



## Staff Report for: PAL-23-00004, PAS-24-00002, and PD-24-08

Meeting Date: April 14, 2025/May 27, 2025/September 9, 2025

To: Planning and Zoning Board /Board of County Commissioners (BCC Transmittal)/BCC Adoption)

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

Regarding: A request to amend the 2030 Future Land Use Map and the Zoning Atlas

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### Part 1 – General Information

**Applicant:** Tarpon Waterfront Village LLC, 2200 Kings Highway, Suite 3L-100, Port Charlotte, FL 33980

**Agent:** Ben Smith, 2914 Cleveland Avenue, Fort Myers, FL 33901

**Owner:** Jeffrey DiLaura, Managing Partner, 2200 Kings Highway, Suite 3L-100, Port Charlotte, FL 33980

**Request:** A privately initiated request for a Large Scale Plan Amendment to:

- Amend Charlotte County FLUM Series Map #3: 2030 Service Area Delineation, to extend the Urban Service Area boundary to include 14.52± acres of the property.
- Amend Charlotte County FLUM Series Map #2: 2050 Framework, from Agricultural/Rural to Revitalizing Neighborhood for 11.51± acres of the property and Managed Neighborhood for 3.01± acres.

A privately initiated request for a Small Scale Plan Amendment to:

- Amend Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Preservation (PR) (11.01± acres) and Parks and Recreations (PKR) (8.57± acres), and Low Density Residential (LDR) (0.75± acres) to High Density Residential (HDR) for 11.05± acres and PR for 9.28± acres.

A privately initiated request for a rezoning to:

- Amend the Charlotte County Zoning Atlas from Environmentally Sensitive (ES) (9.74± acres), Parks and Recreation (PKR) (3.51± acres), Residential Single-family 3.5 (RSF-3.5) (0.75± acres), Residential Multi-family 5 (1.27 acres), and Commercial Tourist (CT) (5.06± acres) to Planned Development (PD) in order to allow for a residential development up to 120 units; requiring a transfer of 116 density units to reach the maximum of 120 units; and adopting a “General PD Concept Plan”.

**Location: Commission District V:**

- The property for the requested large scale plan amendment includes three parcels; two parcels located at 4331 and 4399 Willow Street, in the Port Charlotte area, and one unaddressed parcel generally located north of the Peace River, south of Edgewater Drive, west of Bayshore Road, east of Lister Street and southeast of Crews Court, in the Charlotte Harbor Community Redevelopment area and in the Port Charlotte area.
- The property for the requested small scale plan amendment and the PD rezoning includes five parcels; four parcels located at 4420 or 4444 Crews Court, 4331 and 4399 Willow Street, and 4400 Lister Street, in the Port Charlotte area, and one unaddressed parcel generally located north of the Peace River, south of Edgewater Drive, west of Bayshore Road, east of Lister Street and southeast of Crews Court, in the Charlotte Harbor Community Redevelopment area and in the Port Charlotte area.

**Area:** The property for the requested large scale plan amendment contains a total of 14.52± acres. The property for the requested Small Scale Plan Amendment and the PD rezoning contains a total of 20.33± acres.

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

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## **Part 2 – Analysis and Conclusion**

### **Summary Since the Transmittal Hearing**

### **Remaining Inconsistency and Staff's Concerns**

After the May 27, 2025, Transmittal Hearing of the large scale plan amendment of this project, the applicant decided to reduce the proposed maximum residential development rights from 156 units to 120 units. In June, State review agencies' comments and recommendations were forwarded to the applicant's agents for consideration. On July 17, 2025, a revised General PD Concept Plan was submitted to the County for review. ***However, the originally proposed wetland management plan has not been updated to reflect the development right change, and so now***

***there are internal inconsistencies between the applicant's submitted documents.*** After reviewing the revised General PD Concept Plan, ***staff's professional opinion of this project remains the same,*** which is that:

- The purpose of placing the portion of the property in the Rural Service Area and its designation of Preservation was to limit the increase of residential development.
- Increasing the residential development rights from four units up to 120 units for these environmentally sensitive lands in the Coastal High Hazard Area would not be consistent with the County's Comprehensive Plan.

Furthermore, on August 19, 2025, Patrick Fuller, FPED, Director, Charlotte County Emergency Management, provided the following comments:

*This area is not only in the tropical storm surge area of SLOSH modeling but was an area that saw some of the highest above ground water depths totals within the harbor from both Helene and Milton. It is also identified as one of the most vulnerable to coastal flooding within the harbor per the NOAA Coastal Flood Exposure Map and would be expected to receive water over land with a 1 foot increase in sea level per the NOAA Sea Level Rise Viewer. Based on that vulnerability, this location would meet the lowest threshold for evacuation (coastal areas prone to flooding) which could occur from a multitude of low-pressure systems.*

#### Request

The applicant and the property owner, Tarpon Waterfront Village LLC, is requesting a large scale plan amendment to 1) extend the Urban Service Area boundary to include approximately 14.52± acres of the property, and 2) amend 11.51± acres of the property from Agricultural/Rural to Revitalizing Neighborhood and 3.01± acres located within the Boundary of the Charlotte Harbor Community Redevelopment Area (CRA) from Agricultural/Rural Managed Neighborhood. The applicant is concurrently seeking a small scale plan amendment to amend the subject property's Future Land Use Map designations from Preservation (PR) (11.01± acres), Parks and Recreation (PKR) (8.57± acres), and Low Density Residential (LDR) (0.75± acres) to High Density Residential (HDR) for 11.05± acres and PR for 9.28± acres. The applicant is also requesting a Planned Development (PD) rezoning from Environmentally Sensitive (ES) (9.74± acres), Parks and Recreation (PKR) (3.51± acres), Residential Single-family 3.5 (RSF-3.5) (0.75± acres), Residential Multi-family 5 (1.27 acres), and Commercial Tourist (CT) (5.06± acres) to Planned Development (PD). The stated purpose of these applications is to allow for a residential development up to 120 units.

The subject property is generally located north of the Peace River, south of Edgewater Drive, and west of Bayshore Road, and east of Lister Street, in the Mid-County area within Commission District V.



**PAL-23-00004, PAS-24-00002, and PD-24-08 Area Image**

### Current Status

On April 14, 2025, the large scale plan amendment (Application Number PAL-23-00004) to amend Charlotte County FLUM Series Map #3: 2030 Service Area Delineation, to extend the Urban Service Area boundary to include 14.52± acres of the property; and to amend Charlotte County FLUM Series Map #2: 2050 Framework, from Agricultural/Rural to Revitalizing Neighborhood for 11.51± acres of the property and Managed Neighborhood for 3.01± acres, was presented to the Planning and Zoning Board, and the Planning and Zoning Board recommended approval of the requested large scale plan amendment and its associated small scale plan amendment and PD rezoning with a 4-1 vote.

Subsequently, on May 27, 2025, the Board of County Commissioners (Board) approved this large scale plan amendment application (PAL-23-00004) for transmittal to the Florida Department of Commerce and other State review agencies for review and comment via the Expedited State Review process.

### State Review Agencies' Comments

On June 26, 2025, the **Florida Department of Commerce** issued a letter stating that: *"FloridaCommerce has reviewed the proposed comprehensive plan amendment for Charlotte County (Amendment No. 25-03ESR) received on May 29, 2025. The review was completed under the expedited state review process. **FloridaCommerce has no comment on the proposed amendment.**"*

On June 25, 2025, the **Southwest Florida Water Management District** issued a letter stating that: *"The Southwest Florida Water Management District (District) has reviewed the proposed amendment package which includes a map amendment identified as No. PAL-23-00004. **We offer the following technical assistance comments for consideration.**"*

### Regional Water Supply

1. The letter from the Charlotte Harbor Water Association confirming the availability of potable water service should be amended, prior to adoption, to include documentation confirming the availability of adequate sources and the necessary infrastructure to serve the projected water demand, in accordance with Chapter 163.3177(6)(a)8.a., F.S., and Department of Economic Opportunity (DEO) guidelines (see page 3, last paragraph, of DEO's publication entitled A Guide To The Data And Analysis To Support Comprehensive Plan Amendments). A copy of the Guide is available at the following link:

<http://www.floridajobs.org/community-planning-and-development/programs/technicalassistance/planning-initiatives/natural-resource-planning/water-supply-planning>

2. Considering the site is in the Southern Water Use Caution Area (SWUCA) and would allow additional residential development, the use of water conservation and reclaimed water (when available) should be maximized. Potential water conservation measures include, but are not limited to, Florida Water Stars<sup>SM</sup>, Florida-Friendly Landscaping<sup>TM</sup> and distribution of water conservation literature to residents. Additional information on these programs is available at the following links:

<https://www.swfwmd.state.fl.us/residents/water-conservation/florida-water-starsm>

<https://www.swfwmd.state.fl.us/residents/florida-friendly-landscaping/florida-friendly-landscapingtm>

<https://www.swfwmd.state.fl.us/resources/free-publications>

#### **Floodplains and Floodprone Areas**

3. The site is located in the Coastal High Hazard Area (CHHA), an area vulnerable to storm surge and flooding. The proposed development activities may increase the number of persons exposed to natural hazards. The District recommends that a local hazard mitigation plan be in place prior to development to address the emergency management needs of this future population.

#### **Wetlands and Other Surface Waters**

4. No comments.

District Environmental Resource Permit (ERP) staff has conducted an ERP preapplication meeting for the proposed development (Preapplication No. 410050). Continued coordination with District ERP staff is encouraged prior to any site work. For assistance or additional information concerning the District's ERP program, please contact Rob McDaniel, ERP evaluation manager, at (813) 985-7481 or [rob.mcdaniel@watermatters.org](mailto:rob.mcdaniel@watermatters.org)."

On June 26, 2025, the **Florida Department of Environmental Protection** issued an email stating that: "The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

***Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction."***

On June 27, 2025, the ***Florida Fish and Wildlife Conservation Commission*** issued an email stating that: ***"Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the above referenced comprehensive plan amendment package and provides the following comments and recommendations for consideration in accordance with Chapter 163.3184, Florida Statutes. While there are no objections to the amendment, the following technical assistance information is provided to assist Florida Commerce, the County, and any applicants during the amendment review and future project planning."***

#### *Florida Burrowing Owl*

*While the existing conditions onsite likely do not support nesting burrowing owls, clearing associated with construction may create conditions conducive for nesting.*

*Burrowing owls typically occupy areas with short groundcover like agricultural fields and prairies. FWC staff recommends that pre-construction surveys be conducted to ensure that no burrowing owl burrows occur onsite. Additional information and guidance for conducting burrowing owl surveys can be found in the Species Conservation Measures and Permitting Guidelines for Florida Burrowing Owl*

*(<https://myfwc.com/media/2028/florida-burrowing-owl-guidelines.pdf>). If burrowing owls are observed onsite, the applicant should coordinate with FWC staff identified at the close of this letter to discuss avoidance, minimization, and permitting options.*

#### *Gopher Tortoise*

*Due to the documented presence of gopher tortoises onsite, FWC staff recommends that the applicant refer to the Gopher Tortoise Permitting Guidelines (revised April 2023) (<http://www.myfwc.com/license/wildlife/gopher-tortoise-permits/>) for survey methodology and permitting guidance. Specifically, the permitting guidelines include methods for avoiding impacts (such as preservation of occupied habitat) as well as options and state requirements for minimizing, mitigating, and permitting potential impacts of the proposed activities. Any commensal species observed during burrow excavation should be handled in accordance with Appendix 9 of the Guidelines. For questions regarding gopher tortoise permitting, contact Jessica Folsom by phone at (850) 921-1020 or at [Jessica.Folsom@MyFWC.com](mailto:Jessica.Folsom@MyFWC.com).*

#### *Least Tern*

*While the existing conditions onsite likely do not support least tern nesting activity, clearing associated with construction may create conditions conducive for nesting. Cleared sites such as areas that have undergone surface scraping may attract ground nesting species such as least terns or other imperiled beach-nesting birds (IBNB) during nesting season. IBNB nests have been documented on a variety of disturbed sites, including construction sites. Least terns and other IBNBs deposit their eggs in shallow "nest scrapes" they dig in sand, shell, gravel, or similar substrates. Egg-laying for least terns usually begins between April 1 and early May. Colonies may*



range in size from a few breeding pairs to many hundreds. FWC staff recommends the following measures to reduce nesting potential during construction:

- Conduct clearing, grading, and construction activities outside of the breeding season (generally April 1 through September 1) if feasible, or,
- If these activities occur during the breeding season, clear and grade the site only when ready to build. Avoid leaving cleared or graded areas with little to no activity for extended periods. Least terns may lay eggs within just a few days of digging nest scrapes. If nesting is observed, FWC staff are available to discuss necessary nest buffers and potential permitting alternatives. The Species Conservation Measures and Permitting Guidelines for American Oystercatcher, Snowy Plover, Black Skimmer, and Least Tern (<https://myfwc.com/media/29766/ibnb-guidelines.pdf>; effective October 1, 2024) can be referenced for additional biological information, measures for avoiding impacts, and conservation practices.

#### *Non-native Fish and Wildlife*

The Early Detection & Distribution Mapping System (EDDMapS) indicates high priority invasive species, including pythons (*Python spp.*) and Argentine black and white tegus (*Salvator merianae*), have been reported in this area. These species are considered a high risk to Florida's ecology, economy, or human health and safety. Workers authorized to access the site who encounter these species or other non-native wildlife listed as Conditional or Prohibited (<http://www.myfwc.com/wildlifehabitats/nonnatives/regulations/>), are requested to report these sightings, whether dead or alive to <http://www.IveGot1.org>. Reports of observations, high-resolution photos, proof of captures, and removals of any high priority invasive species are used to monitor populations and coordinate rapid response efforts for non-native species. If workers require assistance capturing or removing priority nonnative wildlife, they should call the FWC's Invasive Species Hotline at 1-888 IVE GOT 1 (888-483-4681).

#### *Smalltooth Sawfish and Mangroves*

The proposed project is located within smalltooth sawfish federally-designated critical habitat. This part of the Peace River estuary is a high use area for juvenile sawfish. Mangrove shorelines are a critical component of sawfish nursery habitat and due to historic development, much of the mangrove shoreline in this area has been eliminated.

Project plans provided with the proposed amendment include a boardwalk and a pergola constructed within the mangroves. If a water view is the objective of these structures, FWC staff recommends a "windowing" approach to mangrove trimming following appropriate Florida Department of Environmental Protection regulations and guidelines. Preserving the integrity and ecological function of these mangroves (i.e., roots, overall height, and density) should be prioritized. During state permitting such as Environmental Resource Permitting, FWC staff may provide recommendations related to avoidance and minimization measures for the onsite mangroves, and the development of a mitigation and monitoring plan for any potential impacts. The smalltooth sawfish is a federally listed endangered species pursuant to the Endangered Species Act (ESA). Additionally, smalltooth sawfish is a state-listed endangered species pursuant to FWC

rule 68A-27, F.A.C and a marine Prohibited Species pursuant to FWC rules 68B-8 and 68B-44, F.A.C. The FWC defers to NMFS and requests that Charlotte County take into consideration any project-specific permit conditions, comments, recommendations, and Biological Opinions regarding smalltooth sawfish that NMFS may provide for federal consultation or permitting activities associated with this project.

