xxx. Medical or dental office, clinic.
- xxxi. Mini-warehouses or storage facilities, but not bulk storage of flammable liquids.
- xxxii. Motor vehicle wash.
- xxxiii. Noncommercial vehicle rental.
- xxxiv. Nursing home.
- xxxv. Paid or public parking lot, garage, structure.
- xxxvi. Park, public or not-for-profit.
- xxxvii. Personal services.
- xxxviii. Place of Worship subject to Sec. 3-9-82. Places of Worship, as may be amended.
- xxxix. Post office.
- xl. Printing facilities.
- xli. Privat club.
- xl.ii. Professional services.
- xl.iii. Recreation, indoor.
- xl.iv. Restaurant.
- xl.v. Storage of boat, travel trailer and motor vehicle, including recreational vehicles and campers”.
- xl.vi. University or college.
- xl.vii. Vocational, trade, or business school.
- xl.viii. Wholesale sales.

Accessory uses and structures. Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are permitted within this development, including, but not limited to fences or walls, which may be permitted prior to the principal uses and structures.

- d. Special exceptions shall not be allowed.

- e. Outdoor storage is prohibited except that such use is permitted under Sec. 3-9-61. Accessory Outdoor Retail Sales, Display, and Storage, as may be amended.
- f. No development shall occur prior to any Final Detail Site Plan approval. Final Detail Site Plan, when sufficient and acceptable to County, will be scheduled on the Board of County Commissioners land use consent agenda.
- g. A development timeline and phasing plan for the entire PD shall be submitted as part of Final Detail Site Plan approval.
- h. Maximum building and structure height:
 - i. 38 feet from the base flood elevation for single-family homes, townhomes, duplex, triplex, and amenity structures.
 - ii. 60 feet from the base flood elevation for multi-family.
 - iii. 45 feet from the base flood elevation for commercial uses.
 - iv. Other development standards are listed on the General PD Concept Plan (Attachment 1).
- i. All roadways within the development shall be constructed to Charlotte County standards. Following Final Detail Site Plan approval, all private roadways shall be required to be maintained in perpetuity by the developer, and subsequently, a homeowners' association or similar entity.
- j. The applicant/property owner shall provide a pedestrian/sidewalk system with a minimum width of five feet throughout the development, which shall be part of the Final Detail Site Plan. Such sidewalk system shall connect to the existing sidewalk system on Burnt Store Road.
- k. There may be up to four access points located on Burnt Store Road as shown on the General PD Concept Plan (Attachment 1).
 - i. Access point #5 shall only be approved if the developer enters into an agreement with the property located immediately to the south to eliminate their northernmost access point reflected on the approved General PD Concept Plan Via Ordinance Number 2024-033, as may be amended. The agreement shall also provide for a pedestrian and vehicular access between both parties (the subject property and the property immediately to the south of the subject property) and such agreement shall be recorded and provided as part of Final Detail Site Plan application, and Access point #4 must be removed.
 - ii. If such agreement is not provided as part of Final Detail Site Plan application, Access point #5 must be removed and Access point #4 will be allowed.

The exact locations for these access points will be determined during the Final Detail Site Plan review stage. With respect to the site related improvements and other items, County Transportation staff reserves the right to make additional comments at the time of Final Detail Site Plan review.

- l. Prior to Final Detail Site Plan approval of any commercial development, and each phase of the residential development, the applicant shall be required to meet concurrency per Article XIV. Concurrency Management. As to transportation

concurrency, the applicant shall be required to account for project traffic and previously approved developments which have reserved capacity in the roadway level of service analysis. If the level of service (LOS) falls below the adopted minimum standard due to the proposed development traffic, a proportionate share analysis shall be required to satisfy concurrency. Based on the results of the analysis a developer's proportionate share contribution shall be required.

- i. The traffic signal at the project entrance at the intersection of Burnt Store Road and Heritage Landing Boulevard shall be memorialized in a developer's agreement acceptable and approved by the County prior to the approval of any Final Detail Site Plan. The developers at their own costs shall design, permit and construct a traffic signal at the project entrance on Burnt Store Road prior to the issuance of a Certificate of Occupancy for any commercial development or at the 300th residential Certificate of Occupancy, whichever comes first.
- m. The development must use potable water and sanitary sewer utilities. The potable water and sanitary sewer lines must be connected to the site before any certificates of occupancy shall be issued or any permits for pads or accessory structures for recreational vehicle uses shall be issued. The developer may extend reclaimed water utility lines, if available at the time of construction.
- n. Per Section 3-3.5-7. Payment of fee and impact fee credits, as may be amended, the property owner/developer shall pay the impact fee for the recreational vehicle portion of the development prior to issuance of Final Detail Site Plan approval unless the developer of such development and the County Administrator or his designee enter into a fee agreement to pay the impact fee at a time later than the Final Detail Site Plan approval, but in no case later than the issuance of electrical permits for the developer.
- o. The 25-foot PD setback is required as shown on the PD Concept Plan. access points such as roads and sidewalks, parking area, stormwater, landscaping and buffers may be located within the 25-foot PD setback.
- p. The site shall be developed with a unified landscaping theme. Landscaping and Buffers:
 - i. At a minimum, a type "B" buffer shall be required along the property boundary except for the wildlife corridor, the greenway corridor, and the wetland areas.
 - ii. At a minimum, planting equivalent to a type "B" buffer shall be required for multi-family, duplex or triplex development immediately abutting single-family homes.
 - iii. At a minimum, planting equivalent to a type "A" buffer shall be required for multi-family, duplex or triplex development immediately abutting townhomes.
 - iv. At a minimum, planting equivalent to a type "A" buffer shall be required for townhomes immediately abutting single-family homes.
 - v. At a minimum, planting equivalent to a type "C" buffer shall be required for commercial uses immediately abutting single-family homes and townhomes.
 - vi. At a minimum, planting equivalent to a type "B" buffer shall be required for commercial uses immediately abutting multi-family uses, duplex or triplex.

- vii. At a minimum, planting equivalent to type “C” buffer with a wall and/or berm combination at least 8 feet in height is required along the proposed recreational vehicle uses. For properties located next to areas zoned RE-1 or single-family homes, a type “D” buffer with a wall and/or berm combination at least 8 feet in height is required. Recreational vehicle pads shall be located at least 50 feet away from the onsite wetlands.
- viii. At a minimum, a type “C” buffer is required for all amenities and recreational areas.
- ix. At a minimum, within the commercial abutting Burnt Store Road, a Type “A” Buffer for accent trees and canopy trees and perimeter hedge row which must be a minimum 36 inches in height upon planting (the minimum maintained height of 48 inches) to form a continuous, solid visual screen within one year of planting shall be required along Burnt Store Road. The General PD Concept Plan (Attachment 1) shall control the remaining portion of this area.
- x. If Conditions p.i. through p.ix., regarding the location and type of buffers, creates any perceived ambiguity or confusion, the General PD Concept Plan (Attachment 1) shall control.
- q. All commercial development shall meet the provisions of Chapter 3-5, Article XXIV, Charlotte County Commercial Design Standards, except as follows:
 - i. Each primary facade shall incorporate a minimum of five (5) design treatments.
 - ii. The primary customer entrance may face the parking lot.
- r. Habitat management plan (Attachment 2: Native Habitat Management Plan) shall be implemented to make sure that the onsite wetland identified as “wetland area,” the “preservation area”, the wildlife corridor area identified as “wildlife corridor area,” and the greenway corridor area identified as “75’ greenway corridor area” on the General PD Concept Plan (Attachment 1) shall be restored and preserved in perpetuity. At a minimum, a 25-foot buffer is required along the proposed wildlife corridor. A minimum of 25-foot buffer along all wetlands is required, except at locations where wetland impacts occur due to road crossings, where a minimum 15-foot buffer and an average of 25-foot upland buffer shall be provided. Signage shall be required to warn residences of the conservation status of the preserves and such signs shall be identified on the Final Detail Site Plan and be placed along the perimeter of the preserves, particularly where they abut development.
- s. The proposed crossing of the proposed greenway corridor shall be designed as an at-grade crossing illustrated on Attachment 3 to allow the passage of animals utilizing the corridor.
- t. If outdoor lighting in the proposed amenity area is proposed, it will be shielded or directed in such a way that the light does not shine beyond the boundaries of the proposed amenity area. Outdoor lighting shall be prohibited in the wildlife corridor and greenway corridor area.
- u. The signs for “Commercial Area” shall be consistent with the attached sign plan (Attachment 4). Residential signs shall comply with Code Section 3-9-85, as may be

amended except as provided for in the Sign Plan with a joint Anchor tenant/Residential sign.

- v. The final design of the amenity area shall be determined at Final Detail Site Plan review. The proposed amenity area may contain a clubhouse, with a swimming pool, a tennis court, pickleball court, or similar uses, and a parking area. If a clubhouse is constructed, it shall be built to the highest wind-bearing loads required by Charlotte County and will be made available for use as a post-storm hurricane refuge to the proposed neighborhood following a natural disaster. It is understood that the clubhouse will not be able to accommodate all residents of the community.
- w. Regarding the school concurrency issues:
 - i. If the school concurrency process is still required under a valid interlocal agreement, prior to Final Detail Site Plan or Final Plat approval for any residential development for any Phases, the applicant/property owner must obtain a School Concurrency Availability Determination Letter (SCADL) from Charlotte County Public Schools (CCPS) indicating that sufficient capacity exists, or has been accounted for through a binding and enforceable agreement with CCPS to address school concurrency.
 - ii. If an agreement is required, the terms of such agreement shall be incorporated into the Planned Development Final Detail Site Plan approval and shall not constitute a major modification.

