



CHARLOTTE COUNTY
COMMUNITY DEVELOPMENT
DEPARTMENT

**PLANNED DEVELOPMENT REZONING
Application Information**

Application Submittal Requirements

- **Supply one unbound copy of the Application Materials (see checklist below).** Staff will have up to 5 working days following the application deadline day to review the application for completeness. If incomplete, the application will be returned with a description of the reasons why the application is incomplete. The applicant may resubmit the application any time prior to the next application deadline day.
- **Once deemed complete, the applicant will be notified that the application has been logged-in. The applicant is then required to supply one electronic copy, in PDF format, of all documents.** Additional copies of certain items will be required prior to the public hearing dates. *Do not* submit the additional copies to the Building and Growth Management Department until requested by a staff member of the department.
- **If deemed complete, the application will be logged in and assigned to a P&Z and BCC hearing cycle (see attached Application Schedule).** Staff will commence review.
 - The applicant is responsible for promptly providing any information that needs to be updated, modified, or newly submitted as part of the review; otherwise the petition may be continued to a later cycle or a recommendation of denial will be necessary.
- **No additional changes may be made to any information in an application subsequent to one week before the hearing packet is due to be compiled for the Planning and Zoning Board members or the NOVUS Agenda item deadline for the Board of County Commissioners.** The planner in charge of the petition will be able to inform the applicant of the final date.

Consistency with the Comprehensive Plan

The changes proposed by this application will be reviewed with regard to consistency with the Goals, Objectives, and Policies (GOPs) of the Smart Charlotte 2050 comprehensive plan. Inconsistency with Smart Charlotte will be a basis for a recommendation of denial by Staff.

The review will also be concerned with impacts to infrastructure (i.e. roads, water and sewer facilities, libraries, public buildings, parks, and schools), services (i.e. garbage collection, police protection, and fire/EMS service), the environment (i.e. impact to listed plant and animals species, soil content, erosion, generation of hazardous waste, water quality), and the potential for natural disasters (i.e. hurricanes and flooding).

Application Materials Checklist

- Completed Application form
- Survey and accurate legal description (including acreage), signed and sealed by a registered land surveyor
 - For unplatted property, one original boundary survey - *one hard copy and one copy in AutoCAD format*
 - For platted land, one original surveyor's sketch
- Most current *Title Insurance Policy* or an *Ownership and Encumbrance Report* for subject property
- Notarized authorization from each owner, as applicable (Form A)
- Notarized authorization for agent to submit petition, as applicable (Form B)
- A copy of any covenants, easements or restrictions that have been recorded for the subject site
- Environmental Assessment Report*
- Traffic Impact Analysis*
 - *Hurricane Evacuation Study*, as applicable
- Letters of availability of utility service from sanitary sewer and potable water utilities that would provide service to the site and *Estimated Potable Water and Sanitary Sewer Usage Report*
- Archeological/Historical Memo* indicating whether or not listed objects are located on the subject site
 - *Archeological/Historical Survey*, as applicable
- Narrative addressing rezoning standards of approval
- All information required by Section 15 of the application, 'A' through 'K'
- Adjacent property owners map and an electronic copy of the adjacent property owners list in text format (txt file) provided on disc.
- Affidavits A & B, signed and notarized
- Filing fee of **\$4,540.00**, with check made payable to the Charlotte County Board of County Commissioners, or CCBCC.
- Filing of **\$2,590.00** for a Major Modification of a PD, with check made payable as noted above.

Additional Copies for Hearing Packet

10 copies each of the following when requested by department staff:

- any bound items
- any maps or other graphics sized larger than 11 X 17 (except surveys)
- any items in color

For Purposes of Public Hearing Presentation

Two views of the concept plan must be submitted to the County in an electronic format designed to fit on a PowerPoint slide; one view based against an off-white background, and one view presented as an overlay on a GIS aerial map of a scale to show adjacent properties. In order to make viewing of the PowerPoint concept plan easier, only the site plan, development standards, north arrow, and scale shall be portrayed. The concept (site) plan should be marked for easy reading:

- areas set aside for water retention should be colored blue
- areas set aside for Open Space should be colored green – dark green for preservation and light green for other areas
- areas set aside for Public Space should be colored brown

ATTENTION

If you are submitting an application that, if approved, will increase the amount of density allowed to be developed on your property, read this notice.