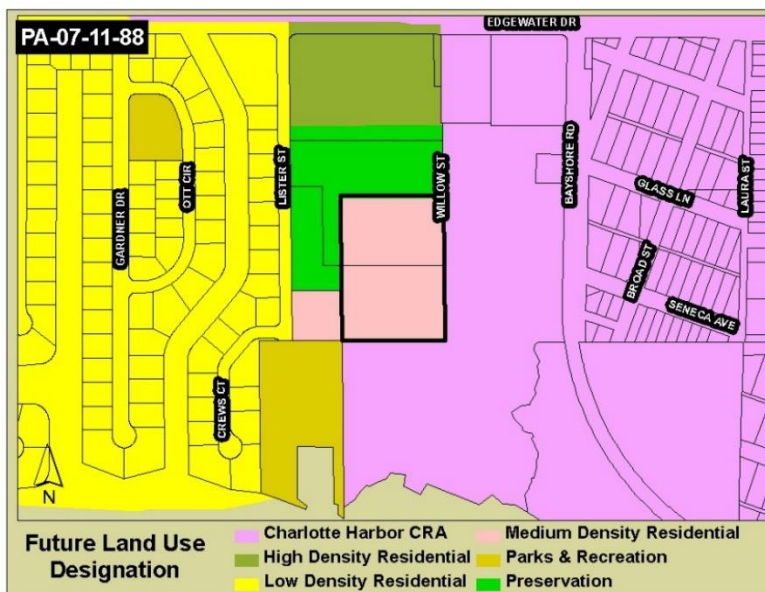
#### *Federal Species*

*This site may also contain habitat suitable for the federally listed species identified above. FWC staff recommends coordination with the USFWS Florida Ecological Services Office (ESO) as necessary regarding potential impacts to these species. The USFWS ESO can be contacted at FW4FLESRegs@fws.gov.”*

On July 28, 2025, the **Florida Department of Transportation** issued an email stating that: “FDOT has reviewed the transmitted amendment for Charlotte County pursuant to Section 163.3184(3), Florida Statutes. **The proposed expedited state review is not anticipated to have significant adverse impacts to transportation resources or facilities of state importance.**”

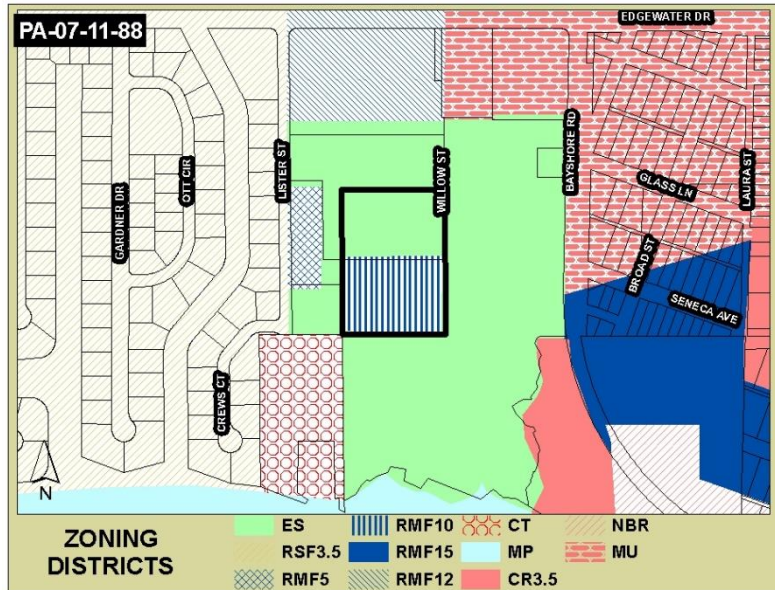
#### History of the Subject Property

The subject property contains Charlotte Harbor Yacht Club and some vacant parcels. Parcels 17 and 18 were owned by Charlotte County Board of County Commissioners (Board) and used as Hickory Park. On September 16, 2008, the Board approved a small scale plan amendment for the portion of Lot 17 and 18 from Medium Density Residential to Parks and Recreation for approximately 3 acres and to Preservation for approximately 3.3 acres via Ordinance Number 2008-084 (Attachment 1). The purpose of that application was to ensure that the Future Land Use Map designations are consistent with the onsite wetlands and the use of the property as a County park.

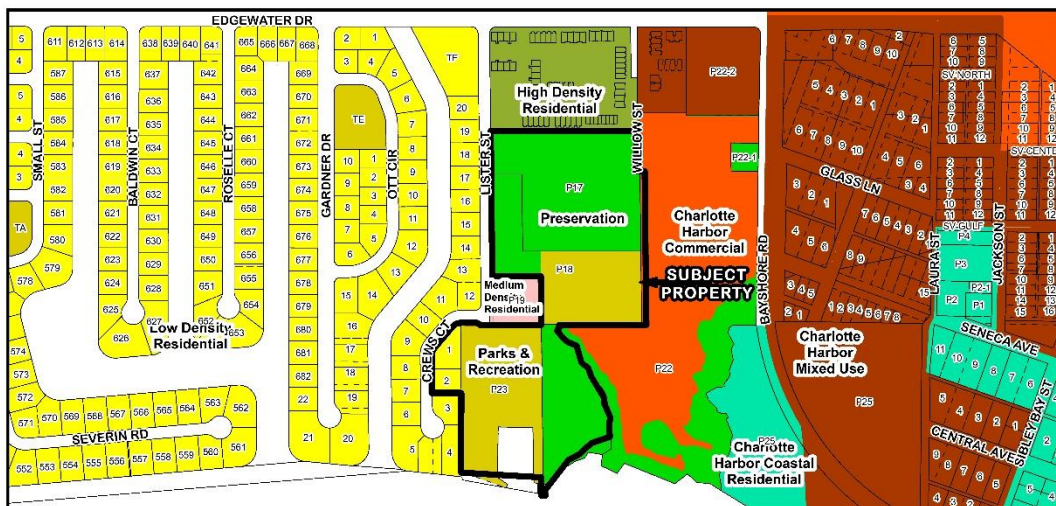


**1997-2010 Future Land Use Map Prior to Adoption of PA-07-11-88**





**Zoning Districts Prior to and After Adoption of PA-07-11-88**

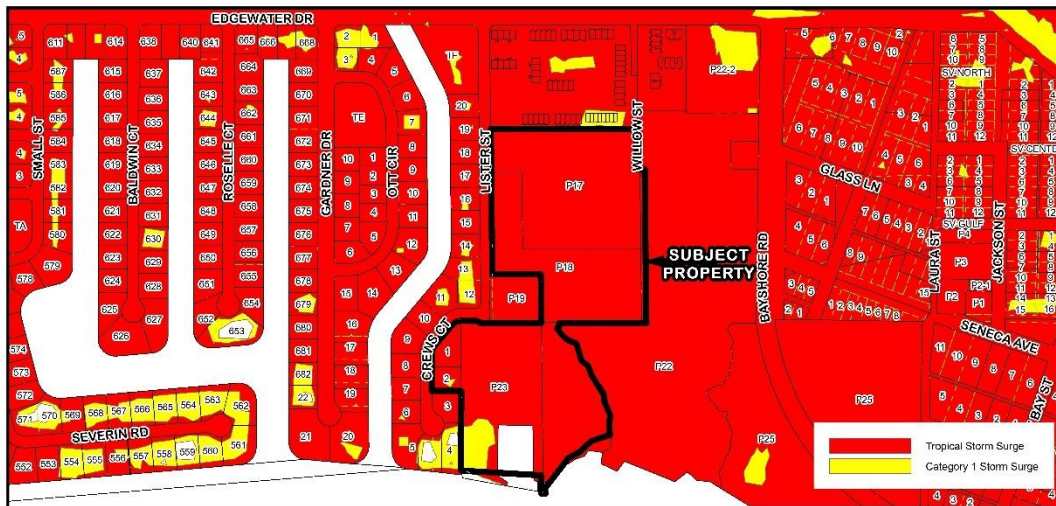


**PAL-23-00004, PAS-24-00002, and PD-24-08  
Existing FLUM Designations**

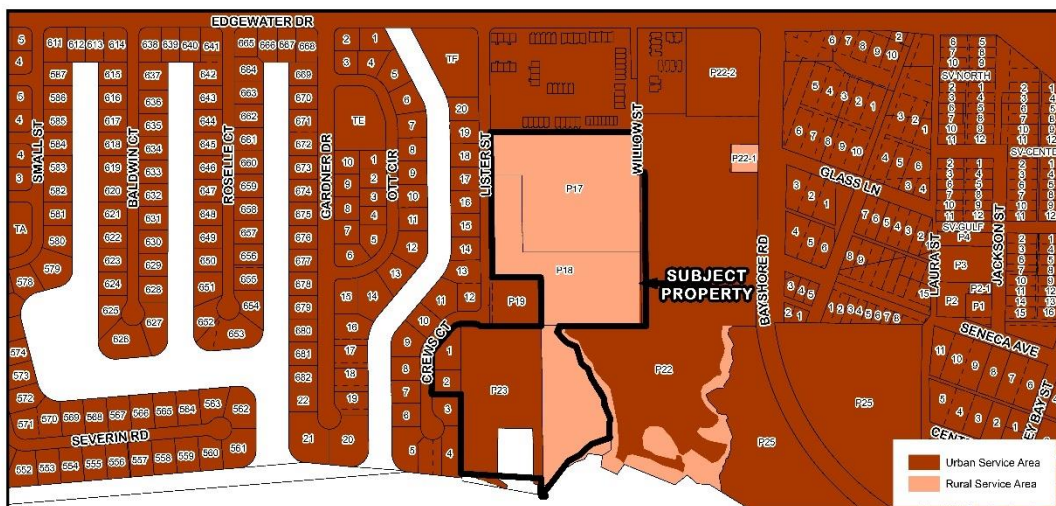
### 2030 Future Land Use Map Designations

According to the County's Property Appraiser website, on August 6, 2020, Lots 17 and 18 were sold to Ponce De Leon Yacht Club and Boat Storage, LLC. Now the applicant/property owner is submitting these applications in order to have a residential development, and all proposed multi-family structures will be located on the upland portions of Lots 17 and 18.

#### Staff's Objections and Concerns



**PAL-23-00004, PAS-24-00002, and PD-24-08  
Coastal High Hazard Area**



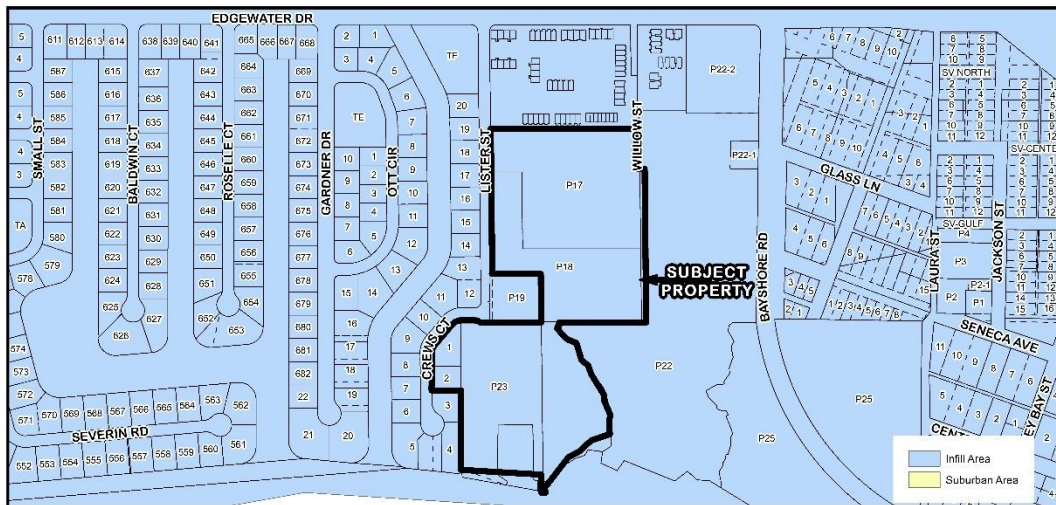
**PAL-23-00004, PAS-24-00002, and PD-24-08  
Existing Service Area Delineation**

The majority of the subject property for the proposed multi-family structures is located within the Tropical Storm Surge zone of the Coastal High Hazard Area (CHHA), and this area is designated as both Preservation and Parks and Recreation on the 2030 Future Land Use Map. In addition, except for the existing indoor recreational facility (yacht club), the property is also located in the Rural Service Area.

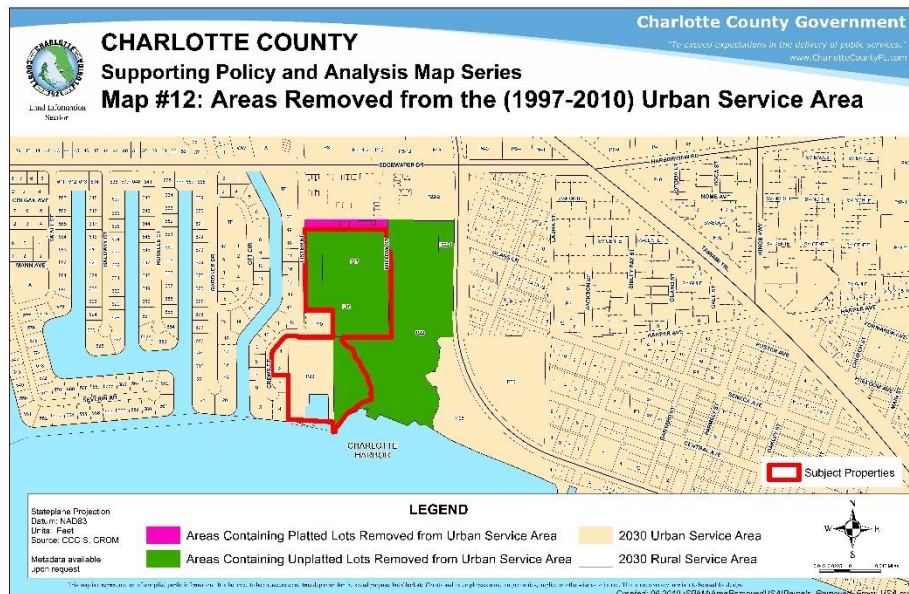
As part of the County's Comprehensive plan rewrite, the Urban Service Area boundary was revised from that depicted in the 1997-2010 Comprehensive Plan to clearly distinguish urban from rural places, based upon the planned future land uses for the area and development limitations such as environmentally sensitive habitat. One of the key provisions of that revision was that those areas deemed to be particularly sensitive areas where increased density should be restricted and density should be encouraged to be removed, such as the coastal areas and other lands that have



substantial environmentally sensitive lands, were removed from the Urban Service Area and placed into the Rural Service Area. Having been placed within the Rural Service Area, these properties are no longer assigned a Neighborhood designation and the adopted Neighborhood Framework, seen on **FLUM Series Map #2: 2050 Framework**, shows these areas designated as Agricultural/Rural. **SPAM Series Map # 12: Areas Removed from the (1997-2010) Urban Service Area** identifies these lands and further differentiates them in lots and parcels. This removal of land from the Urban Service Area into the Rural Service Area also included County- and State-owned environmental and park land. Approximately 6,237 acres were removed from the Urban Service Area. The subject property, except for existing indoor recreational facility (yacht club), contains wetlands which were removed from the Urban Service Area and placed into the Rural Service Area, and it is part of Agricultural/Rural on the 2050 Framework Map.



**PAL-23-00004, PAS-24-00002, and PD-24-08  
1997 USA Map**



It is staff's professional opinion that the proposed changes to increase the residential development rights from four units up to 120 units is not consistent with the County's Comprehensive Plan, such as **CST GOAL 3: Development in High Hazard Area**, which states that the County should: "Direct population concentrations away from the Coastal High Hazard Area (CHHA)...", and **CST Objective 3.2: Development and Redevelopment in the CHHA to limit density and intensity within the CHHA**. Additionally, there is no established vision or intent in the Comprehensive Plan supporting this proposed project. It is staff's professional opinion that allowing the proposed development would set a precedent of allowing more intense development on the upland portion of these properties rather than protecting and preserving these lands, which are located in the Rural Service Area and are designated as Preservation on the 2030 Future Land Use Map.

