

November 6, 2024

The Honorable William G. Truex  
Chairman, Charlotte County  
Board of County Commissioners  
18500 Murdock Circle, Suite 536  
Port Charlotte, Florida 33948

Dear Chairman Truex:

FloridaCommerce has completed its review of the proposed comprehensive plan amendment for Charlotte County (Amendment No. 24-03DRI), which was received on September 11, 2024. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S. FloridaCommerce does not identify any objections or comments to the proposed amendment and this letter serves as the Objections, Recommendations and Comments Report. Review comments received by the Department from the appropriate reviewing agencies, if any, are enclosed.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment.

**The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of FloridaCommerce's attached report, or the amendment will be deemed withdrawn unless extended by agreement with notice to FloridaCommerce and any affected party that provided comment on the amendment pursuant to Section 163.3184(4)(e)1., F.S. **The adopted amendment must be transmitted to FloridaCommerce within ten working days after the second public hearing pursuant to Section 163.3184(4)(e)2., F.S.**

If you have any questions related to this review, please contact Matthew Preston, Planning Analyst, by telephone at (850) 717-8490 or by email at [matt.preston@commerce.fl.gov](mailto:matt.preston@commerce.fl.gov).

Sincerely,



James D. Stansbury, Chief  
Bureau of Community Planning and Growth

JDS/mp

Enclosure: Procedures for Adoption  
Agency Comments

cc: Ben Bailey, Community Development Director, Charlotte County  
Margaret Wuerstle, AICP, Executive Director, Southwest Florida Regional Planning Council

## SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

### FOR STATE COORDINATED REVIEW

#### Section 163.3184(4), Florida Statutes

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit electronically using FloridaCommerce's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**"

(<https://fldco.my.salesforce-sites.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ Florida Department of Commerce identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format;

\_\_\_\_\_ In the case of future land use map amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

\_\_\_\_\_ List of additional changes made in the adopted amendment that the Florida Department of Commerce did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the Florida Department of Commerce to the ORC report from the Florida Department of Commerce.

**Harris, Donna**

---

**From:** Plan\_Review <Plan.Review@dep.state.fl.us>  
**Sent:** Friday, October 11, 2024 4:20 PM  
**To:** DCPexternalagencycomments  
**Cc:** Plan\_Review  
**Subject:** [EXTERNAL] - Charlotte County 24-03DRI Proposed

**CAUTION** - "This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe."


To: Donna Harris, Senior Plan Processor, Florida Commerce Bureau of Community Planning and Growth

Re: Charlotte County 24-03DRI – State Coordinated Review of Proposed Comprehensive Plan Amendment

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.

Please submit all future amendments by email to [Plan.Review@FloridaDEP.gov](mailto:Plan.Review@FloridaDEP.gov). If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.





## Florida Fish and Wildlife Conservation Commission

Commissioners  
**Rodney Barreto**  
Chairman  
Coral Gables

**Steven Hudson**  
Vice Chairman  
Fort Lauderdale

**Preston Farrior**  
Tampa

**Gary Lester**  
Oxford

**Albert Maury**  
Coral Gables

**Gary Nicklaus**  
Jupiter

**Sonya Rood**  
St. Augustine

Office of the  
Executive Director  
**Roger A. Young**  
Executive Director

**Charles "Rett" Boyd**  
Assistant Executive Director

**George Warthen**  
Chief Conservation Officer

**Jessica Crawford**  
Chief of Staff

Division of Habitat and  
Species Conservation  
Melissa Tucker  
Director

850-488-3831

Managing fish and wildlife  
resources for their long-term  
well-being and the benefit  
of people.

620 South Meridian Street  
Tallahassee, Florida  
32399-1600  
Voice: 850-488-4676

Hearing/speech-impaired:  
800-955-8771 (T)  
800 955-8770 (V)

MyFWC.com

October 11, 2024

Jie Shao  
Charlotte County Community Development Department  
18400 Murdock Circle  
Port Charlotte, FL 33948  
[Jie.Shao@charlottecountyfl.gov](mailto:Jie.Shao@charlottecountyfl.gov)

Re: Charlotte County 24-03DRI (2024-1SCR [PAL-24-02]), Comprehensive Plan Amendment

Dear Ms. Shao:

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 the Florida Commerce, the County, and any applicants during the amendment review and future project planning.