FLU Policy 1.2.7 of Smart Charlotte County outlines those situations wherein the Transfer of Density Units program is applicable.

“The TDU program shall be used during the review and approval process for all plan amendments and rezonings that propose to increase the base density on land and street vacations that would result in an accumulation of acreage allowing development of new units of density; this requirement shall continue to apply to lands that have been annexed by the City of Punta Gorda.”

Property may be exempted from the TDU program if located within a Revitalizing Neighborhood with an adopted Revitalization Plan. The exemption would need to be consistent with policies adopted into Smart Charlotte.

If not exempted, property must meet one of these requirements in order to be an acceptable Receiving Zone:

FLU Policy 1.2.10 TDU Receiving Zones

Receiving zones inside the Urban Service Area include lands within the following designations of FLUM Series Map #2: 2050 Framework:

1. Emerging Neighborhoods.
2. Maturing Neighborhoods.
3. Economic Corridors and Centers.
4. CRAs
5. Revitalizing Neighborhoods prior to adoption of a Revitalization Plan and also what may be required in accordance with a Revitalization Plan.

Receiving Zones within the Rural Service Area include lands within:

1. Rural Community Mixed Use areas.
2. The Rural Settlement Area Overlay District.

AND

Must not be in a prohibited Receiving Zone:

FLU Policy 1.2.11 Prohibited Receiving Zones

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; when a portion of a property contains 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. An historical structure 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).
7. Land on a barrier island.



**CHARLOTTE COUNTY
 COMMUNITY DEVELOPMENT DEPARTMENT**

**APPLICATION for
 PLANNED DEVELOPMENT REZONING**

Date Received:	Time Received:
Date of Log-in:	Petition #: Accela #:
Receipt #:	Amount Paid:

1. PARTIES TO THE APPLICATION

Name of Applicant: 5905 Duncan Road LLC

Mailing Address: 210 Wood Street

City: Punta Gorda State: FL Zip Code: 33950

Phone Number: (941) 628-9765 Fax Number:

Email Address: garrett@charlotteharborconstruction.com

Name of Agent: Derek Rooney, Esq. of Gray Robinson, PA

Mailing Address: 1404 Dean Street

City: Fort Myers State: FL Zip Code: 33901

Phone Number: (239) 340-7979 Fax Number: (239) 321-5334

Email Address: derek.rooney@gray-robinson.com

Name of Engineer/Surveyor: Todd Rebol, PE of Atwell, LLC

Mailing Address: 4161 Tamiami Trail, Building 5, Unit 501

City: Port Charlotte State: FL Zip Code: 33952

Phone Number: (941) 625-1165 Fax Number:

Email Address: trebol@atwell-group.com

Name of Property Owner (if more than one property owner, attach a separate sheet with a list of all owners):

RT Chevy Shop, LLC

Mailing Address: 10175 Tamiami Trail

City: Punta Gorda State: FL Zip Code: 33950

Phone Number: (941) 626-7471 Fax Number:

Email Address: april@aprilpatchell.com

2. PROPERTY INFORMATION

If more than one account number exists, attach a separate sheet listing all information required by this section

Property Account #: 412303101001		
Section: 3, 4, and 34	Township: 40 & 41 South	Range: 23 East
Parcel/Lot #:	Block #:	Subdivision:
Total acreage or square feet of the property: 11.64 +/- or 12.85 +/- acres former on property data card; latter on survey.		

3. SURVEY:

- For unplatted property, provide one original boundary survey that is **signed and sealed** by a registered land surveyor and an accurate legal description (including acreage) of the property.
- For platted land, provide one original surveyor's sketch that is **signed and sealed** by a registered land surveyor and an accurate legal description (including acreage) of the property.

4. PROOF OF LAND OWNERSHIP: Provide the most current *Title Insurance Policy* or an *Ownership and Encumbrance Report* on the subject property.