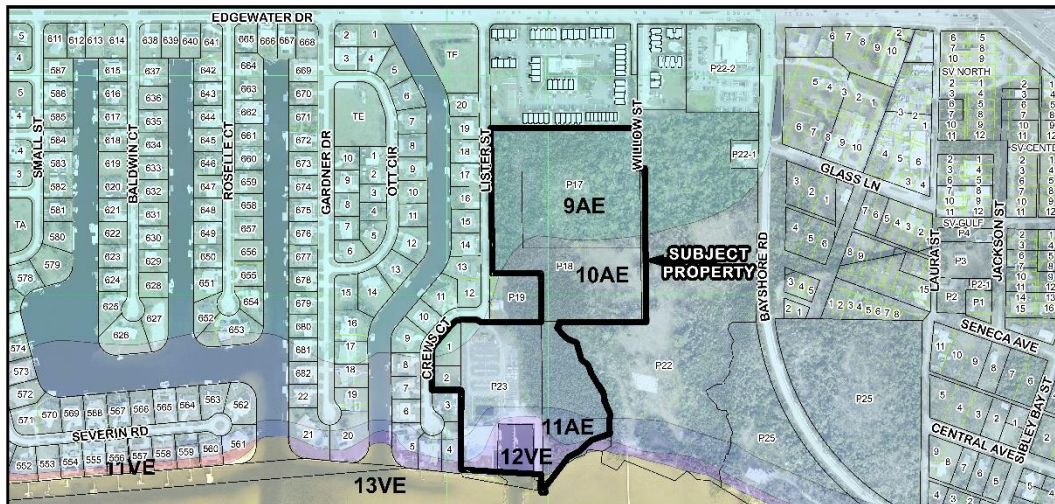
#### Surrounding Uses

The subject property is located south of Edgewater Drive, north of the Peace River, east of Lister Street and west of Bayshore Drive, in the Port Charlotte area. A portion of the property located immediately to the south of Lot 18 and east of the existing indoor recreational facility contains wetlands and is within the Charlotte Harbor Community Redevelopment Area, which is designated as Preservation and located in the Rural Service Area. The proposed development will preserve this area in perpetuity. To the north of the subject property, there is a residential development called Edgewater Village; the area is designated as High Density Residential with the Residential Multi-family 15 (RMF-5) zoning. The Peace River is located immediately to the south of the subject site. Across Lister Street, to the west, there are single-family homes; this area is designated as Low Density Residential with the Residential Single-family 3.5 (RSF-3.5) zoning. To the east is an approved commercial development via Ordinance Number 2022-011 to allow for commercial development.

#### Base Density

The entire property is located within the Tropical Storm Surge zone of the Coastal High Hazard Area (CHHA) except for the existing indoor recreational facility (yacht club) which is located in the Category 1 Storm Surge zone of the CHHA, and the boat basin, which is located outside of the CHHA. Approximately 11.01 acres of the property is designated as Preservation (PR) and located in the Rural Service Area. The residential development is one unit per 40 acres. A portion of the property contains three parcels and two of them are adjacent to each other; therefore, the base density is two units. Approximately 8.57 acres of the property is designated as Parks and Recreation, which have zero units of residential development rights. Approximately 0.75 acres are designated as Low Density Residential (LDR) with the Residential-single-family 3.5 (RSF-3.5) zoning, resulting in a base density of two units. Therefore, the total base density for the subject property is four units. The County Code, Section 3-9-10, Transfer of Density Units (TDU), specifically states that: "*Property within the coastal high hazard area may be eligible to become an RZ. In order to make use of this exception, the applicant must transfer coastal high hazard area*

*density credits to the property. Density credits from category 1 hurricane storm surge zone cannot be transferred into a tropical storm surge zone of an RZ nor can density credits from an AE flood zone be transferred into a VE flood zone of an RZ or be used for density in a building which touches a VE flood zone.” Therefore, in order to achieve the proposed development up to 120 units, a total of 116 density units must be transferred onto the property, and those transferred density units must come from the Tropical Storm Surge zone of the CHHA and from 9AE and 10AE or more restrictive FEMA flood zones.*



**PAL-23-00004, PAS-24-00002, and PD-24-08  
(Subject Property - 9AE, 10AE, 11AE, and 12VE Zones)**

### Urban Service Area Expansion

The applicant/property owner is requesting to change Charlotte County FLUM Series Map #3: 2030 Service Area Delineation to extend the Urban Service Area boundary to include approximately 14.52 acres of the subject property.

**Future Land Use (FLU) FLU Policy 1.2.6: Expansion of the Urban Service Area** states that “review of the Urban Service Area boundary will occur during the Evaluation and Appraisal Report (EAR) process and may occur outside the EAR process if there is a need to evaluate the boundary. Any such review shall include an assessment of the adequacy of the existing development rights and forms within the Urban Service Area as well as appropriate locations of the existing development rights within the County. While the expansion of the Urban Service Area is generally discouraged, should the County desire to expand the Urban Service Area or receives a private request to expand the Urban Service Area, the standards in Section 163.3177 F.S. (6)(a)9. (2018) shall apply.”

Staff reviewed the proposed amendment to the Urban Service Area (USA) expansion for the subject site based on the 13 primary indicators in Section 163.3177 F.S., which provides that “the future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.”

Section 163.3177(9) (a) F.S. further provides the primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment is urban sprawl.

<b>13 Primary Indicators of Urban Sprawl</b>	<b>Staff Review Conclusion</b>
<i>(I) Promotes, allows, or designates for development of substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.</i>	The proposed subject property contains approximately 14.52 acres, and the proposed development will include residential development up to 120 units, which is approximately 10.86 units per acre for the portion of the property designated as High Density Residential. It is staff's professional opinion that the proposed expansion includes higher density development, which <b>does not meet</b> this indicator of Urban Sprawl.
<i>(II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.</i>	The subject property is located immediately adjacent to the existing Urban Service Area boundary. It was located within the Infill Area of the Urban Service Area prior to adoption of the County's existing Comprehensive Plan in 2010. It is staff's professional opinion that these unusual factors mean that proposed expansion <b>does not meet</b> this indicator of Urban Sprawl.
<i>(III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.</i>	The subject property is contiguous to other properties already located within the Urban Service Area. The properties immediately located to the north and west of the subject property are zoned for RMF-15 and RSF-3.5, which allows for single-family and multi-family development. It is staff's professional opinion that the development pattern of the proposed expansion <b>does not meet</b> this indicator of Urban Sprawl.
<i>(IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural</i>	The applicant is also concurrently applying for a PD rezoning with condition to restore and preserve onsite wetlands. Applicant's proposed preservation measures support staff's



<i>groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.</i>	professional opinion that the proposed expansion <b>does not meet</b> this indicator of Urban Sprawl.
<i>(V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.</i>	Since there are no agricultural areas or activities adjacent to the subject property or anywhere in the vicinity of the subject site, staff's professional opinion is that the proposed expansion <b>does not meet</b> this indicator of Urban Sprawl.
<i>(VI) Fails to maximize use of existing public facilities and services.</i>	The subject property is located within Charlotte Harbor Water Association's certificated water service area and Charlotte County Utilities' certificated sewer service area. A Utility Availability Request form from Charlotte County Government Utilities Department dated August 9, 2022 confirms that the sewer service is available under a mandatory connection. Based on these facts, it is staff's professional opinion that the proposed expansion <b>does not meet</b> this indicator of Urban Sprawl.
<i>(VII) Fails to maximize use of future public facilities and services.</i>	The subject property is located within Charlotte Harbor Water Association's certificated water service area and Charlotte County Utilities' certificated sewer service area. A Utility Availability Request form from Charlotte County Government Utilities Department dated August 9, 2022 confirms that the sewer service is available under a mandatory connection. Based on these facts, it is staff's professional opinion that the proposed expansion <b>does not meet</b> this indicator of Urban Sprawl.
<i>(VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer,</i>	Since facilities and services are already being provided to or are available to this area, it is staff's professional opinion that the proposed expansion <b>does not meet</b> this indicator of Urban Sprawl.

stormwater management, law enforcement, education, health care, fire and emergency response, and general government.	
(IX) Fails to provide a clear separation between rural and urban uses.	Since there are no agricultural areas or activities adjacent to the subject property or anywhere in the vicinity of the subject site, it is staff's professional opinion that the proposed expansion <b>does not meet</b> this indicator of Urban Sprawl.
(X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.	The proposed development could constitute infill development due to the proximity since its location is surrounded by existing development. Based on these circumstances, one may conclude that the proposed expansion <b>does not meet</b> this indicator of Urban Sprawl.
(XI) Fails to encourage a functional mix of uses.	Since the applicant is proposing only a single use, residential development, it is staff's professional opinion that the proposed expansion <b>meets</b> this indicator of Urban Sprawl.
(XII) Results in poor accessibility among linked or related land uses.	If the subject property can demonstrate at site plan review that it can access local roads, then one may conclude that the proposed expansion <b>does not meet</b> this indicator of Urban Sprawl.
(XIII) Results in the loss of significant amounts of functional open space.	The applicant is also concurrently applying for a small scale plan amendment and a companion Planned Development (PD) rezoning for the subject property, and the proposed PD condition requires to restore and preserve onsite wetlands. All onsite wetlands will remain and are designated as Preservation on the 2030 Future Land Use Map. No wetland impacts are proposed for this proposed development except for the proposed access road. Therefore, it is staff's professional opinion that the proposed expansion <b>does not meet</b> this indicator of Urban Sprawl.

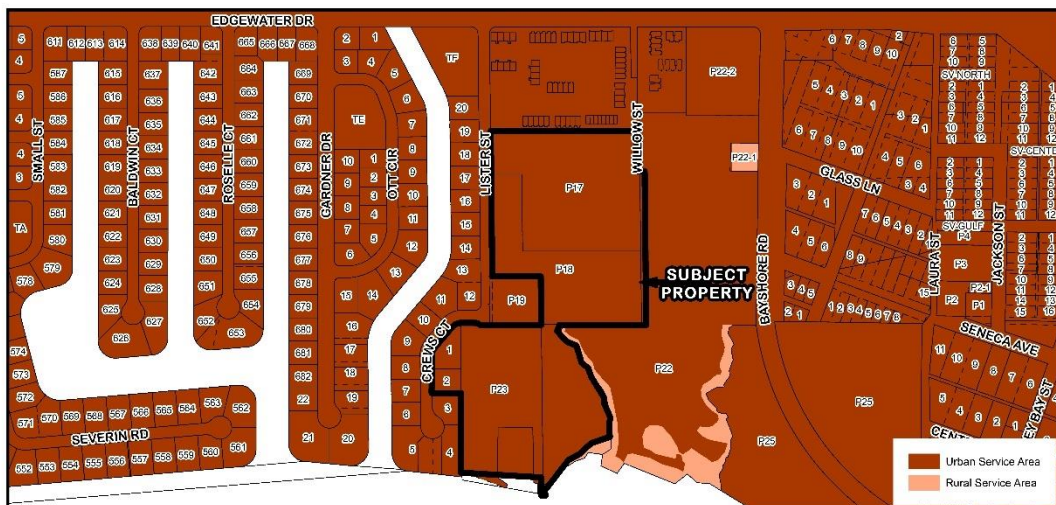
It is staff's professional opinion that the proposed expansion and the proposed residential development meets ***one of thirteen indicators of urban sprawl***.

Furthermore, Section 163.3177(9)(b), F.S. provides that *"the future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:"*

<b>Eight Criteria</b>	<b>Staff Review Conclusion</b>
<i>(I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.</i>	The proposed Urban Service Area expansion and the concurrently proposed residential development, if approved, are intended to avoid negative impacts to onsite wetlands. Therefore, the proposed development should not have an adverse impact on and protects natural resources and ecosystems. <b>(Achieve)</b>
<i>(II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.</i>	Since water and sanitary sewer services are currently available to the subject properties, the proposed development is required to connect to the public water and sanitary sewer System. <b>(Achieve)</b>
<i>(III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.</i>	Since the proposal does not provide for a mix of uses and is only for residential development, the proposal does not achieve this criterion. <b>(Will not achieve)</b>
<i>(IV) Promotes conservation of water and energy.</i>	The proposed development does not provide for conservation of water or energy. <b>(Will not achieve)</b>
<i>(V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.</i>	No agricultural areas and activities are located within the vicinity of the subject property. <b>(Not applicable)</b>
<i>(VI) Preserves open space and natural lands and provides for public open space and recreation needs.</i>	There is open space and preservation of the onsite wetlands in perpetuity proposed within the proposed residential development. The proposal will provide at least 37.87% of the site as an open space. <b>(Achieve)</b>

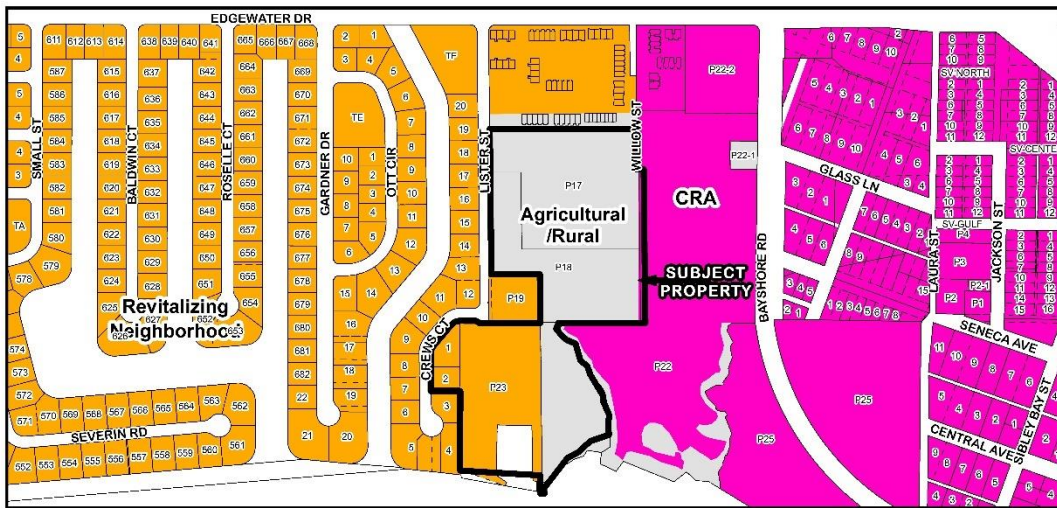
(VII) <i>Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.</i>	This proposal provides only for a single use and does not provide for the nonresidential needs of the area. <b>(Will not achieve)</b>
(VIII) <i>Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.</i>	A pure residential development is proposed. <b>(Will not achieve)</b>

In order to determine that a project discourages the proliferation of urban sprawl, any proposal must achieve four or more criteria. Therefore, it is staff's professional opinion that this proposed expansion, and its associated residential development, only achieves **three criteria**.

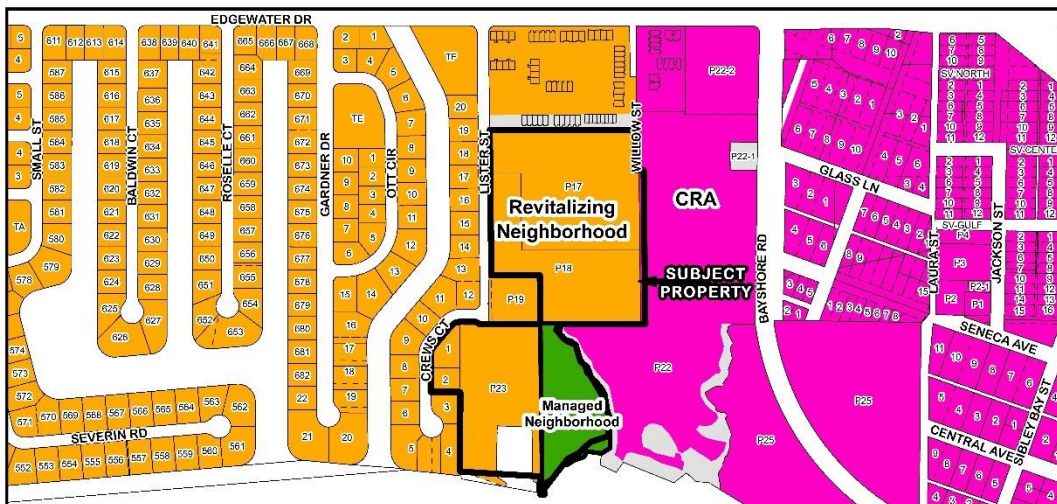


**PAL-23-00004, PAS-24-00002, and PD-24-08  
Proposed Service Area Delineation**

If the Board approves the USA expansion, the Framework designation needs to be amended because the current designation of Agricultural/Rural can only be used for properties located in the Rural Service Area. Therefore, the applicant is requesting to amend Charlotte County FLUM Series Map #2: 2050 Framework, from Agricultural/Rural to Revitalizing Neighborhood for 11.51± acres of the property and Managed Neighborhood for 3.01± acres.