### Project Description

Charlotte County transmitted a privately initiated comprehensive plan amendment to change the Future Land Use from low density residential and commercial to medium density residential on approximately 139 acres. Additionally, the property will be rezoned for a Planned Development which will increase density up to 1,188 residential dwelling units. The site of the proposed land use change is located west of Arcadia Road (US Highway 17 North), north of Turbak Drive, and south of Lillis Street. Landcovers on the project site include approximately 56.8 acres of xeric oak, 28.1 acres of palmetto prairie, 22 acres of scrubby pine flatwoods, 13.7 acres of pine flatwoods, 10.2 acres of disturbed land, 6.7 acres of mixed hardwoods, and 1.7 acres of creeks.

According to project information submitted with the amendment, approximately 49 acres will be preserved as potential Florida scrub-jay (*Aphelocoma coerulescens*, Federally Threatened [FT]) habitat and approximately 12 acres of creeks and associated uplands will also be preserved. Additionally, a Native Habitat Management Plan will be required to restore, protect, and preserve the creek onsite.

### Potentially Affected Resources

Ian Vincent and Associates provided the *Protected Species Assessment Report* (July 2023) in support of the amendment. The report indicates that wildlife assessments were conducted on the site that focused on federally and state listed species with the potential to occur within the project area including:

- Audubon's crested caracara (*Polyborus plancus audubonii*, FT)
- Florida bonneted bat (*Eumops floridanus*, Federally Endangered [FE])
- Florida scrub-jay
- Red-cockaded woodpecker (*Picoides borealis*, FE)
- Wood stork (*Mycteria americana*, FT)

No federally-listed species were observed onsite. Two hundred fifty-four (254) gopher tortoise (*Gopherus polyphemus*, State Threatened [ST]) burrows were observed onsite. The consultant recommends a 100% gopher tortoise survey prior to development of the site and recognizes that a FWC relocation permit will be required prior to development if the gopher tortoise burrows cannot be avoided.

FWC staff conducted a geographic information system (GIS) analysis of the project area which confirmed the information from the *Protected Species Assessment Report* and found the project site is also located near, within, or adjacent to potential habitat or occurrence locations for:

- Potential habitat for the following federally and state-listed species:
  - Eastern indigo snake (*Drymarchon couperi*, FT)
  - Florida pine snake (*Pituophis melanoleucus mugitus*, ST)
  - Southeastern American kestrel (*Falco sparverius paulus*, ST)
  - Little blue heron (*Egretta caerulea*, ST)
  - Tricolored heron (*Egretta tricolor*, ST)

## **Comments and Recommendations**

### Gopher Tortoise

Due to the documented presence of gopher tortoises on site, FWC staff recommends that the applicant refer to the *Gopher Tortoise Permitting Guidelines* (revised April 2023) (<https://www.myfwc.com/license/wildlife/gopher-tortoise-permits/>) for survey methodology and permitting guidance. Burrow surveys should cover a minimum of 15 percent of potential gopher tortoise habitat to be impacted by development activities including staging areas (refer to Appendix 4 in the *Guidelines* for additional information). 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 Lisa Esposito by phone at (863) 648-3856 or at [LisaAnne.Esposito@MyFWC.com](mailto:LisaAnne.Esposito@MyFWC.com).

### Florida Pine Snake

Florida pine snakes have historically occurred in this area, and suitable habitat may also occur on the project site. Florida pine snakes are naturally secretive in nature and can spend up to 80 percent of their time in underground refuges like stump holes, gopher tortoise burrows, and the burrows of nine-banded armadillos and mice. This species is often associated with southeastern pocket gophers (*Geomys pinetis*); however, they can persist and thrive in areas without this species. Florida pine snakes are active from March through October but show the greatest activity in May, June, July, and October when they move more frequently and travel farther distances. Florida pine snakes are sensitive to habitat fragmentation and often negatively impacted by roadways. Additional information can be found in the *Species Conservation Measures and Permitting Guidelines for the Florida Pine Snake* (<https://www.myfwc.com/media/25003/floridapinesnakegl.pdf>). If a Florida pine snake is observed during construction, FWC staff recommends that work activities cease and the snake be allowed to leave on its own accord, or that the snake is relocated following criteria included in the *Guidelines*. It would also contribute to FWC's research efforts if sighting could be reported to the staff member at the close of this letter, preferably with a photograph and GPS coordinates.