5. NOTARIZED AUTHORIZATION:

- If the applicant is not the owner of the property, a written, notarized authorization from each owner must be provided with this application – use Form A, attached. Property owner authorization is required. If the property owner withdraws permission at any point during the review and approval process, the application is considered null and void.
- If an agent is submitting the application for the applicant – authorization from the applicant is required – use Form B, attached.

6. RESTRICTIONS: Provide a copy of any covenants, easements or restrictions that have been recorded for the subject site.

7. EXISTING LAND USE DESIGNATIONS

Future Land Use Map (FLUM) designation(s)	Acreage
Low Density Residential	4.44
Agriculture	7.2

Zoning District(s)	Acreage
RE1	4.44
AG	7.2

8. APPLICANT'S PROPOSED CHANGE(S):

If the proposed change involves an increase in density, which of the Receiving Zone criteria does the property meet, or would this be an exemption consistent with a Revitalization Plan?

Not applicable, density reduction.

9. REASON FOR PROPOSED CHANGE(S):

Development of a commercial subdivision.

10. CURRENT LAND USE OF SUBJECT PROPERTY (example: house, vacant land, barn, etc.):

Vacant, underdeveloped.

11. SURROUNDING LAND USES:

North: Vacant lots, undeveloped property, and manufactured home subdivision.

South: Single family home.

East: Single family manufactured home subdivision.

West: Mixed single family residences and vacant lots.

12. ENVIRONMENTAL ASSESSMENT:

- Provide an *Environmental Assessment Report*, conducted within one year or less from the date of submittal, that includes:
 - Maps and surveys of the subject site illustrating the existing land cover according to Level 3 of the FLUCCS
 - Locations of listed flora and fauna species, if present.
 - If any wetlands are identified on site, provide a survey showing delineations of any wetlands, acreages, and the wetland Category (ENV Policy 3.1.3) under which they fall.
 - If the property is adjacent to any Federal, State, or County wildlife management areas, parks, preserves or reserves, supply a science-based analysis of possible impacts to the environmental resources of these lands and the manner in which these impacts can be eliminated. Where elimination is not possible, the analysis shall detail how these impacts can be reduced and mitigated.

13. INFRASTRUCTURE:

A. Roadway

- i. List the roads or streets upon which vehicles may travel to gain access to the site (generally within ¼ mile radius):

Duncan Road (US17)

- ii. *Traffic Impact Analysis*: This study must be authored by a registered professional engineer in the State of Florida. Provide a study showing the impacts development of the subject site would have on the surrounding roadway network. Where traffic impacts reduce LOS below 'D' provide a proportionate fair share assessment for impacted roadways.

- *Hurricane Evacuation Study*: For any property that is even partially located in a Coastal High Hazard Area, or which generates trips wherein the majority of those trips would utilize a roadway that runs through a Coastal High Hazard Area, a *Hurricane Evacuation Study* must

accompany any *Traffic Impact Analysis*.

B. Potable Water and Sanitary Sewer

- i. Submit a letter from any water or sewer utilities that will be serving the subject site stating availability of utility service to the property.
- ii. Attach an *Estimated Potable Water and Sanitary Sewer Usage Report*: provide a report showing the gallons per day that may be generated by development of the subject site at the maximum buildout

14. HISTORICAL OR ARCHEOLOGICAL SITES: When the property under review is within the area determined to contain potential historic and archeological resources by the Archaeological Predictive Model (depicted on SPAM Series Map #3), the applicant must submit an *Archeological/Historical Memo* indicating that a review of the National Register of Historic Places, the Florida Master Site File and the Local Historic Register (when available) has been performed and the results of that review. If the subject site contains any object listed in these resources, the applicant must provide an *Archeological/Historical Survey* performed by a professional archeologist licensed in the State of Florida.