**PAL-23-00004, PAS-24-00002, and PD-24-08  
Existing Framework**



**PAL-23-00004, PAS-24-00002, and PD-24-08  
Proposed Framework**

### Compliance with the County's Land Development Regulations

Any proposed development shall comply with standards set forth in the County's Land Development Regulations. However, the applicant is allowed to apply for deviations of development standards if the proposed development is under the Planned Development Zoning District.

*Section 3-9-45, Planned Development, c) Design criteria and development standards. (2) Development standards. i. Modification of Standards.*

1. *In its concept plan review pursuant to section 3-9-45(d)(4)b.3., the board may allow modification of the height limitations of 3-9-88 regarding waterfront property, based on the applicant showings described in i.1, above, as follows: height may be modified up to a*

*maximum of sixty-five (65) feet, provided that a corresponding amount of additional outdoor open space, beyond that required by existing law, is created at the ground level to offset by a one-to-one ratio the additional cumulative square footage of all floors over thirty-five (35) feet high. For example, if twenty thousand (20,000) square feet of space above thirty-five (35) feet is allowed, an additional twenty thousand (20,000) square feet of open space shall be provided on the ground.*

- 2. The PD application shall identify all requests for additional height above thirty-five (35) feet, the square footage of each floor which will exceed thirty-five (35), and identify and tabulate additional open space furnished in return for any such increase in height. Pavers and green roofs shall not count towards open space.*
- 3. No modification pursuant to this section shall be made to or for any development on property located on a key, a barrier island or within the Manasota Key overlay district.*
- 4. In order to allow public input early in the concept review process, prior to the scheduling of the concept plan review before the DRC, the applicant for any proposed PD seeking to modify height above the thirty-five-foot limit will hold a neighborhood public meeting with notice given to any property owner within one thousand (1,000) feet of the proposed PD as to the height to be added and the open space to be provided in mitigation thereof.*

**Analysis:**

Under the County's Land Development Regulations, "Open Space" is defined in Section 3-9-2, Rules of construction; definitions, and means **"that land area unencumbered by an impervious surface which may include waterways and vegetation areas"**, therefore, an active recreational impervious area is not an "Open Space."

There are two categories of Open Space which this proposed development must meet:

- 1) Additional Open Space Requirement.** For every square foot of floor space over 35 feet in height, the code requires a corresponding outdoor, pervious open space to be provided. In this case, the applicant is requesting approval of building heights for the proposed six buildings to a height of 65 feet. According to the proposed General PD Concept Plan, a corresponding amount of additional outdoor open space is 196,891 square feet. An equivalent amount of open space is 196,891 square feet (approximately 4.52 acres) and this regulation cannot be modified. The applicant/property owner is proposing to provide approximately 4.52 acres of additional open space and equals 22.23% of the entire site, which meets this requirement.
- 2) 20% PD Open Space Requirement.** Every PD is required to provide a minimum of 20% pervious open space. The applicant is proposing to provide 4.07 acres of open space (20% of the subject property), which meets this PD Open Space Requirement.

In conclusion, a total of approximately 8.59 acres of open space will be provided. The subject property is not located on a key, a barrier island or within the Manasota Key overlay district;



therefore, the applicant has the right to request the Board of County Commissioners' approval of modification of the height limitations of 3-9-88 regarding waterfront property.

**Proposed PD Conditions to Address Potential Impacts**

If the Board approves these requested changes, staff is proposing the following PD conditions in order to address impacts on onsite wetlands and development within the Coastal High Hazard area:

- **Onsite Wetlands**

A portion of the proposed access road located within the wetland area 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.* In addition, a Habitat Management Plan is proposed as PD condition k to make sure that the onsite wetlands identified on the General PD Concept Plan shall be restored and preserved in perpetuity. At a minimum, a 25-foot buffer is required along all wetlands. **ARTICLE XV** of the County Code, - **Surface water and Wetland Protection** requires that: *The buffer shall be a minimum of fifteen (15) feet in width as measured from the landward limit of the wetland or surface water. Staff is recommending a minimum 25-foot upland buffer in order to better protect onsite wetlands. After the transmittal hearing of the proposed large scale plan amendment, the applicant agrees with this proposed minimum 25-foot upland buffer along all wetlands.*

- **Minimizing Impact on Development in CHHA**

**CST Policy 3.2.4: Applications for Development within the CHHA** states that *the County shall require development within the CHHA proposing greater than one single dwelling unit to plan for and mitigate the effects and impacts of evacuation issues for the project site. In addition, the development may also be required to comply with the County's current Shelter-in-Place Development Policy.* The applicant/property owner is required to transfer density units for any residential development above four dwelling units from other Tropical Storm Surge zone of the CHHA onto the subject site, which must be consistent with the County's TDU Ordinance. The proposed development will not increase the total evacuating residential units within the County. Furthermore, new residential construction will meet strict building standards as set forth in the Florida Building Code.

The calculation of the shelter impact of the proposed project is as follows:

The proposed development for the PD rezoning contains a maximum of 120 residential units x 73% [Occupancy Rate: percent of site-built dwelling units occupied was derived from the most updated 2017 Evacuation Transportation Supplemental Data Report] = 88 units x person per household (2.14, per the County's Comprehensive Plan) = 188 people x 8% (Percent Seeking Shelter comes from Charlotte County Public Safety and may be adjusted based on further discussion with Public Safety) = 15 people (who will seek shelter).

A generator to cover a facility which can host approximately 500 people will cost approximately \$530,000. Therefore, the developer is required to provide a total of \$15,900  $[(\$530,000/500) \times 15]$  as a monetary contribution to meet the shelter requirement, which should be \$132.5 per unit. This calculation method has been confirmed with the Charlotte County Emergency Management Department on April 3, 2024. Therefore, the following PD condition t is proposed to address “Shelter Requirement” and **CST Policy 3.2.4: Applications for Development within the CHHA:**

*t. The developer/property owner is required to pay \$132.5 per residential dwelling unit as described in the Final Detail Site Plan, as a monetary contribution pursuant to the Coastal Element (CST) Policy 3.2.4: Applications for Development within the CHHA. Payment is due concurrently with submission of Final Detail Site Plan application.*

In order to accommodate freeboard to improve flood resilience of the project, PD condition h is proposed as follows:

*h. The maximum building height for multifamily structures shall be 65 feet from the lowest habitable floor for which a building permit can be issued to the highest point of a flat roof and mansard roof, or to the mid-point height between the eaves and ridge of gable, hip and gambrel roofs. In order to accommodate freeboard to improve flood resilience of the project, the first habitable floor elevation for this project shall be at least two feet above, but no more than six feet above the lowest minimum habitable floor elevation for which a building permit may be issued. The maximum building height for amenity structures is 35 feet above the base flood elevation.*

#### Concurrency Issues

- **Water and Sewer:** The subject property is located in the Charlotte Harbor Water Association water service area, and within the Charlotte County Utilities Sewer Service. According to the submitted Availability Request Form from the Charlotte County Government Utilities Department and dated August 9, 2022, the sewer service is available through a private development agreement. According to a submitted letter from Charlotte Harbor Water Association and dated August 10, 2022, the water service is available for the proposed development.
- **Traffic:** After reviewing the “Traffic Impact Analysis” report, prepared by TR Transportation Consultants, Inc and revised February 28, 2025, for the proposed PD rezoning, the County Transportation Engineer agreed with the conclusion that the proposed development will not cause any roadway links to operate below their adopted Level of Service thresholds. All roadways are projected to operate at Level of Service “d” or better in 2027 with the proposed development.
- **School:** The proposed plan amendment and rezoning would increase the maximum residential density on subject property from four to 120 units, so student populations may be expected to increase. It is premature at the plan amendment and rezoning stage to address the school concurrency issue. However, the following PD condition is drafted in order to address the potential school concurrency concerns:

- *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 developer/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.*

#### General PD Concept Plan

The General PD Concept Plan associated with this PD rezoning was submitted for Site Plan Review. The petition number is DRC-24-090. A recommendation letter (Attachment 2) was issued on March 21, 2025.

#### Conclusion

It is staff's professional opinion that this proposed Large Scale Plan Amendment and the Small Scale Plan Amendment is generally **not** consistent with the County's Comprehensive Plan, Section 163.3177, F.S. The recommended PD conditions contained in Exhibit "A" attached **may lessen** the detrimental impacts on the environmentally sensitive lands.

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### **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. PAL-23-00004) is generally **not** consistent with Charlotte County's Comprehensive Plan, Section 163.3177 Florida Statutes (F.S.), and Charlotte County's Code of Laws and Ordinances and other applicable guidelines.

Based upon the analysis and conclusions set forth herein, in staff's professional opinion, the application (Application No. PAS\_24-00002) is generally **not** consistent with Charlotte County's Comprehensive Plan, and Charlotte County's Code of Laws and Ordinances and other applicable guidelines.

If the Board approves the associated Large Scale and Small Scale Plan Amendments, the application (Application No. PD-24-08) is generally consistent, as conditioned, with Charlotte County's Comprehensive Plan, Charlotte County's Code of Laws and Ordinances and other applicable guidelines.

#### **Planning and Zoning Board recommendation on April 14, 2025:**

*Approve a motion to forward application PAL-23-00004 to the Board of County Commissioners with a recommendation of **Approval with a 4-1 vote** of transmittal of application PAL-23-00004 to the Florida Department of Commerce and other State review agencies for review and comment, based on the findings and analysis in the staff report dated April 5, 2025, Charlotte County's*

*Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.*

*Approve a motion to forward application PAS-24-00002 to the Board of County Commissioners with a recommendation of **Approval with a 4-1 vote**, based on the findings and analysis in the staff report dated April 5, 2025, Charlotte County’s Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.*

*Approve a motion to forward application PD-24-08 to the Board of County Commissioners with a recommendation of **Approval with conditions “a” through “v” with a 4-1 vote**, based on the findings and analysis in the staff report dated April 5, 2025, 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:** Agricultural/Rural and Revitalizing Neighborhood (FLUM Map #2 - 2050 Framework)
2. **2030 Service Area Delineation:** In the Rural Service Area
3. **Existing Land Use on the Site:** The subject property is currently vacant except for Charlotte Harbor Yacht Club (See attached Site Image and Boundary Survey.)
4. **Existing Future Land Use and Zoning Designations:**  
(See attached Future Land Use Map and Zoning Map)

FLUM:	Development Standards:
Parks and Recreations (PKR)	<p><b><u>General Range of Uses</u></b> These lands may contain park sites with many associated facilities or with minimal facilities, and may include public services and facilities. Parks and recreational lands may be publicly or privately owned.</p> <p><b><u>Maximum Intensity</u></b></p> <ul style="list-style-type: none"> <li>• The maximum FAR for all structures in a primarily active park is 0.7 and the maximum impervious surface coverage is 35 percent.</li> <li>• The maximum FAR for all structures in a primarily passive park is 0.1 and the maximum impervious surface coverage is ten percent.</li> </ul>
Low Density Residential (LDR)	<p><b><u>General Range of Uses</u></b> Single-family residential, multi-family residential, manufactured residential dwelling units, recreational vehicle parks, sub-neighborhood commercial uses, recreational facilities in association with residential development, schools, and public services and facilities.</p> <p><b><u>Maximum Density</u></b> Residential densities shall not exceed five dwelling units per acre. If zoned Environmentally Sensitive, the density is one dwelling unit per ten acres.</p> <p><b><u>Maximum Intensity for Sub-neighborhood Commercial Uses</u></b></p>

	<ul style="list-style-type: none"> <li>• Range of acreage: 0.4 to 3 acres</li> <li>• Maximum building coverage of a site: 60%</li> <li>• Maximum floor area ratio: 0.6</li> </ul>
<b>Preservation (PR)</b>	<p>These lands will be maintained as aquatic preserves, wilderness areas, wildlife sanctuaries, and similar uses for the protection of open spaces, natural lands, natural waterbodies, wetlands, and watersheds.</p> <p><b><u>General Range of Uses</u></b></p> <p>Allowable development activities include public services and facilities and those necessary for management of the resource and limited public access, as applicable, and sparse residential use. Uses permitted in preservation areas shall be primarily of a passive nature, related to the aesthetic, educational and scientific enjoyment of the natural resources. Development identified within an approved land management plan of a public land management agency that uphold the allowable development activities listed above are considered consistent with this designation.</p> <p><b><u>Maximum Density/Intensity</u></b></p> <p><u>Density:</u></p> <p>Residential densities may not exceed one dwelling unit per 40 acres (consistent with Special Provisions provided below) and must be developed so as to minimize any impacts to natural resources.</p> <p><u>Intensity:</u></p> <p>The maximum Floor Area Ratio (FAR) for all non-residential structures is 0.1 and the maximum impervious surface coverage for all residential and non-residential uses is ten percent.</p>
<b>Zoning:</b>	<b>Development Standards:</b>
<b>Environmentally Sensitive (ES)</b>	<p>The purpose and intent of this district is to preserve and protect land and water areas which have ecological, hydrological, or physiographic importance to the public at large. It is intended to preserve and protect open spaces, park lands, wilderness areas, marshlands, watersheds and water recharge areas, scenic areas, beaches, and native flora and fauna. It is intended to allow limited public or private recreational and educational uses and their incidental accessory uses and structures.</p> <ul style="list-style-type: none"> <li>• Minimum lot area is 40 acres.</li> <li>• Minimum lot width is 125 feet.</li> <li>• Setbacks: <ul style="list-style-type: none"> <li>○ Front: 40 feet</li> <li>○ Side: 20 feet</li> <li>○ Rear: 15 feet</li> <li>○ Rear (accessory buildings): 10 feet</li> <li>○ Rear (street): 25 feet</li> <li>○ Abutting greenbelt: 15 feet</li> <li>○ Abutting greenbelt: 10 feet for all accessory structures</li> <li>○ Abutting water: 20 feet</li> </ul> </li> <li>• Maximum lot coverage of all buildings is 20 percent.</li> <li>• Maximum building height is 38 feet.</li> <li>• Maximum density (units per acre): one unit per 40 acres.</li> </ul>

<p><b>Residential Single-family 3.5 (RSF-3.5)</b></p>	<p>The purpose and intent of these districts is to provide for single-family residential dwellings and other uses normally associated therewith. Among RSF-2, RSF-3.5 and RSF-5 districts, there are variations in requirements for lot area, width, and certain yards.</p> <ul style="list-style-type: none"> <li>• Minimum lot area is 10,000 square feet.</li> <li>• Minimum lot width is 80 feet.</li> <li>• Setbacks: <ul style="list-style-type: none"> <li>○ Front: 25 feet</li> <li>○ Side (interior): 7.5 feet</li> <li>○ Rear (interior): 20 feet</li> <li>○ Rear (interior): 10 feet for all accessory structures</li> <li>○ Rear (street): 25 feet</li> <li>○ Abutting greenbelt: 15 feet</li> <li>○ Abutting greenbelt: 10 feet for all accessory structures</li> <li>○ Abutting water: 20 feet</li> </ul> </li> <li>• Maximum lot coverage of all buildings is 40 percent.</li> <li>• Maximum building height is 38 feet.</li> <li>• Maximum density (units per acre): 3.5 units per acre.</li> </ul>
<p><b>Residential Multi-family 5 (RMF-5)</b></p>	<p>The purpose and intent of this district is to offer low- or high-density residential with emphasis on multifamily use.</p> <ul style="list-style-type: none"> <li>• Minimum lot area is 7,500 square feet.</li> <li>• Minimum lot width is 80 feet.</li> <li>• Setbacks: <ul style="list-style-type: none"> <li>○ Front: 25 feet</li> <li>○ Side (interior): 15 feet</li> <li>○ Rear (interior): 20 feet</li> <li>○ Rear (interior): 10 feet for all accessory structures</li> <li>○ Rear (street): 15 feet</li> <li>○ Abutting greenbelt: 15 feet</li> <li>○ Abutting water: 20 feet</li> </ul> </li> <li>• Maximum lot coverage of all buildings is 40 percent.</li> <li>• Maximum building height is 60 feet.</li> <li>• Maximum density (units per acre): five units per acre.</li> </ul>
<p><b>Commercial Tourist (CT)</b></p>	<p>The purpose and intent of this district is to allow tourist-related facilities near or adjacent to tourist attractions such as Gulf beach frontage, theme parks, major public or private parks, and other recreational or scenic resources.</p> <ul style="list-style-type: none"> <li>• Minimum lot area is 12,000 square feet.</li> <li>• Minimum lot width is 100 feet.</li> <li>• Setbacks: <ul style="list-style-type: none"> <li>○ Front: 15 feet</li> <li>○ Side (interior): 0 feet</li> <li>○ Rear (interior): 10 feet</li> <li>○ Rear (street): 25 feet</li> <li>○ Abutting water: 20 feet</li> </ul> </li> <li>• Maximum lot coverage of all buildings is 40 percent.</li> </ul>