### Southeastern American Kestrel

Suitable habitat for southeastern American kestrels may be found within the proposed project area. FWC staff recommends that kestrel surveys be conducted from April to August within potentially suitable foraging habitat according to the methodology outlined in the *Species Conservation Measures and Permitting Guidelines for Southeastern American Kestrel* (<https://myfwc.com/media/24482/seamkestrelgl.pdf>). Surveys from May to July are ideal to avoid confusion with the migratory subspecies of American kestrel (*Falco sparverius sparverius*). Surveys may be completed outside of the April to August survey season when necessary, with any kestrels observed assumed to be southeastern American kestrels. Surveys are valid until the beginning of the following breeding season (March). If surveys encounter active nest cavities, FWC staff recommends avoiding project activities within 490 feet (150 meters) of the nest during the breeding season (March through July) to avoid disturbance. If nesting is discovered after construction has begun, or if maintaining the recommended buffer is not possible, the applicant should contact FWC staff identified below to discuss potential permitting needs. In areas of suitable kestrel habitat, the *Guidelines* also recommend retaining snags whenever possible.

### Wading Birds

Depending on hydrological conditions, the potential exists for wading bird nesting activity in the creeks and associated forested wetlands on the project site. FWC staff recommends that specific surveys be conducted for wading birds in appropriate habitats prior to the commencement of any clearing, grading, or filling activities. Surveys should be conducted during their breeding season, which extends from March through August. If there is evidence of nesting during this period, FWC staff recommends that any wading bird nest sites be buffered by 330 feet (100 meters) to avoid disturbance by human activities. The *Species Conservation Measures and Permitting Guidelines for the Little Blue Heron, Reddish Egret, Roseate Spoonbill, Tricolored Heron* (<https://myfwc.com/media/18634/threatened-wading-birds-guidelines.pdf>) can be referenced for biological information, survey methodology, measures for avoiding impacts, and recommended conservation practices. If nesting is discovered after site activities have begun, if the removal or trimming of trees with active nests is unavoidable, or if maintaining the recommended buffer is not possible, the applicant may contact the FWC staff identified below to discuss potential permitting alternatives.

### Lakes and Ponds

According to the site plans, eight stormwater management ponds will be created. The creation of these ponds could provide potential wildlife habitat as well as a recreational area for fishing and wildlife viewing. Ponds can be managed for both fish production and wildlife habitat, including wading birds and waterfowl. The addition of native wetland plants along the slope could provide a vegetated littoral fringe which could increase the habitat value of the site and possibly provide foraging or nesting areas for several wading bird species. Littoral fringe habitat may also provide spawning habitat for fish which would enhance future recreational fishing opportunities for the community. FWC staff recommends a commitment to long-term maintenance and development of a plan for managing exotic invasive plant species that can significantly degrade habitat values and impact ponds, wetlands, and nearby natural areas. The *Florida Wildlife Conservation Guide* provides more information on this topic with suggested guidelines for construction and management of stormwater ponds (<https://myfwc.com/conservation/you-serve/recreation/pond-management>).

### Wildlife Crossings

FWC staff recommends that wildlife crossings be considered in land use planning when significant areas of productive green space, including wetland and upland forests or small streams

or riparian zones, are crossed by major roads. The overall purpose and need for the crossing is to maintain habitat connectivity within natural landscape linkages on the property, avoid habitat degradation, reduce wildlife roadkills, and public safety. Factors to consider when planning wildlife crossings include the total extent of habitat, type of natural systems crossed by the roadway, wildlife species that will potentially utilize the crossing, and an understanding and control of nearby or adjacent planned uses. There are numerous wildlife crossing designs which are suitable for target mammals, amphibians, and reptile species, including some designs that provide for both aquatic and terrestrial species movement as well as habitat and hydrological connectivity. Structure types may include bridges, box culverts, and large drainage pipes which can be designed and constructed at appropriate locations. While there are numerous resources to designing wildlife underpasses, examples and guidelines for various wildlife underpasses in Florida can be obtained from the Florida Department of Transportation at [https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/environment/pubs/protected-species/wildlifecrossingguidelines\\_2023\\_final.pdf?sfvrsn=24352ec3\\_4](https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/environment/pubs/protected-species/wildlifecrossingguidelines_2023_final.pdf?sfvrsn=24352ec3_4) or from the U.S. Department of Transportation at [https://www.fhwa.dot.gov/environment/critter\\_crossings/main.cfm](https://www.fhwa.dot.gov/environment/critter_crossings/main.cfm).

#### Federal Species

This site may also contain habitat suitable for the federally listed species identified above. FWC staff recommends coordination with the U.S. Fish and Wildlife Service (USFWS) Florida Ecological Services Office (ESO) as necessary regarding potential impacts to these species. The USFWS ESO can be contacted at [FW4FLESRegs@fws.gov](mailto:FW4FLESRegs@fws.gov).