15. REZONING NARRATIVE

Charlotte County Code Section 3-9-11(e) lists the following standards for approval. A narrative stating the applicant's justification for the rezoning based upon the following standards of approval is required:

- A. Whether the proposed change would be contrary to the Comprehensive Plan.
- B. The existing land use pattern in adjacent areas.
- C. The capacity of public facilities and services, including but not limited to schools, roads, recreational facilities, wastewater treatment, water supply, and stormwater drainage facilities.
- D. Whether the proposed change will adversely influence living conditions or property values in adjacent areas.
- E. Whether the proposed change will affect public safety.

16. CONCEPT PLAN and DEVELOPMENT INFORMATION: Submit the following information regarding the proposed project.

(All maps must contain title of the project, landowner of record, names of the representatives of the landowner of record, scale, date, and north arrow)

- A. Include a *General Location Map*.
- B. Include *Existing Features Map(s)* showing all streets, curb cuts, buildings, watercourses, easements, other important physical features, zoning designations and future land use map designations in the property and on adjacent lands.
- C. Include a *Concept Design Map* showing locations of structures, acreage, density, and intensity for each proposed land use; show points of access and traffic flow and road improvements; show buffers, landscaped areas, and open space.
- D. Supply tabulations of total gross acreage in the proposed development, the percentage of total acreage to be devoted to each proposed use, height, and intensity of use identified through Floor Area Ratio calculations and/or projected number of housing units proposed by dwelling type.
- E. Supply a phasing plan or general schedule of the development.
- F. Supply standards for height, open space, building density, and parking area.
- G. Include a narrative in which you cite specifically how this project meets the intent and goals of the Planned Development Zoning District, including any "community enhancements".

- H. Show the general façade and overall architectural design scheme; explain building orientation, if applicable.
- I. Describe any Green Building or Low Impact Development (LID) design techniques that will be used.
- J. Supply a copy of any draft deed restrictions, protective covenants, and other statements or devices which will be used to control the use, development and maintenance of the land and improvements thereon, including those areas which are to be commonly owned and maintained.
- K. Supply any additional information identified at the preapplication conference, at concept approval, or requested by the Zoning Official or Building and Growth Management Director prior to submittal of the rezoning application.

18. ADJACENT PROPERTY OWNERS INFORMATION:

Provide an *electronic text file (.txt)* that includes the names and addresses of all property owners within 200 feet of the subject property (excluding street right-of-ways), and a map indicating which properties are included in the address list. The Adjacent Property Owner List must be based upon the latest available property records of the Property Appraiser's Office. The list shall include property owner's name, mailing address, and parcel(s) or lot(s) description or account number so each parcel can be referenced on the Adjacent Property Owner Map. Refer to the Geographic Information System Internet site for mapping and owner information at <http://www.ccgis.com/>. (Use a buffer of 250 feet or larger in order to account for right-of-ways, canals, etc.) Every property owner within 200 feet of every parcel of land involved will be notified of the schedule of public hearings

FORM A. PROPERTY OWNER AUTHORIZATION TO APPLICANT

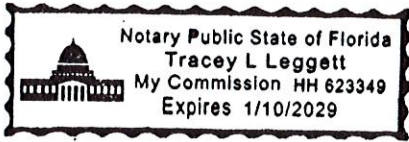
I, the undersigned, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing.

I give authorization for 5905 Duncan Road LLC to be the applicant for this REZONING.

STATE OF Florida, COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 11 day of September, 2025, by April Patchell who is personally known to me or has/have produced _____ as identification and who did/did not take an oath.

<u>Tracey L Leggett</u> Notary Public Signature	<u>April Patchell</u> Signature of Owner
<u>Tracey L Leggett</u> Notary Printed Signature	<u>April Patchell</u> Printed Signature of Owner
<u>Personal Representative</u> Title	<u>3900 Acline Rd</u> Address
<u>HH 6233 49</u> Commission Code	<u>Punta Gorda, FL 33950</u> City, State, Zip
	<u>941-626-7471</u> Telephone Number



AFFIDAVIT A

I, the undersigned, being first duly sworn, depose and say that I am the owner or agent of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that if I am not the owner of the property I have attached a notarized authorization from the owner(s) to submit this application. I acknowledge that all items listed in the application must be submitted concurrent at the time the County accepts the application. I swear that the attached list of adjacent property owners is complete, including all property owners within 200 feet of the subject properties (excluding right-of-ways), that it is correct, providing addresses as listed in the County Tax Roll.