Attachment 1

Sage Pointe PD Concept Plan

LEGEND

- WETLAND AREA
- WETLAND BUFFER AREA
- PRESERVATION AREA
- WETLAND IMPACT AREA
- AMENITY AREA
- COMMERCIAL AREA
- STORMWATER AREA
- RESIDENTIAL AREA
- WILDLIFE CORRIDOR AREA
- 75' GREENWAY CORRIDOR AREA
- PROPOSED 8' PERIMETER LANDSCAPE STRIP
- PROPOSED TYPE "B" BUFFER
- PROPOSED TYPE "C" BUFFER
- NO BUFFER PROPOSED

SITE PLAN SUMMARY

1) PROPERTY INFORMATION:

CURRENT ZONING AND LAND USE: PD / CG

PROPOSED USE: PLANNED DEVELOPMENT (PD)

2) PROJECT LAND USE

PROPERTY AREA: 277.55 AC (100%)

DEVELOPMENT AREA (PD AREA) : 277.55 AC (100.0 %)

PRESERVATION AREA: 68.61 AC (24.7 %)

STORMWATER AREA: 22.07 AC (7.9 %)

AMENITY AREA: 4.01 AC (1.4 %)

COMMERCIAL AREA: 17.91 AC (6.5 %)

RESIDENTIAL AREA: 106.46 AC (38.4 %)

WILDLIFE / GREENWAY CORRIDOR AREA: 9.28 AC (3.3 %)

RIGHT OF WAY AREA: 23.91 AC (8.6 %)

COMMON OPEN SPACE AREA: 23.30 AC (8.4 %)

3) FLOOD ZONE

THE PARCEL LIES IN FLOOD ZONE "D"

4) DENSITY

PROPOSED MAXIMUM UNITS = 999 UNITS

PROPOSED MAXIMUM DENSITY: 999 UNITS / 277.55 AC.RES = 3.60 UNITS / ACRE

5) PARKING REQUIREMENTS:

(SEE DEVELOPMENT STANDARDS)

6) OPEN SPACE

OPEN SPACE REQUIRED: 277.55 AC X 20% = 55.51 AC

FINAL OPEN SPACE CALCULATION IDENTIFYING THE MINIMUM 20% OPEN SPACE WILL BE PROVIDED AT FINAL DETAIL PLAN APPLICATION.

7) OPEN HABITAT SPACE

REQUIRED: 5% OF PROPERTY AREA = (277.55 AC x 0.05) = 13.9 AC

FINAL OPEN SPACE HABITAT CALCULATION IDENTIFYING THE MINIMUM 5% OPEN HABITAT SPACE WILL BE PROVIDED AT FINAL DETAIL PLAN APPLICATION.

PLANNED DEVELOPMENT NOTES:

- ALL TRACT LINES SHOWN ARE PRELIMINARY & MAY BE CHANGED DUE TO MARKET CONDITIONS, DESIGN CONSTRAINTS OR PERMITTING REQUIREMENTS AT FINAL DETAIL SITE PLAN APPROVAL.
- WHERE A LANDSCAPE BUFFER IS REQUIRED, DEVELOPER TO WORK WITH COUNTY STAFF TO DETERMINE IF EXISTING TREES & VEGETATION MEET BUFFER REQUIREMENTS & DETERMINE WHAT ADDITIONAL TREES WILL BE REQUIRED TO MEET COUNTY LANDSCAPE BUFFER MINIMUM REQUIREMENTS.
- ALL ON-SITE LAKES WILL BE A PART OF THE STORM WATER MANAGEMENT SYSTEM.
- PROPOSED PROJECT SHALL BE SERVICED BY CENTRAL WATER & SEWER.
- ALL INTERNAL STREETS ARE PROPOSED TO BE PRIVATE.
- PARALLEL PARKING IS PROPOSED WITHIN R.O.W. TO SERVE COMMUNITY FACILITIES.
- NO BUFFERS ARE PROPOSED IN ANY AREA WHERE WETLANDS ARE ADJACENT TO THE PROPERTY LINE.
- IF RV'S ARE PROPOSED IN AREAS RT-3, RT-7 AND/OR RT-9, A TYPE "D" BUFFER WILL BE REQUIRED ADJACENT TO PROPERTY ZONED RE-1.

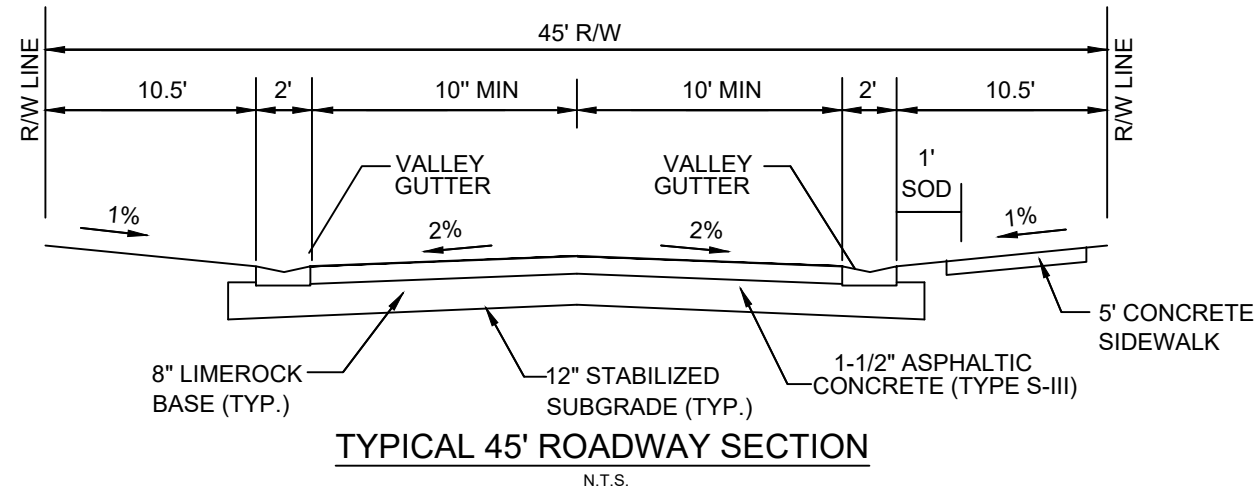
TRACT USE SCHEDULE:

TRACT	SINGLE FAMILY DETACHED	SINGLE FAMILY ATTACHED VILLAS	TOWNHOME	MULTI-FAMILY	COMMERCIAL	RV
OUTPARCEL COMMERCIAL					X	
ANCHOR COMMERCIAL					X	
RT-1	X	X	X	X		X
RT-2	X	X	X	X		X
RT-3	X	X	X	X		X
RT-4	X	X	X			X
RT-5	X	X	X			X
RT-6	X	X	X			X
RT-7	X	X	X			X
RT-8	X	X	X			X
RT-9	X	X	X	X		X
RT-10	X	X	X			X
RT-11	X	X	X	X		X
RT-12	X	X	X			X
RT-13	X	X	X	X		X
RT-14	X	X	X			X

ACCESS LEGEND

ACCESS POINT	PROPOSED ACCESS TYPE		
	RIGHT IN/RIGHT OUT	DIRECTIONAL MEDIAN CUT	FULL ACCESS
ACCESS #1	X		
ACCESS #2*	X		
ACCESS #3			X
ACCESS #4**	X		
ACCESS #5	X		

- * PROPOSED OPTIONAL SHARED ACCESS WITH ADJACENT PROPERTY TO THE NORTH.
- ** ALTERNATIVE LOCATION OF ACCESS #5



DEVELOPMENT STANDARDS:

DESCRIPTION	SINGLE FAMILY DETACHED	SINGLE FAMILY ATTACHED VILLAS	TOWNHOME	MULTI-FAMILY ****	COMMERCIAL	RV
REQUIRED PARKING	2 / UNIT	2 / UNIT	2 / UNIT	1.5 / UNIT	PER USE (3-9-79)	N/A
MIN. LOT REQUIREMENT (SQ. FT.)	4,000	3,000	1,500	7,500	10,000	2,800
MAX. PERCENTAGE OF LOT COVERAGE (%)	60	70	70	60	60	40
MIN. WIDTH (FT.)	40	30	15	80	100	35
MIN. FRONT YARD (FT.)	20	20	20	20	20	20
MIN. SIDE YARD INTERIOR (FT.)	5	5/0**	5/0**	****	10	5
MIN. SIDE YARD ABUTTING A ROAD (FT.)	10	10	10	10	10	10
MAX. BUILDING HEIGHT (FT.)	38	38	38	60	45	38
MIN. REAR YARD ABUTTING A LOT (FT.)	10	10	10	****	15	5
MIN. REAR YARD ABUTTING WATER (FT.)***	15	15	15	20	20	20
MIN. REAR YARD ABUTTING A ROAD (FT.)	15	15	15	15	15	15
SETBACK FOR ACCESSORY STRUCTURE FROM REAR LOT LINE (FT.)	5	5	5	SAME AS PRINCIPAL BUILDING		
SETBACK FOR ACCESSORY STRUCTURE FROM SIDE YARD (FT.)	SAME AS PRINCIPAL BUILDING					
SETBACK FOR ACCESSORY STRUCTURE ABUTTING A ROAD (FT.)	10	10	10	SAME AS PRINCIPAL BUILDING		
SETBACK FOR ACCESSORY STRUCTURE ABUTTING WATER (FT.)***	SAME AS PRINCIPAL BUILDING					

- NOTE: LOT COVERAGE INCLUDES BUILDING ONLY.
- ** PROPOSED 0' SIDE SETBACK ON INTERIOR SIDE.
- *** PROPOSED SETBACK IS FROM SEASONAL HIGH WATER LINE OF LAKE.
- **** HALF THE BUILDING HEIGHT BUT NOT LESS THAN (15) FEET.
- ***** MINIMUM BUILDING SEPARATION OF 15 FEET FOR ALL MULTI-FAMILY BUILDINGS.