	<ul style="list-style-type: none"> <li>Maximum building height is 38 feet.</li> </ul>
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**Table 1**

**5. Proposed Future Land Use and Zoning Designations:**

(See attached Future Land Use Map and Zoning Map)

<b>FLUM:</b>	<b>Development Standards:</b>
<b>Proposed High Density Residential (HDR)</b>	<p><u>General Range of Uses.</u> Single-family residential, multi-family residential, manufactured residential dwelling units, recreational vehicle parks, sub-neighborhood commercial uses, recreational facilities in association with residential development, schools, and public services and facilities.</p> <p><u>Maximum Density.</u> Residential densities shall not exceed 15 dwelling units per acre. If zoned Environmentally Sensitive, the density is one dwelling unit per ten acres.</p> <p><b>Maximum Intensity for Sub-neighborhood Commercial Uses</b></p> <ul style="list-style-type: none"> <li>Range of acreage: 0.4 to 3 acres</li> <li>Maximum building coverage of a site: 60%</li> <li>Maximum floor area ratio: 0.6</li> </ul>
<b>Existing &amp; Proposed Preservation (PR)</b>	<p>These lands will be maintained as aquatic preserves, wilderness areas, wildlife sanctuaries, and similar uses for the protection of open spaces, natural lands, natural waterbodies, wetlands, and watersheds.</p> <p><b><u>General Range of Uses</u></b></p> <p>Allowable development activities include public services and facilities and those necessary for management of the resource and limited public access, as applicable, and sparse residential use. Uses permitted in preservation areas shall be primarily of a passive nature, related to the aesthetic, educational and scientific enjoyment of the natural resources. Development identified within an approved land management plan of a public land management agency that uphold the allowable development activities listed above are considered consistent with this designation.</p> <p><b><u>Maximum Density/Intensity</u></b></p> <p><u>Density:</u> Residential densities may not exceed one dwelling unit per 40 acres (consistent with Special Provisions provided below) and must be developed so as to minimize any impacts to natural resources.</p> <p><u>Intensity:</u> The maximum Floor Area Ratio (FAR) for all non-residential structures is 0.1 and the maximum impervious surface coverage for all residential and non-residential uses is ten percent.</p>
<b>Zoning:</b>	<b>Development Standards:</b>
<b>Planned Development (PD)</b>	<p>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.</p>

	<p><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.</p> <p><u>Maximum height of structures.</u> The maximum height for structures shall be established through the PD rezoning process.</p> <p><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.</p> <p><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.</p>
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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:
<b>North</b>	Residential condominiums	High Density Residential (HDR)	Residential Multi-family 15 (RMF-15)
<b>East</b>	Vacant lands designated for commercial development Single-family home	Charlotte Harbor Commercial (CHC) Preservation (PR)	Planned Development (PD) Charlotte Harbor Neighborhood Business Residential (CHBR)
<b>South</b>	Charlotte Harbor	N/A	N/A
<b>West</b>	Single-family homes	Low Density Residential (LDR)	Residential Single-family 3.5 (RSF-3.5)

**Table 3**

#### 7. Buildout Calculations (square footage or density):

The proposed Large Scale Plan Amendment, Small Scale Plan Amendment, and PD rezoning would allow for a residential development up to 120 units. The proposed development will occur on the portion of the property located within a proposed Revitalizing Neighborhoods. 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: 5. Revitalizing 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?.....No**

The majority of the subject property is located outside of any Community, Special Planning Area or Overlay District. A portion of the property designated as Preservation is located within the boundary of the Charlotte Harbor CRA. (FLUM 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? .....No**

The subject property is not located adjacent to any existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves. (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)**

The subject property is located outside the boundary of the Charlotte Harbor Aquatic Preserves.

**b. Lemon Bay Aquatic Preserve Management Plan? (SPAM Map #36)**

The 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) N/A**

**12. Are there wetlands on the property?** .....Yes, according to the submitted "Environmental Assessment Report" prepared by OWEN, dated June 2023 and revised May 2024, the subject property contains approximately 9.28 acres of wetlands.

- a. Number of acres of Category I: .....The acreage will be determined during the Final Detail Site Plan Review process.
- b. Number of acres of Category II: .....The acreage will be determined during the Final Detail Site Plan Review process.

**13. Natural Resources:**

**a. Significant natural resources or critical habitat for endangered species:**

The submitted "Listed Species Survey Report" prepared by the submitted "Environmental Assessment Report" prepared by OWEN, dated June 2023 and revised May 2024, states that *"Two gopher tortoise burrows (Gopherus polyphemus), which are listed as threatened by the FWC but not listed by the FWS, were observed in the live oak, invaded by exotics (FLUCCS code 427E3) in the central portion of the site (Exhibit G). It is possible that other gopher tortoise burrows may be scattered throughout the live oak community onsite. A permit from the FWC will be required if gopher tortoise burrows are found to be located within or immediately adjacent (25 feet or less) to proposed development areas. Given the habitats on-site and the presence of gopher tortoise burrows, the eastern indigo snake (Drymarchon corais couperi) may also be present on the property. The eastern indigo snake is listed as threatened by the FWC and FWS. The FWS uses a model that focuses on the size of contiguous potential habitat (both on and off the site) as well as the habitat types and proximity to reported eastern indigo snake sightings to determine if they believe this species is likely to be present on-site.*

*The FWC database shows bald eagle nest CH-029 occurring in the middle of the site.*

*This database lists this bald eagle nest as last active in 2003 and that it was last surveyed in 2013. Currently there is no nest present onsite, and the potential nest tree has been dead for several years. A search of the FWC species database (updated in June 2022) revealed no additional known protected species within or immediately adjacent to the project limits. The bald eagle was removed from the Endangered Species Act (delisted) by the U.S. Fish and Wildlife Service (FWS) in August 2007. The Florida Fish and Wildlife Conservation Commission (FWC) also delisted the bald eagle at the state level in April 2008. However, the FWS continues to regulate development activities in the vicinity of bald eagle nests under the Bald and Golden Eagle Protection Act.*

*According to the FWC listed species occurrence data base the property is located within the FWS designated Core Foraging Area of a wood stork colony. The wood stork (Myrcteria americana) is listed as threatened by both the FWC and the FWS. In the event that a COE permit is required for the development of this project, the FWS will require that the quality of wood stork foraging habitat to be impacted is evaluated using their evaluation matrix and that suitable in-kind compensation is provided.*

*The Florida bonneted bat (Eumpos floridanus) is listed as endangered by the FWS and the FWC. The FWS has established a Consultation Area and Focal Area for this species. The subject parcel is located within the overall Consultation Area and Focal Area. This bat typically roosts in cavities within large live or dead trees but may also roost in abandoned buildings and under bridges. Scattered dead trees containing potential cavities entrances*

were observed during our cursory inspection. The vast majority of these trees consist of pine tree snags in advanced stages of decay. These potential cavity entrances are primarily less than approximately two inches in diameter and are likely very shallow not penetrating the heartwood of the snag. No evidence of bat utilization (bat vocalization/chatter from within the potential cavities or guano on or around the snags) was observed. Therefore, the Florida bonneted bat is not likely to be a significant issue for this project. However, the FWS will likely require that a cavity tree roost survey and/or multi-night acoustic survey be conducted to verify the absence of this species on-site.

The wetlands onsite may provide opportunistic foraging habitat for a variety of listed and non-listed wading birds. Periodic foraging by these species on-site is not likely to be a significant issue in the future potential development of the property.”

- b. Possible impacts to groundwater, surface water, wetlands or other significant natural resources: Possible.
- 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  
The subject property is located Zone 1 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 Zones 9AE, 10AE, and 12VE (per FEMA Codes).
- e. Storm Surge Evacuation Zone: The site is located within both Evacuation Zones “B” and “A”.
- f. Is the subject site within the Coastal High Hazard Area? (FLUM Map #14) .....Yes
- g. Could the proposed changes impact evacuation times? .....No

#### 15. Charlotte County Facilities and Services:

- a. Nearest Park: .....**Bayshore Live Oak Park** (SPAM Map #74)  
Address: ..... 23157 Bayshore Road, Port Charlotte  
Distance: .....approximately 0.9 miles to the southeast of subject property
- b. Nearest Police Station:.....**District 2 Charlotte County Sheriff’s Office** (SPAM Map #25)  
Address: .....992 Tamiami Trail, Suite A, Port Charlotte  
Distance: .....approximately 6.4 miles to the northwest of subject property
- c. Nearest Fire/EMS Station: .....**Charlotte County Fire Station No. 1** (SPAM Map #22)  
Address: .....3631 Tamiami Trail, Port Charlotte  
Response Time:.....approximate response time is 4-6 minutes (SPAM Map #39)
- d. Nearest Library:.....**Mid-County Regional Library** (SPAM Map #73)  
Address: ..... 2050 Forrest Nelson Boulevard, Port Charlotte

- Distance:* .....approximately 6.4 miles to the northwest of subject property
- e. Nearest Hospital: .....**ShorePoint Health Port Charlotte** (SPAM Map #24)  
*Address:* .....2500 Harbor Boulevard, Port Charlotte  
*Distance:* .....approximately 2.5 miles to the northwest of subject property
- f. Nearest Emergency Shelter: .....**Charlotte Harbor School** (SPAM Map #38)  
*Address:* .....22450 Hancock Avenue, Port Charlotte  
*Distance:* .....approximately 2.5 miles to the northwest of subject property
- g. Public School Attendance Boundary:
1. Elementary School:.....**Peace River Elementary School** (SFAM Map #1)  
*Address:*.....4070 Beaver Lane, Port Charlotte  
*Distance:* .....approximately 0.9 miles to the northwest of subject property
  2. Middle School:.....**Port Charlotte Middle School** (SFAM Map #2)  
*Address:*.....23000 Midway Boulevard, Port Charlotte  
*Distance:* .....approximately 3.6 miles to the north of subject property
  3. High School:.....**Charlotte High School** (SFAM Map #3)  
*Address:*.....1001 Education Avenue, Punta Gorda  
*Distance:* .....approximately 4.3 miles to the southeast of subject property

#### 16. Concurrency:

- a. **Roads Level of Service:** After reviewing the “Traffic Impact Analysis” report, prepared by TR Transportation Consultants, Inc and revised February 28, 2025, for the proposed PD rezoning, the County Transportation Engineer agreed with the conclusion that the proposed development will not cause any roadway links to operate below their adopted Level of Service thresholds. All roadways are projected to operate at Level of Service “d” or better in 2027 with the proposed development.
- b. **Potable Water Level of Service:**
1. *Provider’s Name:* Charlotte Harbor Water Association (SPAM Map #66)
  2. *Analysis:* The subject property is located within the Charlotte Harbor Water Association.
- c. **Sanitary Sewage Level of Service:**
1. *Provider’s Name:* Charlotte County Utilities (SPAM Map #69)
  2. *Analysis:* The subject property is located within the Charlotte County Utilities service area.
- 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:**.....School concurrency will be determined at Final Detail Site Plan review process.
- f. **Solid Waste:**
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

**g. 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? .....**Yes**

State review agencies issued comments.

**19. Has a public hearing been held on this property within the last year? .....Yes,**  
these applications were presented to the P&Z Board on April 14, 2025, and the large scale plan amendment application was presented to the Board of County Commissioners on May 27, 2025 for its transmittal hearing.

**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.

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## 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:** It is staff's professional opinion that the proposed Large Scale Plan Amendment and the Small Scale Plan Amendment are not consistent with the County's Comprehensive Plan. If the Board approves these two applications, the proposed PD rezoning for a residential development would be consistent with the Comprehensive Plan.

**b. The existing land use pattern in adjacent areas:**

**Finding:** The subject property is located south of Edgewater Drive, north of the Peace River, east of Lister Street and west of Bayshore Drive, in the Port Charlotte area. A portion of the property located immediately to the south of Lot 18 and east of the existing indoor recreational facility contains wetlands and is located within the Charlotte Harbor Community Redevelopment Area. To the north of the subject property, there is a residential development called Edgewater Village. Across Lister Street, to the west, there are existing single-family homes. To the east, this is an approved commercial development via Ordinance Number 2022-011 to allow for commercial development.

**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 PD rezoning will increase the maximum residential density on subject property from four units to 120 units, so student populations are expected to increase. It is premature at the plan amendment and rezoning stage to address the school concurrency issue. The following PD condition is proposed to address the school concurrency issue:

*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 developer/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 Analysis" report, prepared by TR Transportation Consultants, Inc and revised February 28, 2025, for the proposed PD rezoning, the County Transportation Engineer agreed with the conclusion that the proposed development will not cause any roadway links to operate below their adopted Level of Service thresholds.

All roadways are projected to operate at Level of Service “d” or better in 2027 with the proposed development.

The subject property is located in the Charlotte Harbor Water Association water service area, and within the Charlotte County Utilities Sewer Service. According to the submitted Availability Request Form from the Charlotte County Government Utilities Department and dated August 9, 2022, the sewer service is available through a private development agreement. According to a submitted letter from Charlotte Harbor Water Association and dated August 10, 2022, the water service is available for the proposed development.

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

**Finding:** The proposed development will include residential development up to 120 units. The proposed new structures will be required to have a 25-foot setback and onsite wetlands will be preserved in perpetuity via the proposed Habitat Management Plan except for a portion which will be used for an access road. Therefore, it is staff’s professional opinion that the proposed development may not adversely influence living conditions or property values in adjacent area.

**e. Would the proposed change affect public safety?**

**Finding:** The proposed transportation PD conditions will ensure that the traffic concurrency and safety will be met and addressed. Therefore, public safety should not be affected by this proposed zoning change PD.

# **Attachment 1**

## **Ordinance Number 2008-084**

City  
Sec

ORDINANCE  
NUMBER 2008 - 084

AN ORDINANCE PURSUANT TO SECTION 163.3187 (1) (c),  
FLORIDA STATUTES, ADOPTING A SMALL SCALE  
FUTURE LAND USE MAP AMENDMENT TO THE  
CHARLOTTE COUNTY COMPREHENSIVE PLAN FROM  
MEDIUM DENSITY RESIDENTIAL TO PARKS AND  
RECREATION AND PRESERVATION, FOR PROPERTY  
LOCATED AT 4368 LISTER STREET AND 4399 WILLOW  
STREET, IN THE PORT CHARLOTTE AREA, CHARLOTTE  
COUNTY, FLORIDA, COMMISSION DISTRICT V,  
CONTAINING 6.3 ACRES MORE OR LESS; PETITION  
PA-07-11-88; APPLICANT, BOARD OF COUNTY  
COMMISSIONERS OF CHARLOTTE COUNTY; PROVIDING  
AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, September 16, 2008, the  
Board of County Commissioners of Charlotte County ("Board"), reviewed land use  
amendment Petition PA-07-11-88, which is a small scale plan amendment to the Future  
Land Use Map of the 1997-2010 Charlotte County Comprehensive Plan (such plan shall  
herein be referred to as "the Charlotte County Comprehensive Plan"); and

WHEREAS, applicant, Board of County Commissioners of Charlotte County ,  
filed Petition PA-07-11-88, seeking a small scale plan amendment to the Future Land Use  
Map of the Charlotte County Comprehensive Plan from Medium Density Residential to  
Parks and Recreation on a portion of the property (3.0 acres more or less), and to  
Preservation on a portion of the property (3.3 acres more or less), together described as  
property containing a total of 6.3 acres more or less, which is owned by Charlotte County,  
located at 4368 Lister Street and 4399 Willow Street, in the Port Charlotte area, Charlotte  
County, Florida, and more particularly described in Exhibit "A" attached hereto and by this  
reference incorporated herein; and

mins

1 WHEREAS, Petition PA-07-11-88 has previously been heard before the  
2 Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings and  
3 analysis presented in the Planning Division Staff Report dated July 18, 2008, and the  
4 evidence presented to the P&Z Board, the proposed amendment has been found to be  
5 consistent with the Charlotte County Comprehensive Plan and has been recommended for  
6 approval by the P&Z Board; and

7 WHEREAS, after due consideration, the Board has found that the  
8 requirements and conditions of Section 163.3187(1)(c), F.S., as they relate to this Petition,  
9 have been met and that it is in the best interests of the County to approve Petition  
10 PA-07-11-88.