FWC staff appreciates the opportunity to provide input on this project. For specific technical questions regarding the content of this letter, please contact Lauren Solomon at (850) 556-5948 or by email at [Lauren.Solomon@MyFWC.com](mailto:Lauren.Solomon@MyFWC.com). All other inquiries may be sent to [ConservationPlanningServices@MyFWC.com](mailto:ConservationPlanningServices@MyFWC.com).

Sincerely,



Josh Cucinella  
Land Use Planning Program Administrator  
Office of Conservation Planning Services

jc/l  
Charlotte County 24-03DRI\_59966\_10112024

Cc: Donna Harris, Florida Department of Commerce,  
[DCPexter@commerce.fl.gov](mailto:DCPexter@commerce.fl.gov)  
Alois Rommer, TAG Lakeside, LLC, [rommer@taginvest.com](mailto:rommer@taginvest.com)  
Robert H. Berntsson, Big W Law Firm, [rberntsson@bigwlaw.com](mailto:rberntsson@bigwlaw.com)  
Banks Engineering, [trebol@bankseng.com](mailto:trebol@bankseng.com)





An Equal  
Opportunity  
Employer

# Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

WaterMatters.org

## Bartow Office

170 Century Boulevard  
Bartow, Florida 33830-7700  
(863) 534-1448 or  
1-800-492-7862 (FL only)

## Sarasota Office

78 Sarasota Center Boulevard  
Sarasota, Florida 34240-9770  
(941) 377-3722 or  
1-800-320-3503 (FL only)

## Tampa Office

7601 U.S. 301 North  
Tampa, Florida 33637-6759  
(813) 985-7481 or  
1-800-836-0797 (FL only)

**Michelle Williamson**  
Chair, Hillsborough

**John Mitten**  
Vice Chair, Hernando, Marion

**Jack Bispham**  
Secretary, Manatee

**Ashley Bell Barnett**  
Treasurer, Polk

**Ed Armstrong**  
Former Chair, Pinellas

**Kelly S. Rice**  
Former Chair, Citrus, Lake,  
Levy, Sumter

**Joel Schleicher**  
Former Chair, Charlotte,  
Sarasota

**Josh Gamblin**  
DeSoto, Hardee, Highlands

**John Hall**  
Polk

**James Hotton**  
Pinellas

**Dustin Rowland**  
Pasco

**Robert Stern**  
Hillsborough

**Nancy Watkins**  
Hillsborough, Pinellas

**Brian J. Armstrong, P.G.**  
Executive Director

October 1, 2024

Ms. Barbara Powell, Plan Processing Administrator  
State Land Planning Agency  
Caldwell Building  
107 East Madison – MSC 160  
Tallahassee, FL 32399-4120

Subject: **Charlotte 24-3DRI**

Dear Ms. Powell:

The Southwest Florida Water Management District (District) has reviewed the proposed amendment package which includes a map amendment identified as No. PAL-24-02. We offer the following technical assistance comments for consideration.

### Regional Water Supply

1. The letter from the potable water utility supplier (CWSR-Florida) indicates it is waiting for a response from Charlotte County that it provides North Charlotte with water supplied by the Peace River Manasota Water Supply Authority through Charlotte County facilities and an interconnection provided by CSWR-Florida. The adopted amendment should include confirmation that potable water supply is available to serve the site.
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 Star<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/Wetlands and Other Surface Waters

3. No comments.

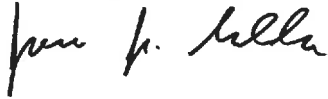
District Environmental Resource Permit (ERP) staff conducted an Environmental Resource Permit (ERP) preapplication meeting for the proposed development (Preapplication No. 400038). Continued coordination with District ERP staff is

Ms. Barbara Powell, Plan Processing Administrator  
October 7, 2024  
Page 2

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).

We appreciate this opportunity to participate in the review process. Please provide the District with a copy of the adopted amendment, including any supporting data and analysis. If you have any questions or require further assistance, please do not hesitate to contact me at (352) 269-6937 or [james.golden@watermatters.org](mailto:james.golden@watermatters.org).

Sincerely,

A handwritten signature in black ink, appearing to read "James J. Golden".

James J. Golden, AICP  
Senior Planner

JG

cc: Lindsay Weaver, DEP  
Jie Shao, Charlotte County  
Bruno Kapacinskas, SWFWMD  
Rob McDaniel, SWFWMD