ATWELL

866.850.4200 www.atwell.com

4161 TAMAMI TRAIL BLDG 5, UNIT 501

PORT CHARLOTTE, FL 33952

941.625.1165

PD CONCEPT PLAN

SAGE POINTE

CHARLOTTE COUNTY, FLORIDA

DANIEL B. LIGHT & BURNT STORE ROAD-RET, LLC

PREPARED FOR:

PLAN REVISIONS

NO. DATE

BY

REVISION DESCRIPTION

TODD R. REBOL, P.E.

LICENSE NO. 64040

DESIGNED BY: TV

REVIEWED BY: TRR

PROJECT NUMBER: 24005029

COMPLETION DATE: 3/10/2026

BOOK AND PAGE:

DATUM:

SHEET NO. 3

NOT RELEASED FOR CONSTRUCTION

Attachment 2

Native Habitat Management Plan

SAGE POINTE

CHARLOTTE COUNTY

NATIVE HABITAT MANAGEMENT PLAN

Prepared for:

Daniel B. Light & Burnt Store Road-RET, LLC
8000 Summerlin Lakes Drive, Suite 100 |
Fort Myers, FL 33907

Prepared by:



Tammy Lyday, Senior Project Manager
Monarch Ecology Group, LLC
3431 Pine Valley Drive
Sarasota, Florida 34239
tlyday@monarchecology.com
941-313-6479

February 16, 2026

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Figure 3.	Pre-Development Land Use Map
Figure 4.	Post-Development Preservation Map

1.0 INTRODUCTION

The Native Habitat Management Plan has been prepared to address the long-term management of the designated preserve area that includes the preserved wetlands, wetland buffers, and upland preservation areas for the Sage Pointe project. The site (277.55+/- acres) is located east of Burnt Store Road, southwest of U.S. Highway 41 Tamiami Trail, and north of Zemel Road in Punta Gorda, Florida. The southern boundary of the site abuts Pirate Canal (aka Clark Canal). The site is located in Sections 16 and 21, Township 42 South, Range 23 East, Charlotte County, Florida (Figures 1 and 2).

The proposed Planned Development includes up to 999 residential units and 195,000 square feet of commercial floor area, approximately 8,000 square feet per commercial acre. The Project includes the construction of a mixed-use commercial and multi-family development with associated roadways, infrastructure, amenities, and surface water management system. The proposed plan of development will incorporate the requirements of the Burnt Store Overlay, including the reservation of corridors through the property for the Greenways and the wildlife corridors. The plan also includes a mix of housing types internal to the project with a commercial shopping center along Burnt Store Road.

Monarch Ecology Group, LLC (MONARCH) mapped all habitats and land uses based on the *Florida Land Use and Cover Forms Classification Systems*¹ as well as the Supplemental FLUCFCS with the modifiers for the level of nuisance and exotic vegetation.² The pre-development habitats are depicted on the enclosed Land Use Map (Figure 3). The wetlands and surface waters are characterized as hydric flatwoods (FLUCFCS 625), freshwater marsh (FLUCFCS 641), forested mixed wetlands (FLUCFCS 630), hydric melaleuca (FLUCFCS 6191), stream (FLUCFCS 511), borrow pond (FLUCFCS 527), and a small swale (FLUCFCS 514). Most of the uplands onsite are characterized by pine flatwoods (FLUCFCS 411) with some degree of nuisance and exotic vegetation cover (FLUCFCS 411E2/E3) and melaleuca (FLUCFCS 424) and well as improved pasture (FLUCFCS 211).

¹ Published by FDOT January 1999

² WilsonMiller, Inc., April 2000

2.0 NATIVE HABITAT PRESERVATION AREA MANAGEMENT PLAN

The implementation of the Habitat Management Plan covers the preserved wetlands, the upland buffers, and upland preservation areas totaling 68.61 acres. As part of the onsite enhancement the wetlands, upland buffers, and other uplands will be restored (Figure 4).

The maintenance plan shall be implemented to ensure that the preservation areas remain relatively free (< 5% aerial coverage) of the nuisance and exotic vegetative species and maintain a minimum of 80% aerial coverage of desirable native vegetative species. The maintenance plan will consist of an initial nuisance/exotic vegetation treatment and removal event, with scheduled maintenance events to ensure the regrowth of nuisance and exotic vegetation is limited. All maintenance activities will be conducted via a combination of hand removal and in-place treatment in conjunction with spray application of approved aquatic herbicides which can be used to selectively treat undesirable vegetation. No herbicide treatment of desirable native species is permitted.

2.1 Prohibited and Compatible Activities

Filling, excavating, alteration, trimming, or removal of native vegetation within the preservation areas will be prohibited except for the improvements proposed as shown on the Master Concept Plan. Except as provided in the next paragraph, only activities necessary to implement the maintenance plan described above will be allowed within the preservation areas.

Compatible activities within the preservation areas may include, but not be limited to, passive recreational uses, such as nature trails, habitat identification signs, picnic tables, observation decks, and similar passive recreational uses that may be approved through Site Plan review. Restoration activities consistent with natural areas conservation management, the removal of dead trees and shrubs or leaning trees that could cause property damage, and activities conducted in accordance with a prescribed burn plan developed with the Florida Forest Service. For areas where the preserve areas abut development, signage will be installed in the preserve every 200 feet stating no dumping, filling, etc.

2.2 Measure to Protect Wildlife and Integrity of Native Habitat

Entrance to the preservation areas will be limited to the homeowners and guests of the community for the purpose of viewing the area or performing maintenance activities, and contractors hired to perform maintenance activities required or permitted by this plan. Public access to the preservation areas will not be permitted. In the case of any entrance to the preservation areas, care shall be taken to protect wildlife and the integrity of the habitat. Habitat for wildlife, as well as overall increase in the ecological value of the preservation areas will be ensured through implementation of the maintenance plan.

Any maintenance occurring in preservation areas will be conducted with consideration of listed species or wildlife utilization. Such protective measures may include pre-management censuses to identify the location of any listed species and their nests and/or burrows to avoid impacting them. If a listed species is observed nesting and/or denning during maintenance activities, the maintenance activities in that area will cease until the species in question vacates the area or an appropriate environmental professional or regulatory agency is contacted to provide additional guidance.

2.3 Monitoring Plan

To ensure that the preservation areas meet the success criteria described above, a Time Zero Monitoring Event will be conducted within 45 days of the initial exotic removal event. Subsequent monitoring events will be conducted annually for a period of no less than 3 years. If at the end of the three years, the preserve areas have met or exceeded the success criteria described above, monitoring requirements for the preserve areas will be suspended. However, additional monitoring may be required if the success criteria of native or nuisance/exotic plant coverage has not been achieved.

If assessment of the preserve areas demonstrates that the success criteria have been met, the responsible party shall provide written certification by an Environmental Scientist, Biologist, or registered Engineer, or Landscape Architect that the maintenance efforts have met applicable success criteria. If certification of success is not submitted or is not approved by the County, then annual monitoring shall continue until the criteria are met and deemed successful. The monitoring

program and any corrective actions to maintain the preserve areas shall be at the sole expense or the property owner(s) or developer.

The results of these monitoring events will be compiled in monitoring reports to include:

- Qualitative overview of vegetative species present
- Percent coverage by nuisance/ exotic vegetation
- Wildlife observations
- Permanent fixed-point photo stations
- Discussion of ongoing maintenance activities
- Identification of insufficiencies and recommendations for future remediation

Such monitoring report must be provided to the County within 45 days of monitoring inspection event, unless an extension by the County is granted.

3.0 FORTUITOUS FINDS POLICY

Land management activities will adhere to federal, state and local regulations regarding any historic resources found on site.

If evidence of the existence of historic resources is discovered or observed at development sites or during development activities after final approval, all work shall cease in the area of effect as determined by the Historical Advisory Committee. The developer, owner, contractor, or agent thereof shall notify the Historical Advisory immediately after finding any artifact of historical significance. Examples of such evidence include human remains, whole or fragmentary stone tools, shell tools, aboriginal or historic pottery, historic glass, historic bottles, bone tools, historic building foundations, shell mounds, shell middens, or sand mounds. The Director shall assess the significance of the finds within three working days of notification and suggest methods to mitigate any adverse effects so as to minimize delays in development activities.

If any human skeletal remains or associated burial artifacts are discovered at development sites or during development activity, all work in the area must cease, and the permittee must notify the nearest law enforcement office immediately and notify the Historical Committee.