11 NOW, THEREFORE, BE IT ORDAINED by the Board of County  
12 Commissioners of Charlotte County, Florida:


13 Section 1. Approval. The following petition for amendment to the Future Land  
14 Use Map of the Charlotte County Comprehensive Plan be and hereby is approved:

15 Petition PA-07-11-88 requesting a small scale plan amendment to the  
16 Future Land Use Map of the Charlotte County Comprehensive Plan  
17 from Medium Density Residential to Parks and Recreation on a  
18 portion of the property (3.0 acres more or less), and to Preservation  
19 on a portion of the property (3.3 acres more or less), together  
20 described as property containing a total of 6.3 acres more or less,  
21 located at 4368 Lister Street and 4399 Willow Street, in the Port  
22 Charlotte area, Charlotte County, Florida, and more particularly  
23 described in Exhibit "A" attached hereto and by this reference  
24 provided herein.  
25

26 Section 2. Effective date. This ordinance shall take effect upon the filing of  
27 this ordinance in the Office of the Secretary of State, State of Florida.  
28  
29

1  
2 PASSED AND DULY ADOPTED this 16 day of September, 2008.  
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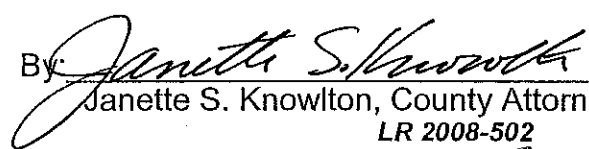
6 BOARD OF COUNTY COMMISSIONERS  
7 OF CHARLOTTE COUNTY, FLORIDA  
8  
9

10 By:   
11 Thomas C. D'Aprile, Chairman  
12  
13  
14

15 ATTEST:  
16 Barbara T. Scott, Clerk of  
17 Circuit Court and Ex-officio Clerk to  
18 the Board of County Commissioners  
19

20 By:   
21 Anne Fahler  
22 Deputy Clerk  
23  
24  
25

26 APPROVED AS TO FORM  
27 AND LEGAL SUFFICIENCY:  
28

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30 By:   
31 Janette S. Knowlton, County Attorney  
32 LR 2008-502  
33 RB  
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A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 40 SOUTH, RANGE 22 EAST, CHARLOTTE COUNTY, FLORIDA, BEING A PORTION OF PARCELS 17 AND 18 AS RECORDED IN O.R. BOOK 2044, PAGE 587, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SOUTHWEST CORNER OF THE SOUTHWEST 1/4, OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 40 SOUTH, RANGE 22 EAST; THENCE EASTERLY ALONG THE SOUTH LINE OF SW 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 26. A DISTANCE OF 208.75 FEET TO THE POINT OF BEGINNING; THENCE NORTHERLY PARALLEL WITH THE WEST LINE OF THE EAST 1/2 OF SAID SECTION, A DISTANCE OF 607 FEET MORE OR LESS; THENCE EASTERLY AND PARALLEL WITH THE SOUTH LINE OF THE SW 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 26, A DISTANCE OF 451 FEET MORE OR LESS; THENCE SOUTHERLY AND PARALLEL WITH THE WEST LINE OF THE EAST 1/2 OF SAID SECTION, A DISTANCE OF 607 FEET MORE OR LESS THENCE WESTERLY ALONG THE SOUTH LINE OF THE SW 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 26, A DISTANCE OF 451 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINS 273,757 SQUARE FEET± (6.3, ACRES±)

**EXHIBIT A**

PA-07-11-88

# **Attachment 2**

## **DRC Recommendation Letter**



March 21, 2025

Morris Depew Associates  
Attn: Ben Smith  
2914 Cleveland Ave  
Fort Myers, FL. 33901

Re: DRC-24-090 Tarpon Waterfront Village – General PD Concept Plan  
July 11, 2024, Site Plan Review agenda

County staff has reviewed the General PD Concept plan for Tarpon Waterfront Village. The project consists of a 156 dwelling unit multi-family development with an accompanying amenity site. This project site is 19.73± acres and is located at 4331 and 4399 Willow St, 4400 Lister St, 4420 and 4444 Crews Ct, and parcel 402226401007, Port Charlotte, FL.

**It is the decision of the Zoning Official to forward DRC-24-090 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. 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:  
<https://www.charlottecountyfl.gov/departments/community-development/building-construction/permits/stormwater-plan-approval.stml>  
Please call 941-575-3650 with any questions.
2. There are public platted easements on Lot's 1 and 2. The side 6' easements revert if more than one lot is consolidated and one building site. At the time of the review, the lots were not consolidated. If any of the proposed construction encroaches into the platted public easements, final approval will be contingent up the owner completing an occupation or release of those easements. Permanent structures require a release, and moveable items require an occupation of easement.
3. Applicant will need to provide a wetland classification report and native habitat / wetland management plan at the time of final detail site plan.

4. The applicant should follow Appendix D: Best Management Practices (BMP's) contained in the FWS Florida bonneted bat October 22, 2019, Consultation Key to the greatest extent practicable.
5. The PSA provided documents 2 potentially occupied gopher tortoise burrows onsite. If burrows are found that can't be avoided by a 25' buffer, applicant shall obtain a Relocation Permit from the Florida Fish & Wildlife Conservation Commission.
6. Not enough level of detail to do a complete review. Please be aware of FHA and FBC-Accessibility requirements as well as flood zone regulations. All structures are subject to further review in future submittals and building reviews.
7. Fire hydrant required to within 300' of each building.
8. If the building(s) is required to have a fire sprinkler system, then the FDC (Fire Dept. Connection) shall be within 100' of the fire hydrant.
9. Per Charlotte County Ordinance 3-3-4 (5) Fire hydrants shall be installed as may be necessary so that the distance between hydrants does not exceed 800 feet. The minimum flow from any hydrant shall be such that it is designed to deliver 1250 G.P.M. at 20 pounds P.S.I. residual pressure for a minimum of two hours.
10. FDC shall be a 5" Storz connection with a height of 30" above finish grade and at a 30-degree angle.
11. Roadways shall be at least 20' wide of clear space for fire department access.
12. Gates/access arms shall be installed with an EVAC System for emergency operation use.
13. Provide fire apparatus diagram showing our largest fire apparatus will make it down all roads and turns. Our largest fire apparatus design is as follows: Length 45'10", wheelbase 8'4", weight 68,000, arrival angle 12 degrees and departure angle 9 degrees.
14. Provide a turnaround for our fire apparatus.
15. There can't be more than one "Building 2".
16. 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.
17. A full landscape plan will be required for review at the time of Final PD Detail.
18. 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 (informational comment).

19. Additional review will be required as part of PD Final Detail.
20. CCU approves the concept plan. Future development will require CCU plan submission and approval prior to development.
21. Applicant will need to provide a wetland classification report and native habitat / wetland management plan at the time of PD rezoning.
22. The proposed General PD Concept Plan may be required to be modified/updated based on the proposed PD conditions.
23. During the submission of the Preliminary Site Plan and/or Final Detail Site Plan, the developer must provide an updated traffic impact study. This study should encompass all turn lanes and necessary improvements at the intersection of Edgewater Drive and Lister Street.

**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-24-08**

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 on the subject property shall occur as generally illustrated in the General PD Concept Plan (Attachment 1: PD Concept Plan for Tarpon Waterfront Village) submitted by the applicant, prepared by Morris-Depew Associates, dated March 18 2025, revised and signed August 7, 2025, except for such modifications as may be required to meet the conditions of the PD zoning district. In addition, the site plan review (DRC-24-090) conditions of approval, per letter dated March 21, 2025, signed by Shaun Cullinan, Charlotte County Planning and Zoning Official, are required to be met. Such General PD Concept Plan shall be valid until a Final Detail Site Plan is approved per Section 3-9-45, Planned Development (PD).
- b. Permitted uses, accessory uses and structures:

- i. Residential multi-family development up to 120 dwelling units within no more than four buildings to be clustered on uplands in the general location as shown on the General PD Concept Plan (Attachment 1). Final building locations will be determined during Final Detail Site Plan subject to compliance with all other PD conditions.

The following uses and structures (items b.ii) are designated exclusively for the use of residents and guests of residents for this development and will not be accessible to the general public:

- ii. Fitness center up to 15,400 square feet with two swim pools, and other recreational facilities, or similar uses within the Planned Development.

The following uses and structures (items b.iii through item b.vi) are designated exclusively for the use of residents, guests of residents, yacht club members, and guests of yacht club members and will not be accessible to the general public:

- iii. Existing indoor recreational facility (yacht club) up to 15,420 square feet.
      - iv. Existing sports courts.
      - v. Existing marina with 29 slips.
      - vi. An elevated boardwalk way may be located within the preserved area subject to the owner receiving applicable Federal, State, or local permits.
- c. Special exceptions shall not be allowed.
- d. For any uses within the area designated for "Future Development", the property owner is required to apply for a new PD rezoning based on the requirements of the County's Land Development Regulations, Section 3-9-45, Planned Development (PD), as may be amended.
- e. Amendments to the Planned Development will meet the process the requirements of the County's Land Development Regulations, Section 3-9-45, Planned Development.

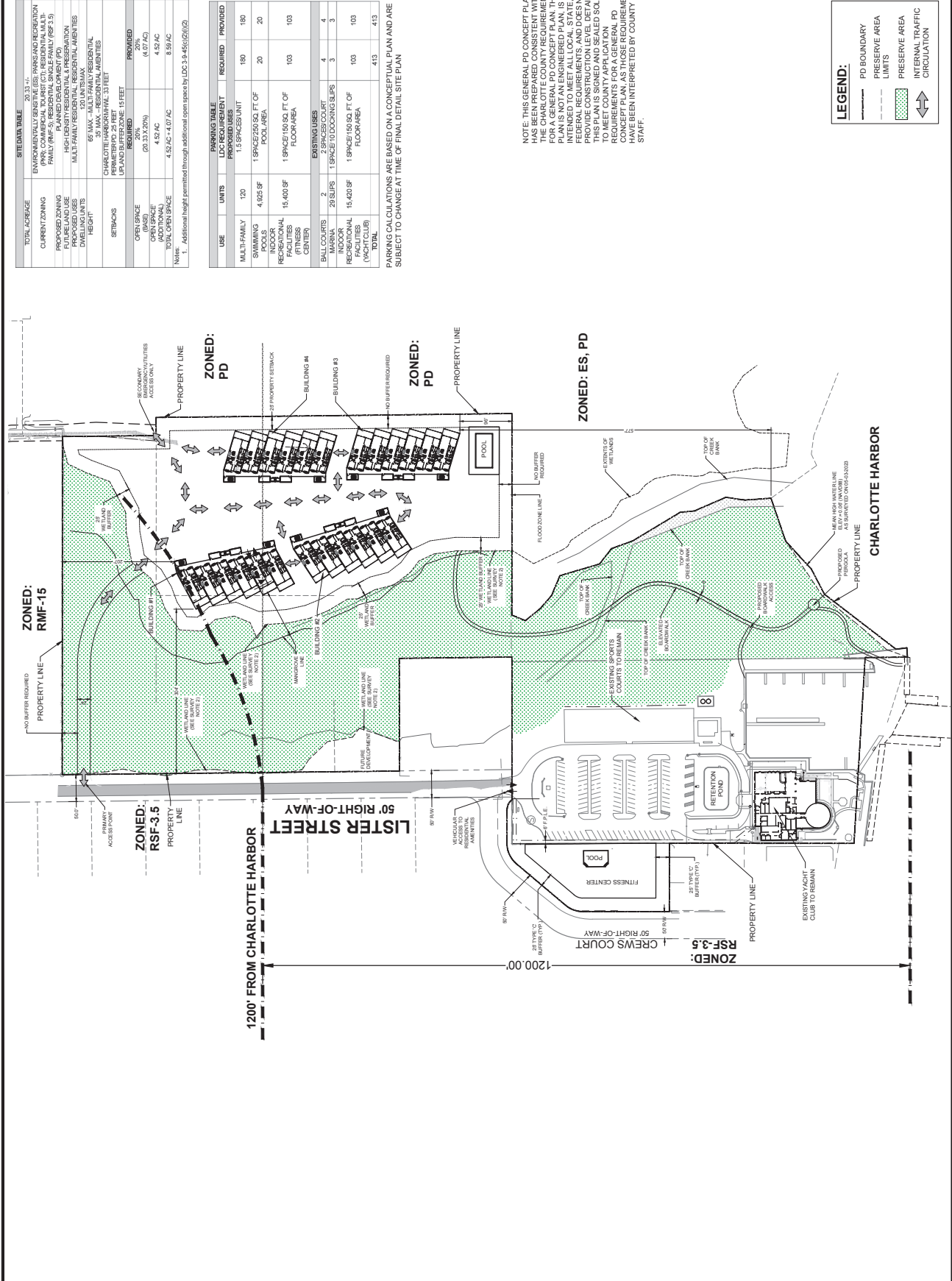
Addition of uses and/or increase in intensity/density shall constitute a Major Modification.