STATE OF Florida, COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 11 day of September, 2025, by April Patchell who is personally known to me or has/have produced _____ as identification and who did/did not take an oath.

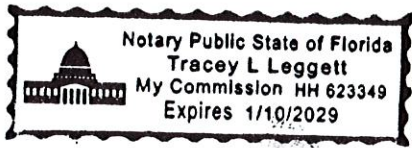
<u><i>Tracey L Leggett</i></u> Notary Public Signature	<u><i>April Patchell</i></u> Signature of Applicant or Agent
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<u>Tracey L Leggett</u> Notary Printed Signature	<u>April Patchell</u> Printed Signature of Applicant or Agent
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<u>Personal Representative</u> Title	<u>3900 Acline Rd</u> Address
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<u>HH 623349</u> Commission Code	<u>Punta Gorda, FL 33950</u> City, State, Zip
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<u>941-626-7471</u> Telephone Number



Rezoning Narrative

The following narrative is provided to address the standards of approval as required by Section 3-9-10 of the Charlotte County land development code:

- a. Whether the proposed change is consistent with the comprehensive plan.

The application redesignates the subject property from Agriculture/Low Density Residential to Commercial. The amendment supports the vision of the Smart Charlotte 2050 Comprehensive Plan and the US 17 Corridor Plan by creating a planned commercial node along a Strategic Intermodal System roadway, providing services to nearby neighborhoods, and strengthening the County's long-term economic base.

The request is consistent with multiple Goals, Objectives, and Policies of Smart Charlotte 2050 (see companion land use narrative), including those promoting compact growth, discouraging urban sprawl, expanding economic opportunities, ensuring efficient use of infrastructure, and protecting neighborhood compatibility. The amendment responds directly to identified community needs for local goods and services along the corridor, reduces vehicle miles traveled, and supports Charlotte County's strategy to cluster commercial development in appropriate nodes rather than in strip patterns.

- b. The existing land use pattern in adjacent areas.

The subject property is located along US 17, a Strategic Intermodal System roadway, with existing commercial and industrial uses nearby at Bermont Road and I-75. Surrounding properties are primarily developed with single-family homes and mobile homes, in older platted subdivisions or within mobile home communities. This development pattern reflects the findings of the US 17 Area Plan, which identified the corridor as a location of transition — balancing the historic residential and agricultural base with planned transition to nodes of commercial development to serve residents and regional travelers. The proposed petition with appropriate PD conditions can provide that transition between commercial uses and adjacent agricultural/residential uses through buffering, landscaping, and design standards.

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

The proposed rezoning and uses do not contemplate use of or foresee extensive impact upon any public facilities. The provided traffic analysis indicates negligible impact on public roads and the projected water and wastewater use is easily served from the City of Punta Gorda.

- d. Whether the proposed change will adversely influence living conditions or property values in adjacent areas.

Neither living conditions nor property values will be adversely affected by the proposed rezoning. The proposed use is passive commercial and will meet commercial design standards and

be property conditioned not to affect adjacent uses. Surrounding lands consist largely of single-family homes and mobile homes, which are more sensitive to the impacts of new commercial development than industrial or mixed-use neighbors. The Planned Development zoning classification provides the necessary flexibility and regulatory framework to ensure compatibility and protection of living conditions:

- **Buffering and Screening:** Landscape buffers, vegetative screening, and fencing will be provided along the edges abutting residential areas. Transitional land use design such as stormwater ponds, or open space will be located at the residential interface to soften the transition from commercial intensity.
- **Traffic Management:** Access will be directed to US 17 rather than local residential streets.
- **Noise and Lighting:** Site design will incorporate down-shielded lighting and screened mechanical equipment. Deliveries and service operations will be managed to avoid adverse nighttime impacts.

Properly designed, the rezoning is expected to improve conditions along the corridor and complement the surrounding residential fabric rather than diminish it. Rather than negatively impact property values, the presence of a well-designed commercial node can increase value and provide livability benefits providing nearby services.

e. Whether the proposed change will affect public safety.