FIGURES

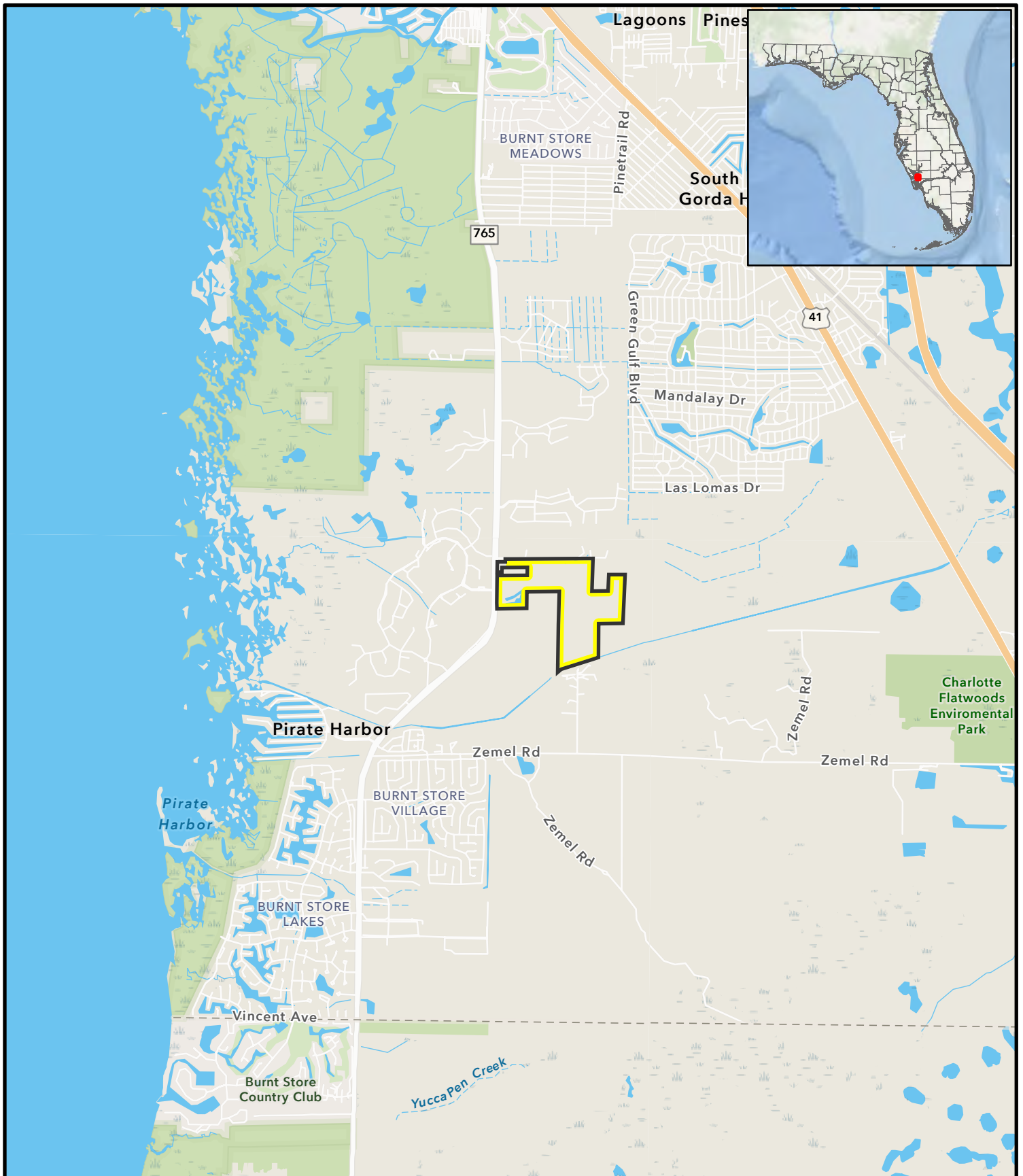


Figure 1
Location Map

Sage Pointe
Charlotte County, Florida

 Project Boundary



Sources: ESRI, 2025; Monarch Ecology Group, 2025



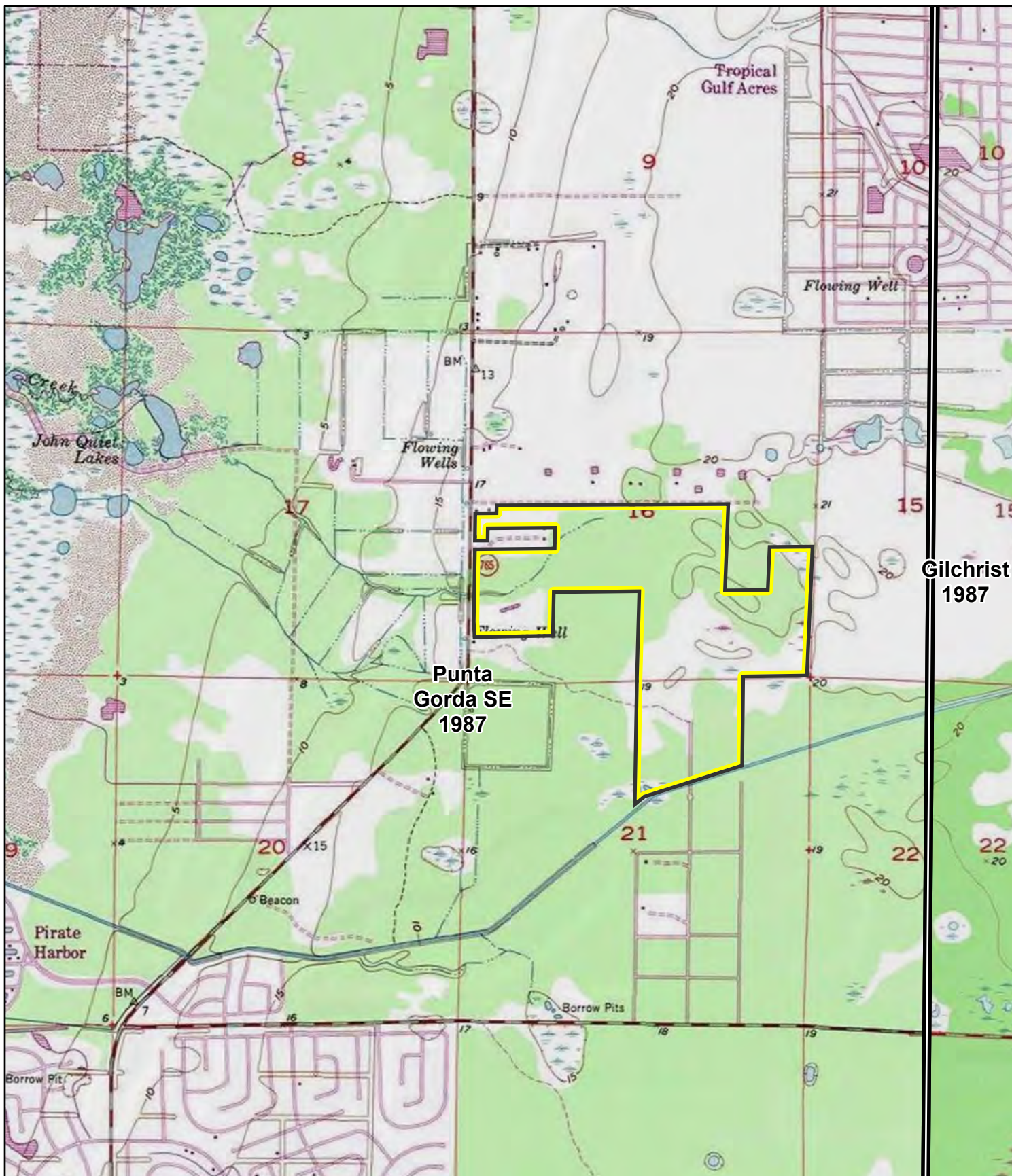
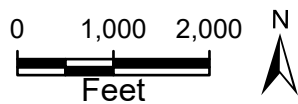