- f. The base density of subject property is four units. The proposal is to develop a total of 120 dwelling units. Any residential development above four 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.
- g. The proposed fitness center with a swimming pool or similar uses may be approved at the Final Detail Site Plan stage, the fitness center and redevelopment of the existing yacht club are subject to the provisions of Chapter 3-5, Article XXIV, Commercial Design Standards, of the Charlotte County Code.
- h. The maximum building height for multifamily structures shall be 65 feet from the lowest habitable floor for which a building permit can be issued to the highest point of a flat roof and mansard roof, or to the mid-point height between the eaves and ridge of gable, hip and gambrel roofs. In order to accommodate freeboard to improve flood resilience of the project, the first habitable floor elevation for this project shall be at least two feet above, but no more than six feet above the lowest minimum habitable floor elevation for which a building permit may be issued. The maximum building height for amenity structures is 35 feet above the base flood elevation.
- i. All buildings shall have a cohesive design, including, but not limited to, heights, colors, materials, signs, and landscaping. Colors and materials shall comply with Section 3-5-508, Building Materials and Colors, as may be amended. Colors and materials for garages shall be compatible with colors and materials used for the primary structure.
- j. All outdoor lighting will be shielded or directed in such a way that the light does not shine beyond the boundaries of subject property.
- k. All areas designated as "Preserve Area", containing 9.11 acres on the General PD Concept Plan, shall be preserved per Wetland Management Plan (Attachment 2: Wetland Management Plan). A minimum of 25-foot buffer is required along all wetlands.
- l. The site, except for the existing indoor recreational facility (yacht club) up to 15,420 square feet and the existing sports courts, shall be developed with a unified landscaping theme.
- m. Landscaping and buffers: New structure shall be setback at least 25 feet from the project boundary.. No pavement or other structures are permitted in this setback, except for vehicular entrances, roads, the proposed stormwater ponds. Existing structures that are closer than 25 feet to the PD boundary shall be allowed to remain.
  - i. At a minimum, a Type "C" Buffer for accent trees and canopy trees and a 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 (1) year of planting shall be required within the 25-foot PD setback and along must be provided around the clubhouse and pool area immediately adjacent to properties zoned RSF-3.5 and existing single-family homes.
- ii. At a minimum, a Type “C” Buffer for accent trees and canopy trees and a 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 (1) year of planting shall be required within the 25-foot PD setback and along must be provided along the eastern property boundary between the existing yacht club and the proposed fitness center.
  - iii. At a minimum, a Type “A” Buffer shall be placed along the eastern property boundary and southern property boundary which shall end at the preserved area.
- n. No development shall occur prior to any phases of Final Detail Site Plan Review. Final Detail Site Plan, when sufficient and acceptable to County, will be scheduled on the Board of County Commissioners land use consent agenda.
  - o. There shall be one full movement access on Lister Drive. There may be one emergency/utility access on Willow Street, or the applicant/property owner must work with Charlotte County Fire and EMS Department to determine an alternative option during the Final Detail Site Plan review process. During the submission of Final Detail Site Plan application, the developer/applicant must provide an updated traffic impact study. This study shall encompass all turn lanes and necessary improvements at the intersection of Edgewater Drive and Lister Street, and such necessary improvements shall be addressed in a separate Developer’s Agreement.
  - p. The developer shall coordinate with the Department of Public Works to construct sidewalks as follows:
    - i. An eight -foot wide sidewalk is required adjacent to Lister Drive and along the subject property.
    - ii. The developer is required to provide a sidewalk throughout the subject site, with a minimum width of five feet along at least one side of all internal roadways.
  - q. The development must utilize centralized potable water and sanitary sewer utilities. The water and sanitary sewer lines must be connected to the site prior to the issuance of any Certificate of Occupancy (CO).
  - r. One new monument sign shall be allowed for this development at the proposed new access point on Lister Street.
  - s. Best Management Practices (BMP) and Low Impact Development (LID) techniques for stormwater management shall be used within the development, as applicable to the final stormwater management system design. Any proposed new stormwater ponds shall be designed to include Low Impact Development (LID) techniques, such as the following:
    - i. Rain gardens.
    - ii. Water management areas planted with native vegetation.

- iii. Entrapment systems.
- iv. Extended hydraulic residence times and increased flow paths in storm water design.
- t. The developer/property owner is required to pay \$132.50 per residential dwelling unit as described in the Final Detail Site Plan, as a monetary contribution pursuant to the Coastal Element (CST) Policy 3.2.4: Applications for Development within the CHHA. Payment is due concurrently with submission of Final Detail Site Plan application.
- u. If a school bus stop is located at the entrance of the development, a bicycle rack shall be provided at the pick-up area. No bicycle rack is required if the multi-family development is developed for senior housing. The bicycle rack location shall be shown on the Final Detail Site Plan.
- v. 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 developer/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 the agreement shall be incorporated into the Planned Development Final Detail Site Plan approval and shall not constitute a major modification.

**Attachment 1**  
**PD Concept Plan**  
**for Tarpon Waterfront Village**





# **Attachment 2**

## **Wetland Management Plan**

# **Tarpon Waterfront Village**

Section 26, Township 40 South, Range 22 East  
Charlotte County, Florida

## **Wetland Management Plan**

**July 2024  
Revised February 2025**

Prepared for:

**DiLaura Development, LLC  
2200 Kings Highway, Suite 3L-1000  
Port Charlotte, FL 32958**

Prepared by:



**ENVIRONMENTAL CONSULTING, LLC**  
15957 Tropical Breeze Drive, Fort Myers, FL 33908  
(239) 994-9007

## **I. INTRODUCTION**

The applicant proposes to construct a multi-family residential development on the 20.11± acre parcel in Charlotte County. The construction of the access road will have an estimated impact of 0.17± acres of exotic wetland hardwoods, mixed wetland hardwoods, and mangrove swamp. The estimated mitigation area on the site will be 9.11 acres and will include mangrove, mixed hardwood, and exotic wetlands. The primary management plan for the mitigation will involve removing the exotic species from the site.

## **II. OBJECTIVE**

The objective of the wetland management plan is to enhance and preserve 9.11 acres of wetlands. Exotics (as defined by the Florida Exotic Pest Plant Council's List of Invasive Species, Categories 1 and 2), which are present within the proposed preserve, will be removed to re-establish a more functional wetland ecosystem. This report describes the proposed wetland management plans that are required to compensate for the proposed unavoidable wetland impacts.

## **III. BASELINE INFORMATION**

The proposed wetland impact area consists 0.17± acres of exotic wetland hardwoods, mixed wetland hardwoods, and mangrove swamp. The wetland and upland habitats identified on this parcel are categorized using nomenclature found in the most recent edition of the Florida Department of Transportation's Florida Land Use Cover and Forms Classification System (FLUCCS) as depicted on the attached FLUCCS habitat maps.

## **IV. PROHIBITED AND PERMISSABLE ACTIVITIES**

Filling, dumping, construction of buildings, roads, billboards or other advertising, excavating, alternation, trimming, or removal of native vegetation within the mitigation area will be prohibited except for 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 abuts development, signage will be installed in the preserve stating no dumping, filling, etc.

## **V. WILDLIFE PROTECTION**

Any maintenance occurring in mitigation area 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.

## VI. PROPOSED MITIGATION AND PRESERVATION PLAN

The site development plan was designed to preserve and enhance the wetlands on the site. The proposed enhancement activities in the wetland mitigation area and the removal of the exotic species will result in a net improvement for the plant communities onsite. Each aspect of the plan is described below.

### Enhancement

Approximately 9.11 acres of wetlands will be enhanced within the preserve areas (see attached Wetland Management Plan Map). All exotic and nuisance species (defined as Category I and II species on the Florida Exotic Pest Plant Council's List of Invasive Species) within these wetlands will be treated. Non-native trees and shrubs will be cut by chainsaw or machete just above natural grade and the stump treated with an appropriate herbicide suitable for aquatic application. Treatment will occur immediately following cutting to ensure maximal uptake of the herbicide. The preserved wetland area will have the resulting vegetative material disposed of in accordance with local regulations. If non-woody exotics are present within the preserve, they will be treated by a foliar application of an appropriate herbicide suitable for aquatic application. Herbicides will be used in strict accordance with label directions by trained applicators. Care will be taken to reduce damage to non-target native species to the maximum extent practical.

### Barricading

Prior to commencement of construction activities, the wetland preserve area will be staked in the field and the required erosion control barriers installed. These barriers will be inspected by Charlotte County staff prior to commencement of construction activities. The operation of construction equipment, storage of equipment, and stockpiling of fill and construction material will be prohibited within the wetland preserve area. The staking identifying the limits of the preserve area will be maintained for the duration of adjacent construction activities.

### Ecological Performance Standards

To meet the objective of this wetland management plan, the following performance standards will apply to the 9.11± acre onsite mitigation area:

1. At least 80 percent cover by appropriate wetland species (i.e. facultative wet or obligate) within the 9.11± acres of wetlands.
2. The preserve area is free of exotics immediately following maintenance treatment events. All exotic and nuisance species (defined as Category I and II species on the Florida Exotic Pest Plant Council's List of Invasive Species) within these wetlands will be treated. The exotic and nuisance species including melaleuca (*Melaleuca quinquenervia*), Brazilian pepper (*Schinus terebinthifolia*), Caesar weed (*Urena lobata*), earleaf acacia (*Acacia auriculiformis*), and torpedo grass (*Panicum repens*) shall total less than five percent combined between maintenance events.

3. Monitoring of the preserve areas shall be conducted for a minimum of 5 years with annual reports submitted to the district. If native wetland species do not achieve 80% coverage within the initial two years of the monitoring program (obligate and facultative wet species exceed facultative species in wetland areas), native species shall be planted in accordance with the maintenance program. At the end of the monitoring program the entire mitigation area shall contain an 80% survival rate of planted vegetation and an 80% coverage of desirable obligate and facultative wetland species.
4. The preserve areas shall be maintained in perpetuity to ensure coverage by native desirable vegetation and the target habitat types and success criteria are maintained as specified in the permit.
5. The preserve areas shall be managed such that exotic/nuisance vegetation species do not dominate any one section of areas within the preserves.
6. If monitoring reports or other information show the preserved wetlands have been negatively affected by the permitted development in a manner that is irreversible (such as impounding the wetland and drowning the existing vegetation or a reduction in the hydroperiod resulting in the transition of wetlands into upland/transitional habitat), the permittee shall be required to submit a remediation plan within 30 days of notification by county staff of such conditions. The remediation plan may include onsite or offsite mitigation as necessary to address the deficiencies.

These performance standards will be achieved by the end of the five-year monitoring period.

#### Long Term Management

The applicant and/or the future landowner will be responsible for the long-term maintenance of the onsite preserve areas.

#### Adaptive Management

If during monitoring of the onsite preserve area, areas do not appear to be trending toward meeting the above ecological performance standards, the methods for treating exotic vegetation will be re-evaluated.

### **VII. 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.

## **VIII. WETLAND MONITORING PLAN**

The proposed monitoring of the enhanced and preserved wetlands will consist of baseline monitoring, time-zero monitoring, and annual monitoring of vegetation. The baseline monitoring documents the pre-enhancement conditions within the wetlands. The time-zero report will document the conditions immediately following wetland enhancement (i.e., initial exotic removal and supplemental plantings). The annual reports will document the extent of success of the project and, if needed, identify specific actions to be taken to improve conditions within the project area. Sampling stations and methodology of data collection will remain the same for all monitoring events.

### **Vegetation Monitoring**

The vegetation within the wetlands will be monitored using three 50 feet diameter plots located along two transects (see Wetland Management Plan Map). Within each plot the percent cover of vegetation (native and exotic/nuisance species) within three strata will be visually estimated. Ground cover species include woody vegetation less than three feet in height and all non-woody plants. Midstory vegetation consists of all woody plants greater than three feet in height and less than four inches diameter at breast height (DBH). Canopy species consist of woody vegetation greater than four inches DBH.

### **Wildlife Monitoring**

Regular observations of fish and wildlife will be made during all monitoring events by qualified ecologists. This will consist of recording evidence and signs of wildlife (i.e., direct sighting, vocalization, nests, tracks, droppings, etc.).

### **Photographic Documentation**

Permanent fixed-point photograph stations will be established in each of the monitored areas thereby providing physical documentation of the condition and appearance of an area, as well as any changes taking place. Panoramic photographs will accompany vegetation data in each report. Locations of photo stations will remain the same throughout the duration of the monitoring program.

### **Rainfall and Water Level Recordings**

A shallow ground water well or staff gauge will be established in a representative portion of the preserve area. Water levels will be recorded twice a month during the wet season (June - September) and once a month during the dry season (October - May). A rain gauge will also be established on-site or monthly rainfall data will be obtained from existing rain gauge stations in the general vicinity of the project.

### **Report**

The monitoring reports will include a discussion of ongoing maintenance activities and



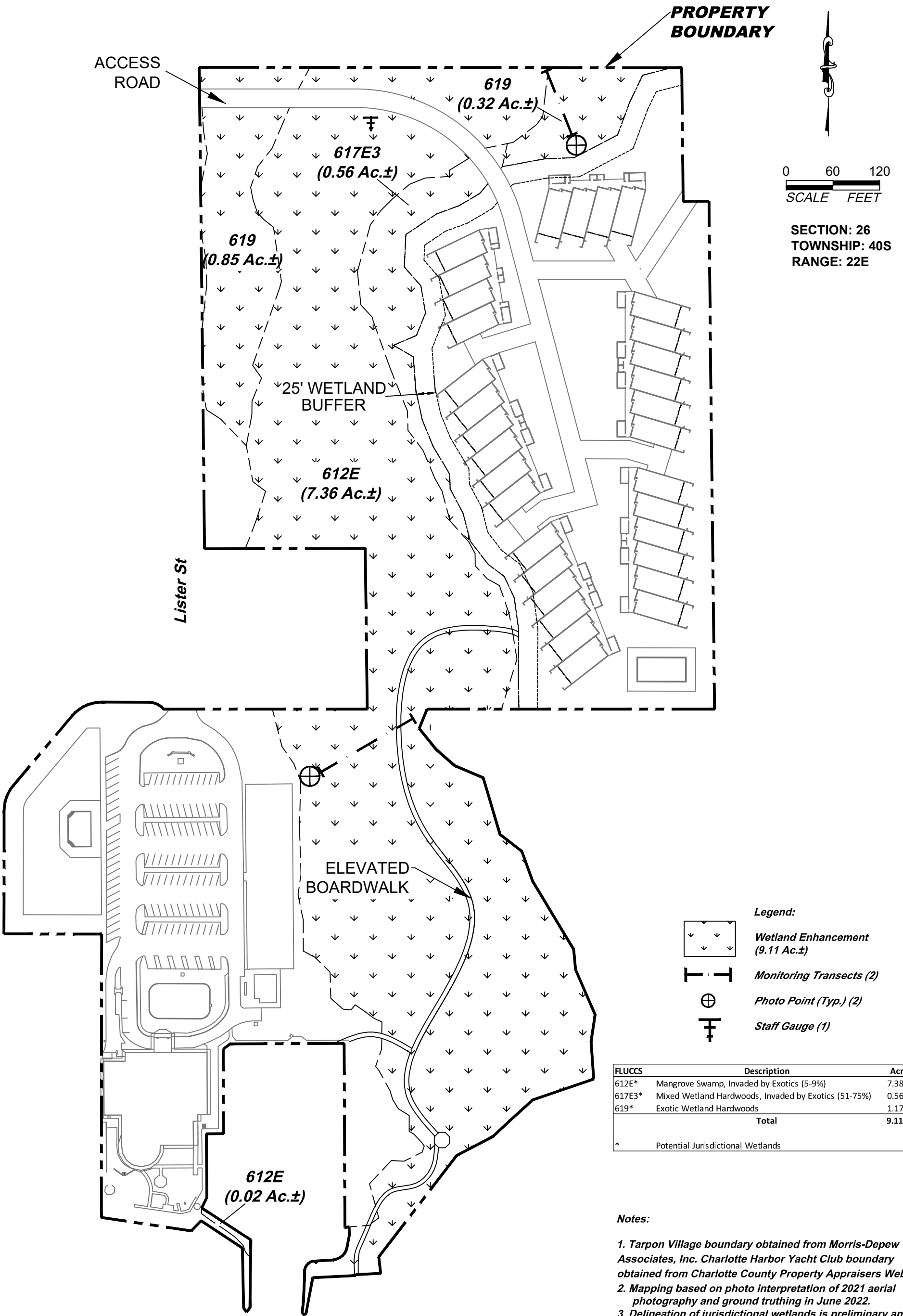
will identify insufficiencies and recommendations of future remediation. The methodology and results of each monitoring event will be documented in an annual monitoring report. Data will typically be collected toward the end of the growing season (September - October). Monitoring reports will be provided to the County within 45 days of the monitoring inspection events, unless an extension by Charlotte County is granted.

## **IX. PROPOSED WORK SCHEDULE**

The initial exotic treatment will be initiated during the first dry season following issuance of all required federal, state, and local authorizations. It is anticipated that the initial treatment will take less than one month to complete.

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Tarpon Village



**Notes:**

1. Tarpon Village boundary obtained from Morris-Depew Associates, Inc. Charlotte Harbor Yacht Club boundary obtained from Charlotte County Property Appraisers Website.

2. Mapping based on photo interpretation of 2021 aerial photography and ground truthing in June 2022.

3. Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.