Figure 2
Topographic Map

Sage Pointe
Charlotte County, Florida



-  USGS Quad (7.5 min)
-  Project Boundary



Sources: USGS, Punta Gorda SE Quad, 1994; Monarch Ecology, 2025

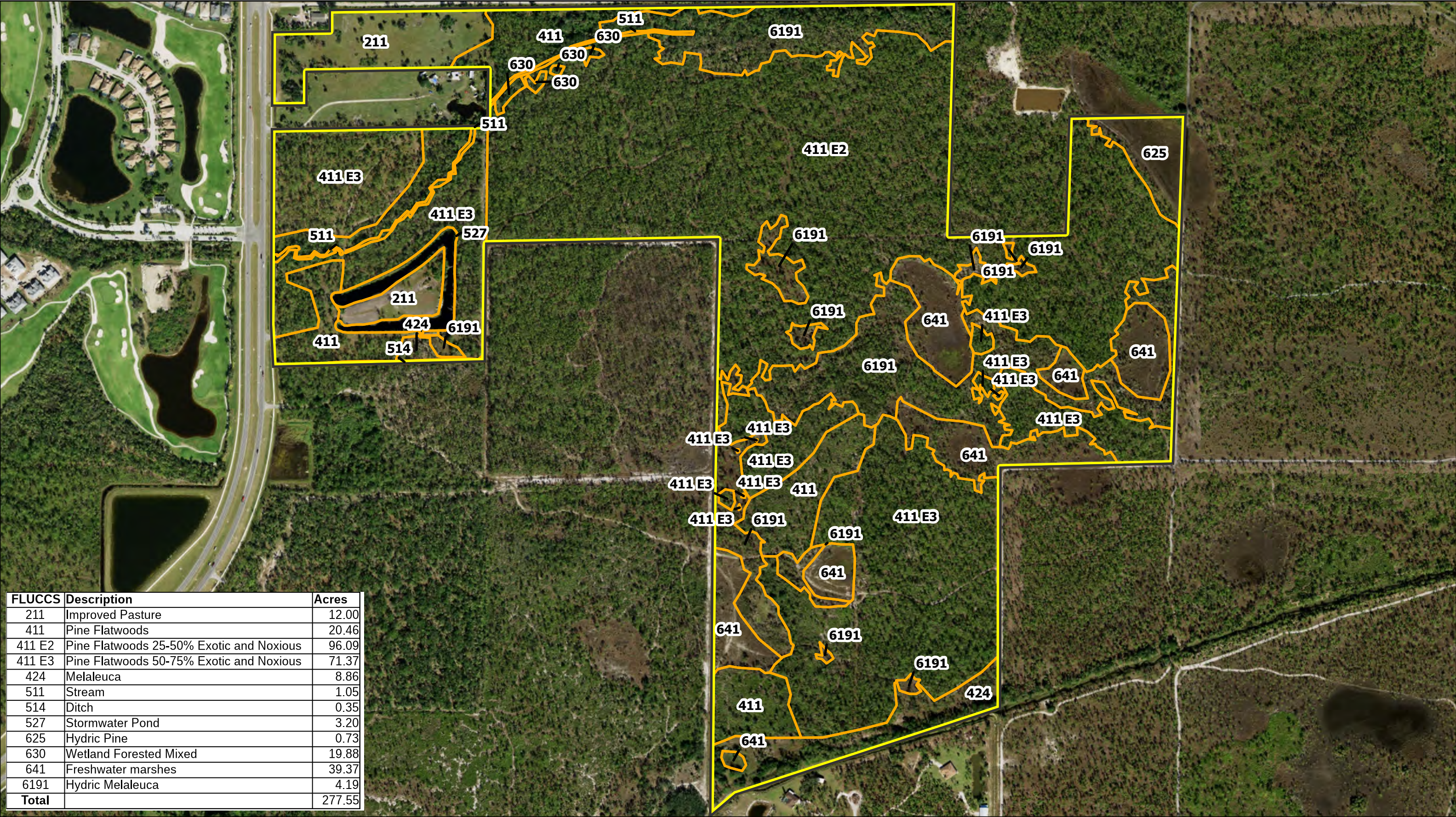


Figure 3
Land Use/Land Cover

Sage Pointe
Charlotte County, Florida

 Project Boundary
 Land Use/Land Cover



Sources: FDOT Imagery, 2024; Monarch Ecology Group, 2025

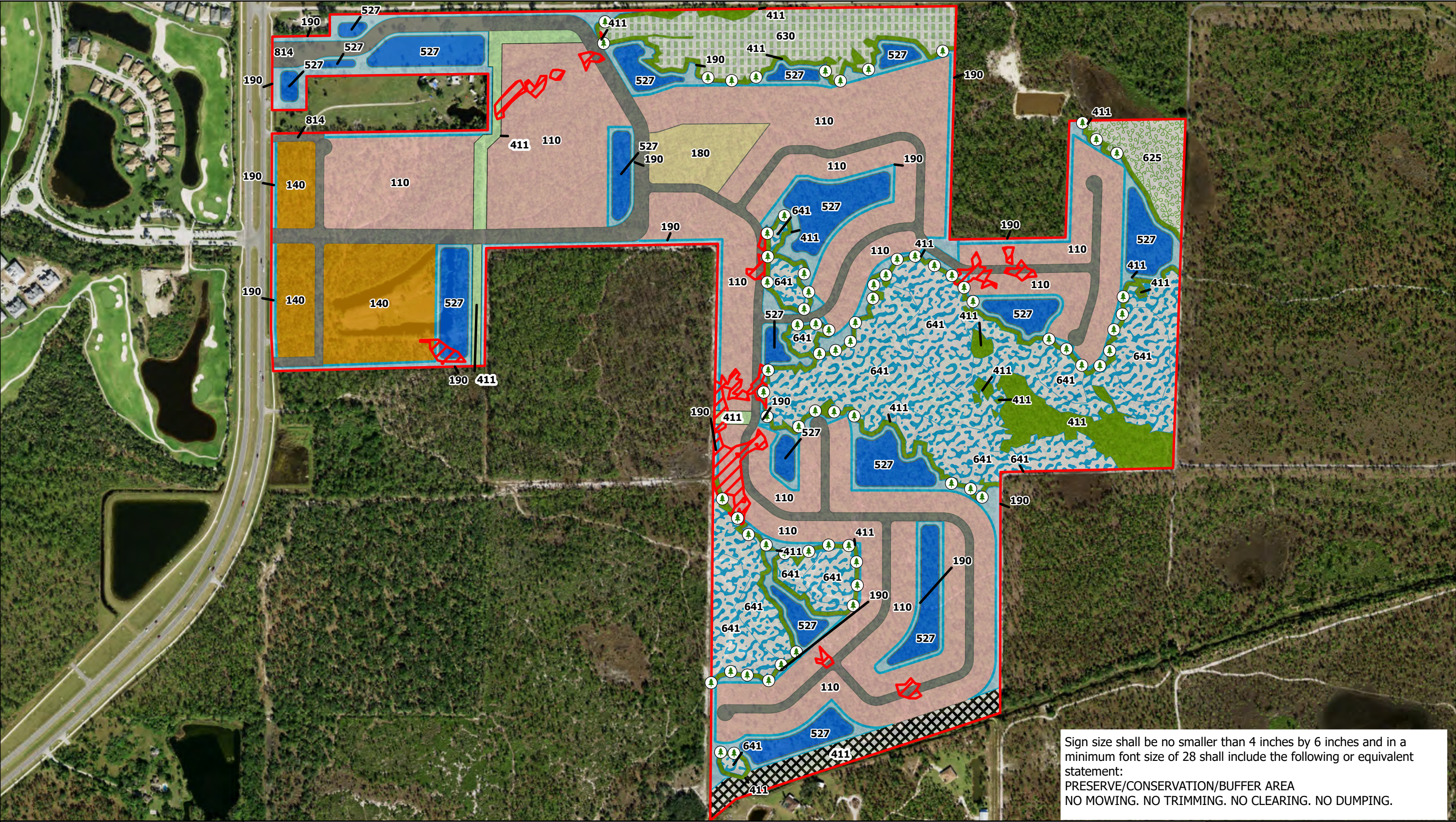


Figure 4
Post Development
Preservation Map
Sage Pointe
Charlotte County, Florida

- | | | | |
|---|------------------------------|-----------------------------|------------|
| Project Boundary (277.55 ac) | 140: Commercial and Services | 411: Wildlife Corridor | 814: Roads |
| Preserve/Conservation/Buffer Area Signage | 180: Amenity Area | 527: Stormwater Pond | |
| Wetland Impact (4.76 ac) | 190: Open Land | 625: Hydric Pine | |
| 110: Residential Uses | 411: Pine Flatwoods | 641: Freshwater Marshes | |
| 411: Greenway Corridor | | 630: Wetland Forested Mixed | |

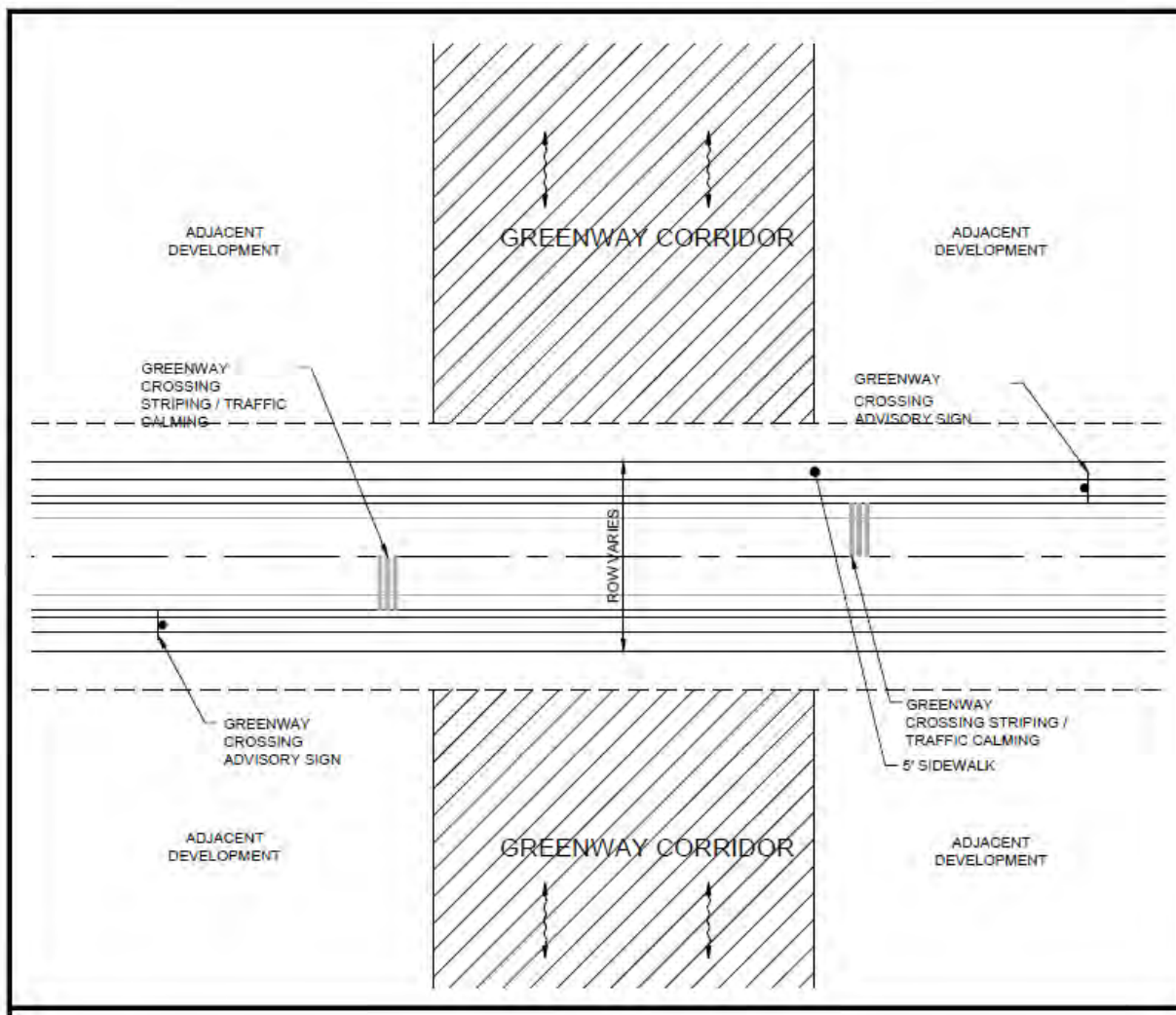


Sources: FDOT Imagery, 2024; Monarch Ecology Group, 2026



Attachment 3

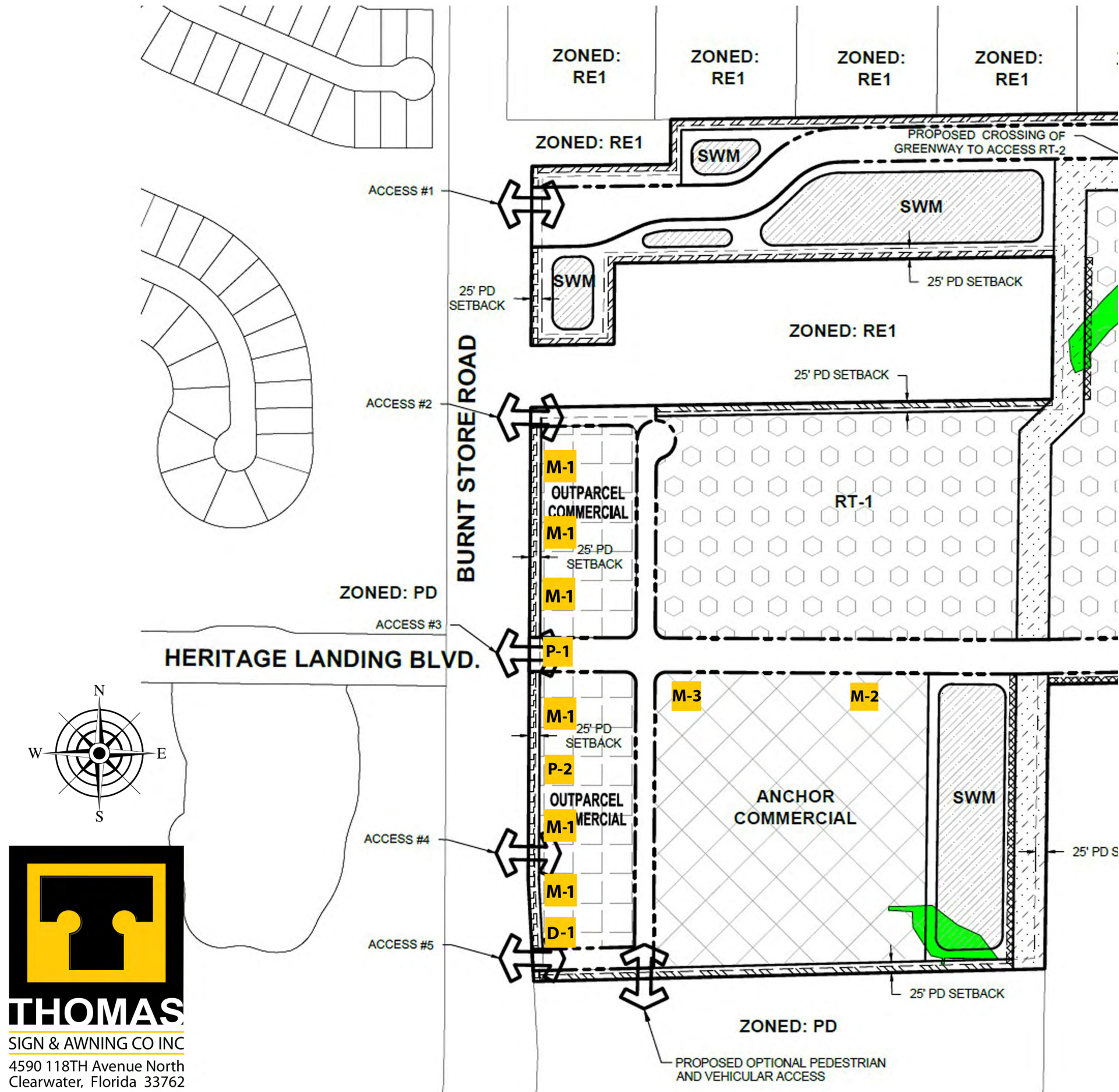
At-grade Crossing



Greenway Crossing Exhibit

Attachment 4

Sign Plan



*FOR ILLUSTRATIVE PURPOSE ONLY. FINAL DESIGN TO BE EVALUATED DURING SIGNAGE PERMIT REVIEW.





Qualifications of Jie Shao

Position: Principal Planner

Years with Charlotte County: 22

Position Summary & Experience: I have worked as a Planner for Charlotte County Community Development Department since January 2004. My main duties include reviewing and making recommendations on plan amendments, zoning map changes and text amendments to the County's Comprehensive Plan, and amendments to the County's Land Development Regulations. I prepare and present staff reports and recommend actions to the Planning and Zoning Board and the Board of County Commissioners.

I evaluate Site Plan Review applications specifically related to development within Development of Regional Impacts for consistency with the County's Comprehensive Plan and Development Orders. I review all development within the Planned Development zoning district. I review applications for establishment of Community Development Districts, applications under the Transfer Density Units (TDU) program and track all TDUs.

In addition, I created the US 41 Zoning District Overlay Code in 2004. I worked with the planning Advisory Committee to successfully create the Little Gasparilla Island Community Plan in 2007 and also created the Little Gasparilla Island Zoning District Overlay Code and the Bridgeless Barrier Island Zoning District in 2013. As a project manager, I successfully completed the US 17 Corridor Planning Study in 2009-2010. I served as a liaison for the South Gulf Cove Advisory Committee and the Little Gasparilla Island Advisory Committee in 2006-2009. I hosted roundtable meetings to solicit public's input. As a team member, I revised and rewrote the County's Land Development Regulations in 2013-2014. Further, I worked on the County's Comprehensive Plan rewrite in 2009-2010, and EAR-based amendments for the County's Comprehensive Plan in 2007, 2014, and 2022.

Education:

- September 1997 to December 2001
University of Cincinnati; Cincinnati, Ohio; Obtained a M.S. degree in Community Planning
- September 1986 to July 1990
Chongqing University China; Obtained a B.S. degree in Architecture

Professional Associations and Certifications:

- AICP, American Association of Certified Planners since 2017
- American Planning Association (APA), Member since 2004

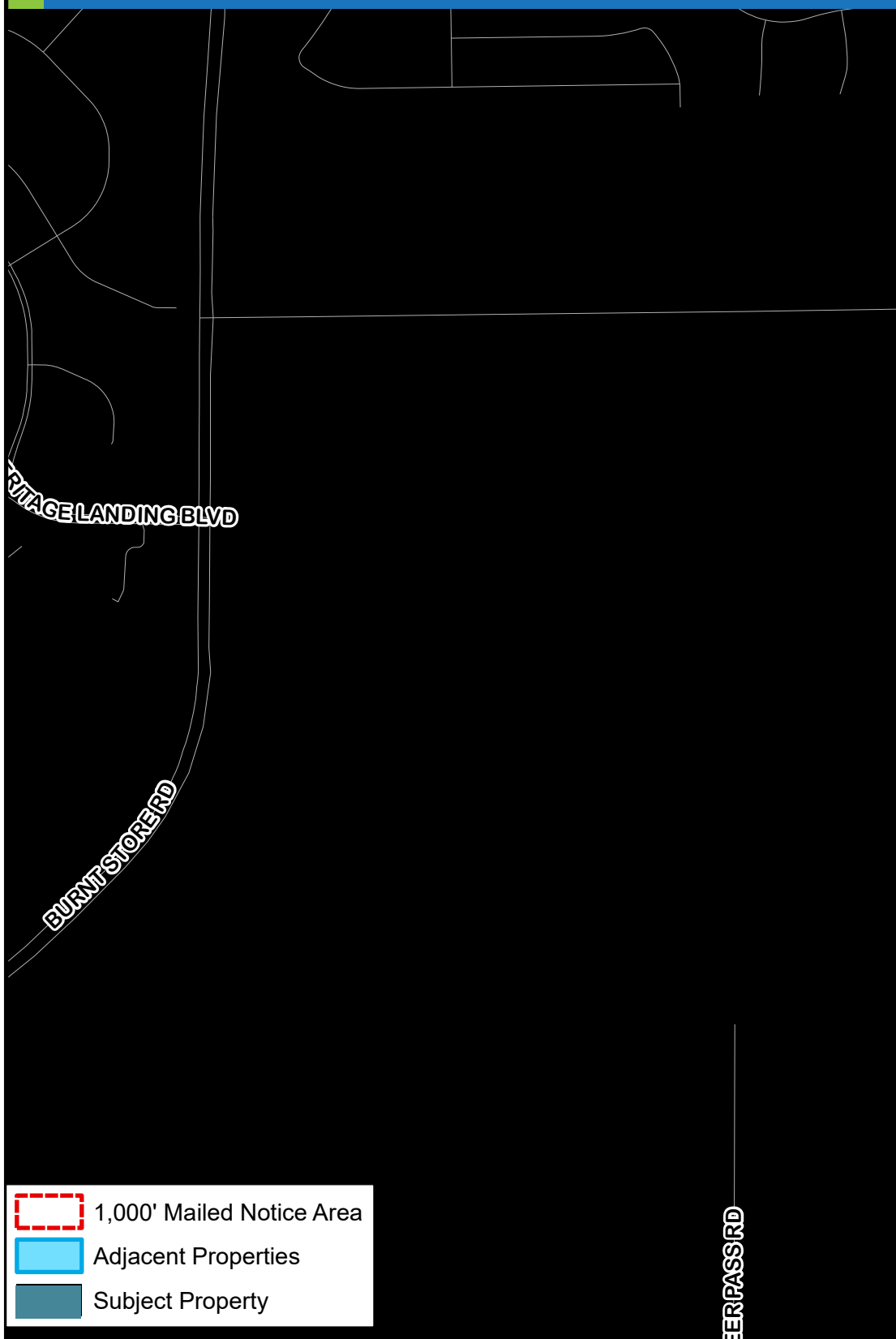
Related Past Experience:

- Planner, Architectural Graphics Designer, University Instructor in Architecture, Suzhou Planning Bureau/Institute of Urban Construction & Environmental Protection (1990-1994)

Exhibit 1

CHARLOTTE COUNTY

1,000' Foot Mailed Notice of PD-25-13



16/42/23 South County



(NOT TO SCALE)