### **Qualifications of Jie Shao**

*Position:* Principal Planner

*Years with Charlotte County:* 21

*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)

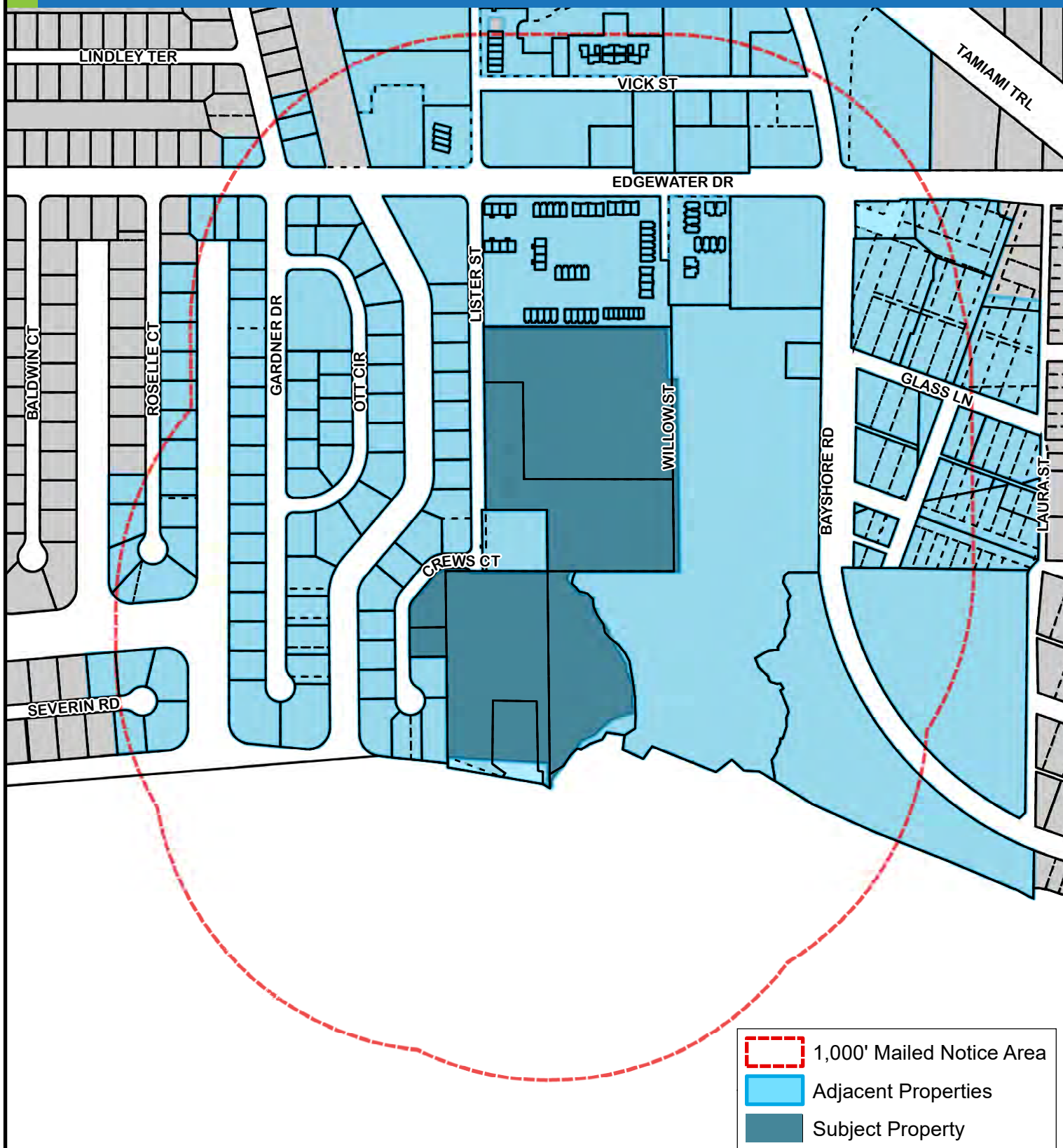
## **Exhibit 1**

# CHARLOTTE COUNTY

1,000' Foot Mailed Notice of PAL-23-00004, PAS-24-00002 and PD-24-08



CHARLOTTE COUNTY  
Community Development



This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

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# CHARLOTTE COUNTY

Location Map for PAL-23-00004, PAS-24-00002 and PD-24-08



CHARLOTTE COUNTY  
Community Development

**SUBJECT  
PROPERTY**



CASTILLO AVE

 Punta Gorda Boundary

## 26/40/22 Mid-County



(NOT TO SCALE)

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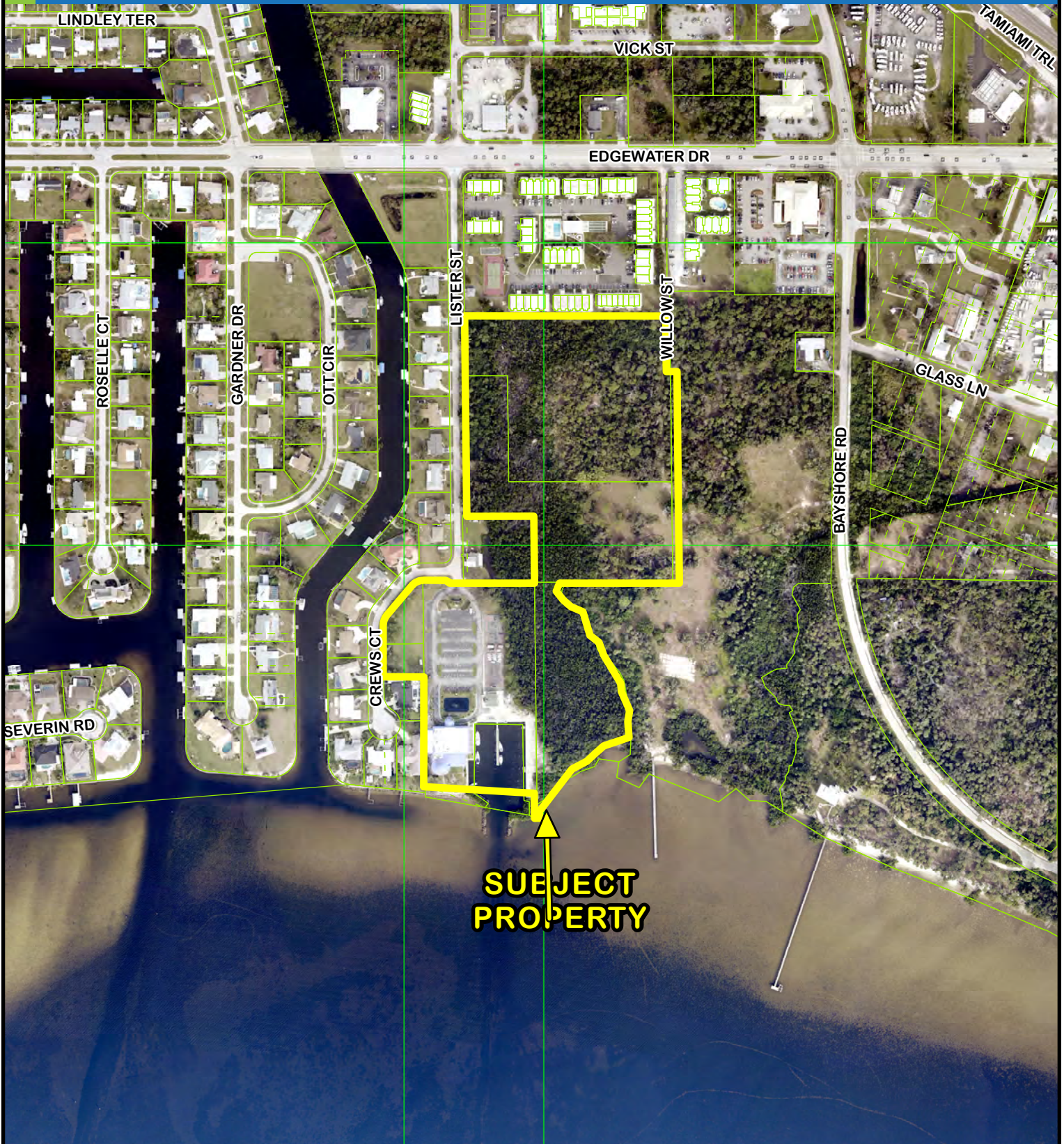


# CHARLOTTE COUNTY

Area Image for PAL-23-00004, PAS-24-00002 and PD-24-08



CHARLOTTE COUNTY  
Community Development



26/40/22 Mid-County



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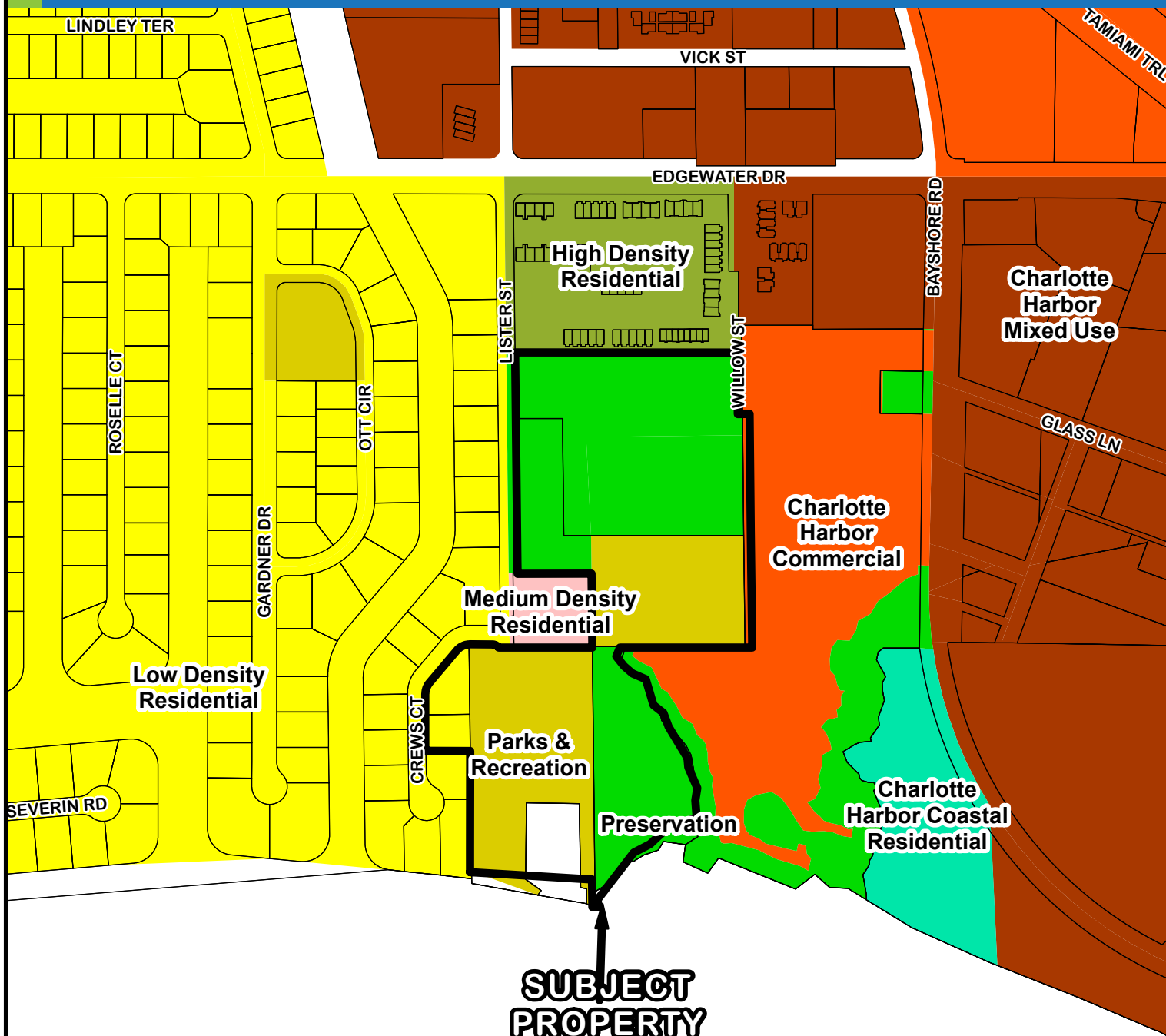


# CHARLOTTE COUNTY

FLUM Designations for PAL-23-00004, PAS-24-00002 and PD-24-08



CHARLOTTE COUNTY  
Community Development



26/40/22 Mid-County



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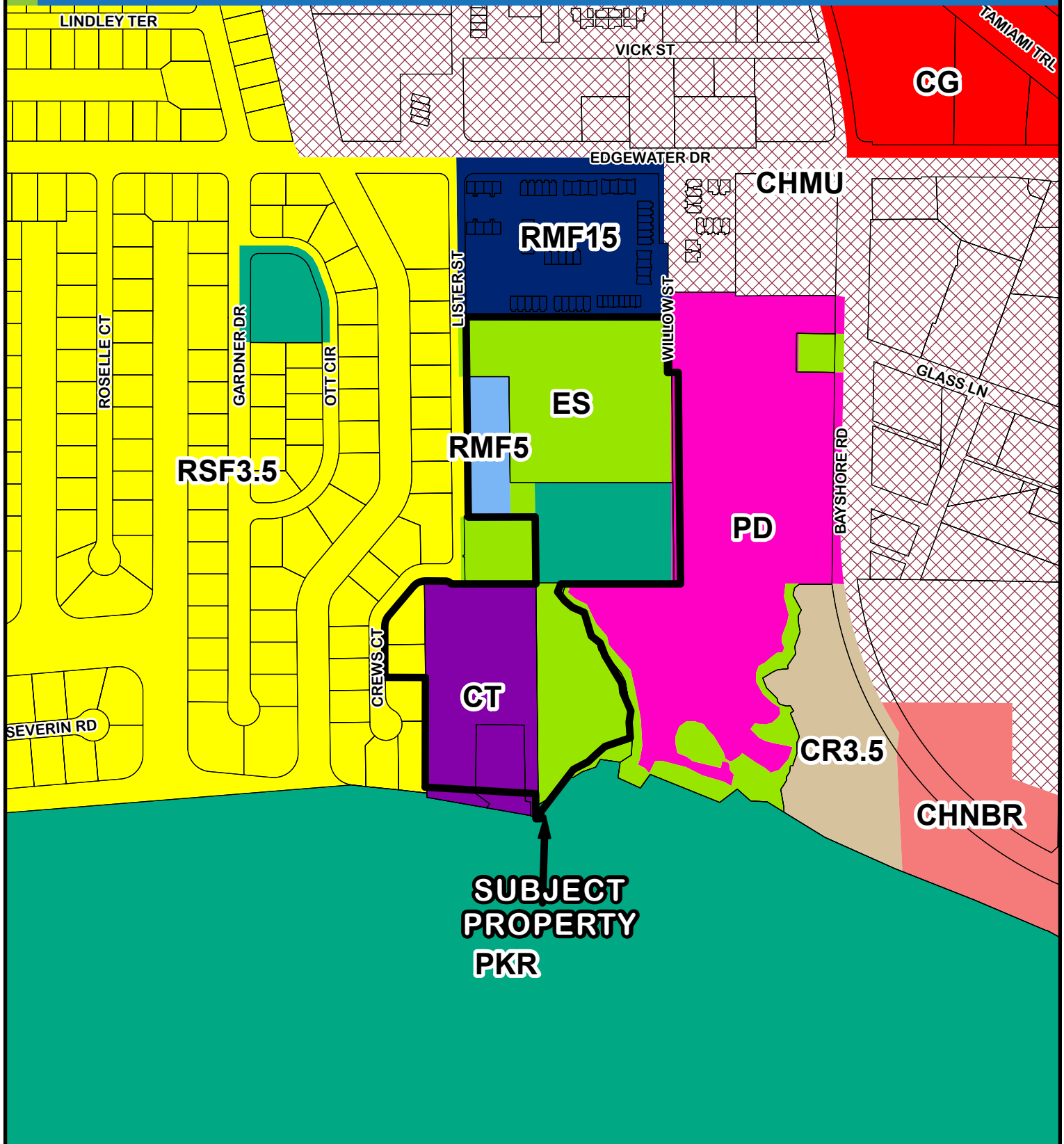
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# CHARLOTTE COUNTY

Zoning Designations for PAL-23-00004, PAS-24-00002 and PD-24-08



26/40/22 Mid-County



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