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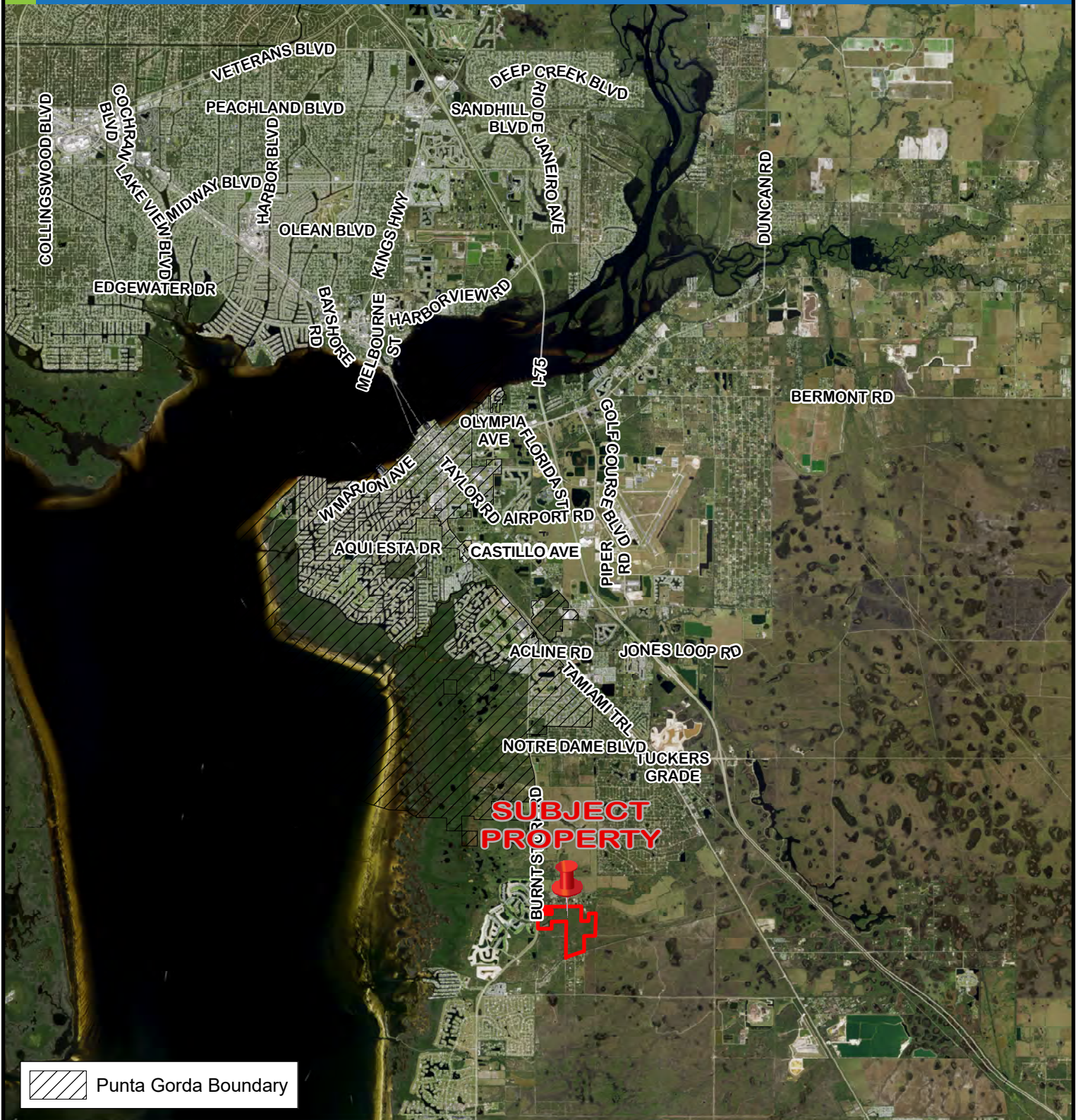
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CHARLOTTE COUNTY

Location Map for PD-25-13



CHARLOTTE COUNTY
Community Development



16/42/23 South County



(NOT TO SCALE)

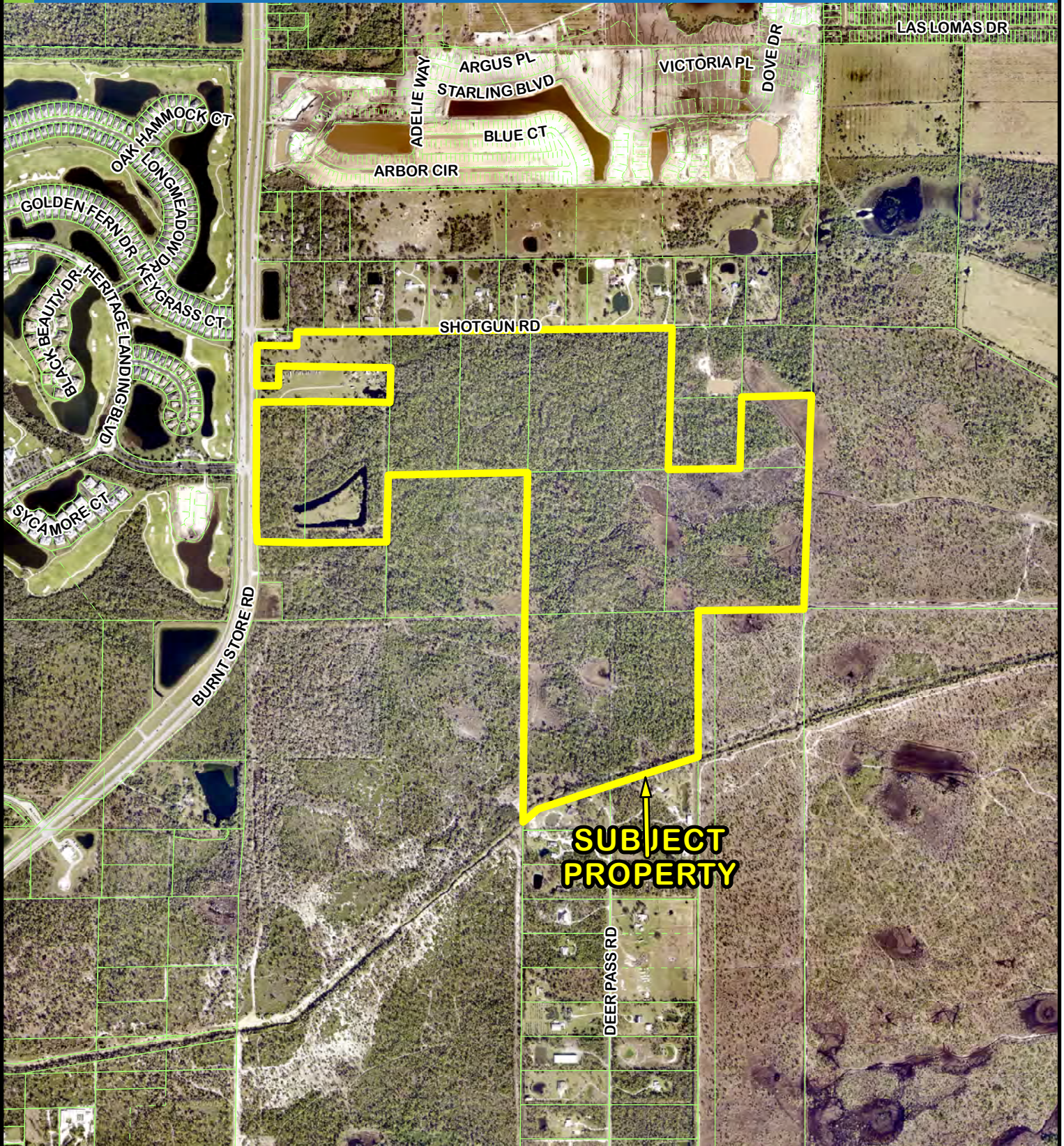
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CHARLOTTE COUNTY

Area Image for PD-25-13



16/42/23 South County



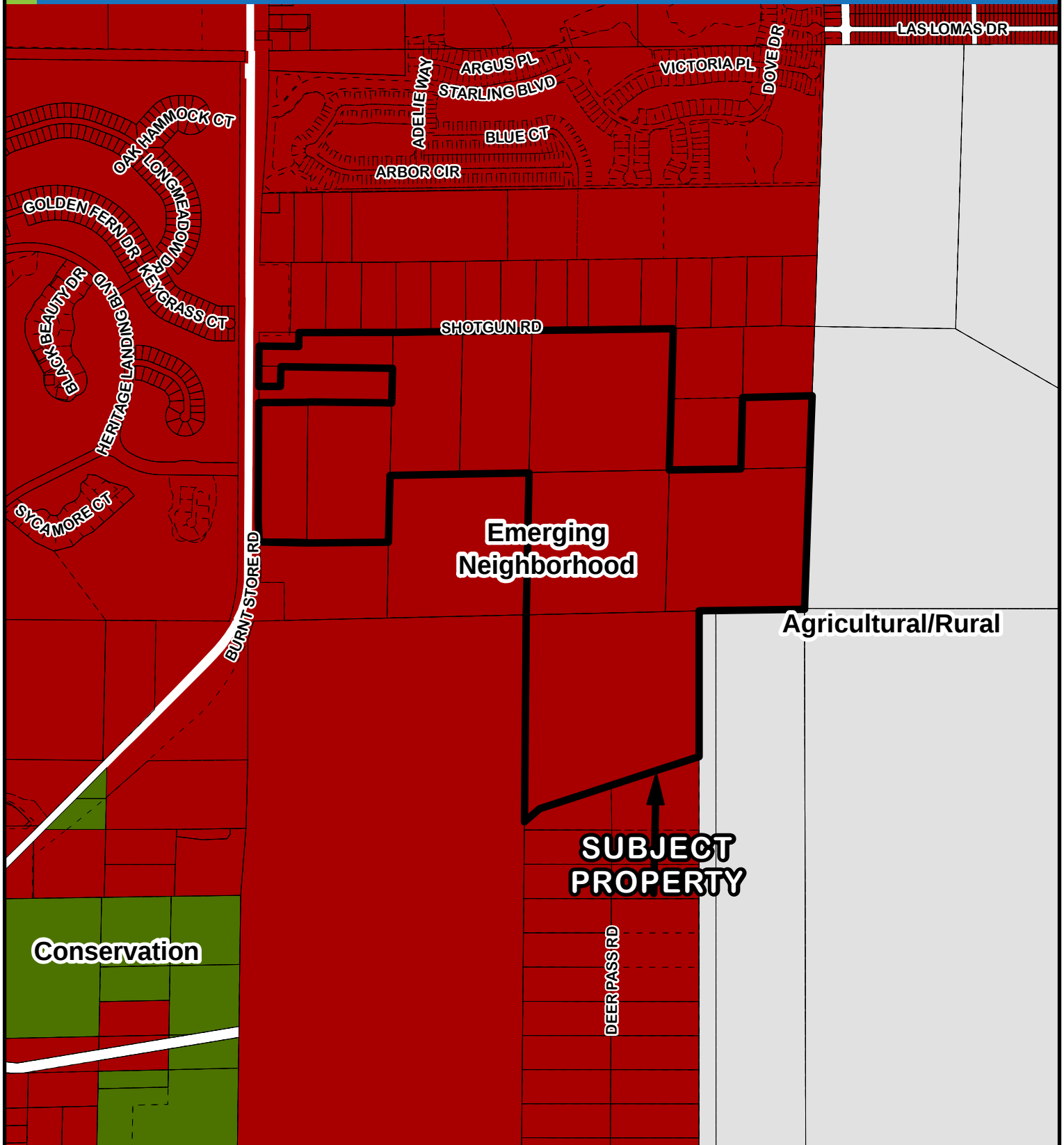
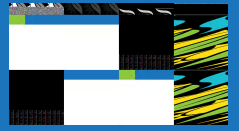
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CHARLOTTE COUNTY

Framework for PD-25-13



16/42/23 South County



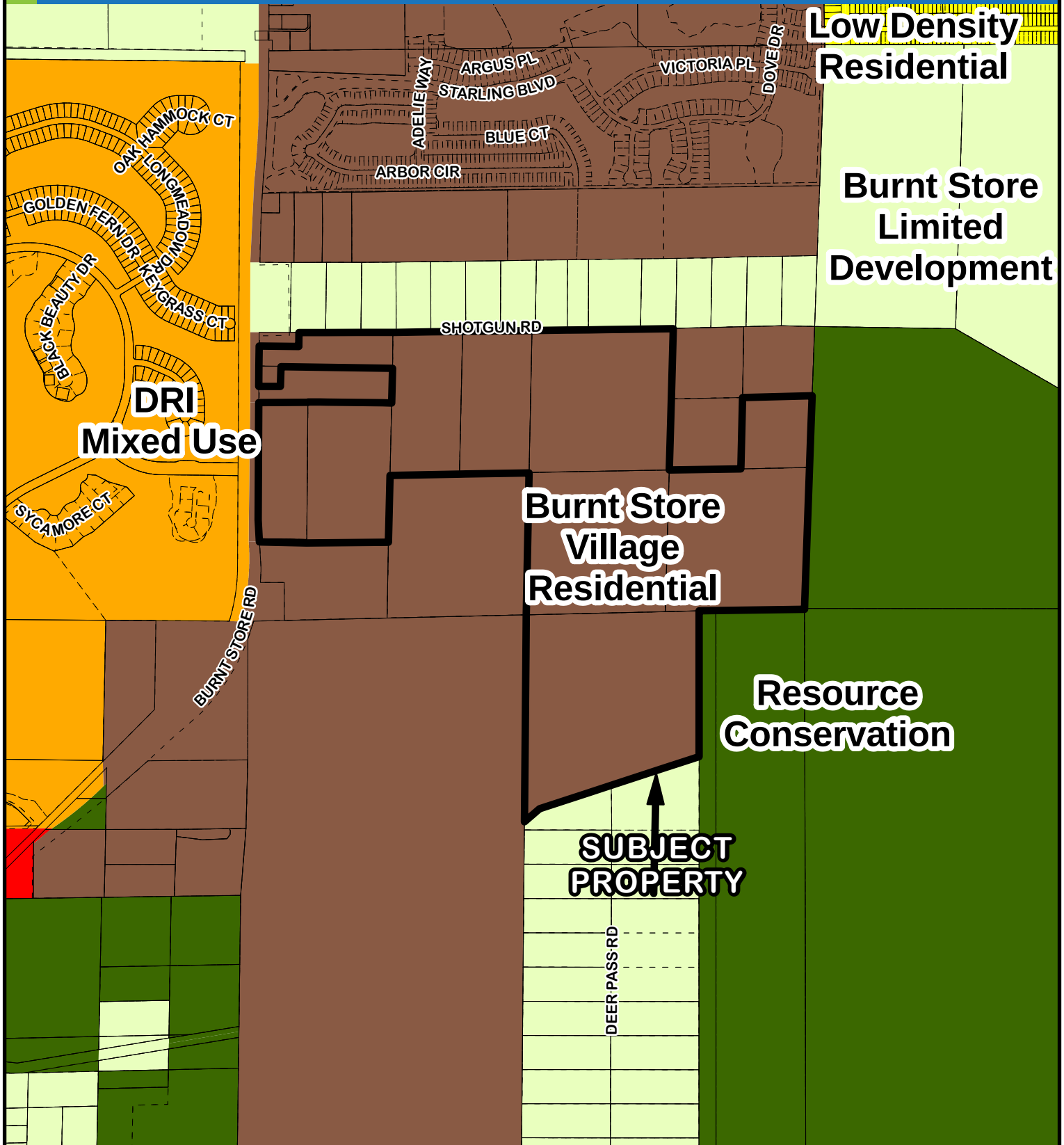
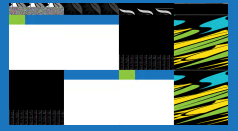
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CHARLOTTE COUNTY

FLUM Designations for PD-25-13



16/42/23 South County



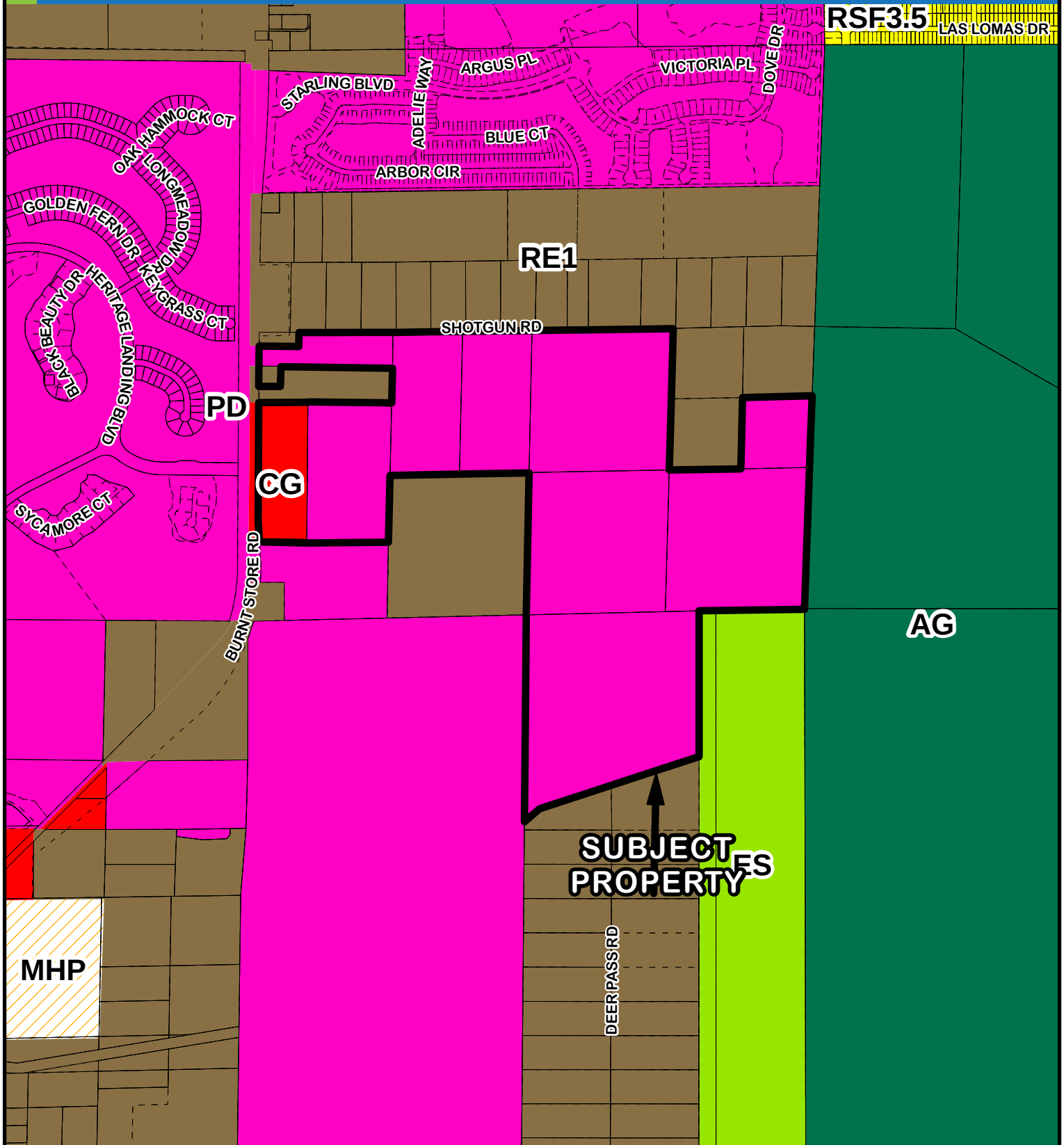
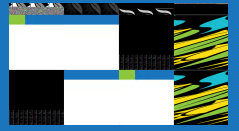
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CHARLOTTE COUNTY

Zoning Designations for PD-25-13



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