The proposed rezoning will not adversely affect public safety. Access management and cross-parcel connectivity will be employed to preserve the safe and efficient function of US 17. Fire, EMS, and law enforcement facilities are available in the surrounding area, and the PD will be designed to meet all public safety access standards.

Sec. 3-9-42. - Commercial general (CG).

- (a) *Intent.* The purpose and intent of this district is to allow general commercial activity.
- (b) *Permitted uses (P) and structures:*
 - (1) Animal hospital, boarding facility.
 - (2) Art, dance, music, photo studio or gallery.
 - (3) Assisted living facility or day care center, adult, six (6) or less. (See section 3-9-62, assisted living facility.)
 - (4) Auditorium, convention center, performing arts center.
 - (5) Bank, financial services.
 - (6) Bar, cocktail lounge, nightclub, tavern.
 - (7) Business services.
 - (8) Clubhouse, community center.
 - (9) Day care center, child.
 - (10) Drug store, pharmacy.
 - (11) Dry cleaner.
 - (12) Elementary, middle, or high school.
 - (13) Emergency services.
 - (14) Essential services. (See section 3-9-71, essential services.)
 - (15) Funeral homes, crematoria.
 - (16) Gas station.
 - (17) General offices.
 - (18) General retail sales and services. (See section 3-9-61, accessory outdoor retail sales, display, and storage.)
 - (19) Government uses and facilities.
 - (20) Homeless shelter.
 - (21) Hospital.
 - (22) Hotel, motel, inn.
 - (23) Laundromat.
 - (24) Liquor, package store.
 - (25) Mass transit station.
 - (26) Medical or dental office, clinic.
 - (27) Mini-warehouses or storage facilities, but not bulk storage of flammable liquids.
 - (28) Model home. (See section 3-9-78, model homes.)
 - (29) Motor vehicle wash.
 - (30) Nursing home.
 - (31) Paid or public parking lot, garage, structure.
 - (32) Park, public or not-for-profit.

- (33) Personal services.
 - (34) Place of worship. (See section 3-9-82, places of worship.)
 - (35) Post office.
 - (36) Printing facilities.
 - (37) Private club.
 - (38) Professional services.
 - (39) Recreation, indoor.
 - (40) Recreation, outdoor.
 - (41) Restaurant.
 - (42) Sexually oriented business. (See section 3-9-84, sexually oriented businesses.)
 - (43) Telecommunications facility, fifty (50) feet or less in height. (See section 3-9-68, communication towers.)
 - (44) University or college.
 - (45) Vocational, trade, or business school.
 - (46) Wholesale sales.
- (c) *Permitted accessory uses and structures:* Uses and structures which are customarily accessory and clearly incidental to permitted and conditional uses and structures are also permitted in this district, including a residential dwelling unit within the same structure as the principal use for occupancy by owners or employees of permitted uses, and also including, but not limited to:
- (1) Fences or walls which may be permitted prior to the principal uses and structures.
- (d) *Conditional uses (C):* (For rules and regulations for any use designated as a conditional use, see section 3-9-69, conditional uses and structures.)
- (1) Assisted living facility or day care center, adult, seven (7) or more. (See section 3-9-62, assisted living facility.)
 - (2) Boat, travel trailer and motor vehicle sales, including recreational vehicles and campers.
 - ~~(3) Boat, travel trailer and motor vehicle repair, services, including recreational vehicles and campers.~~
 - ~~(4) Building trades contractor's office.~~
 - ~~(3) Farm equipment sales and service.~~
 - ~~(4) Laboratories, class 1, 2, 3.~~
 - ~~(5) Marina.~~
 - ~~(6) Noncommercial vehicle rental.~~
 - ~~(7) Private off-site parking.~~
- (e) *Prohibited uses and structures:* Any use or structure not expressly, or by reasonable implication permitted herein or permitted by special exception shall be unlawful in this district.
- (f) *Special exceptions (S):* (For procedure, see section 3-9-6.2, special exceptions)
- ~~(1) All conditional uses and structures that cannot meet all conditions set forth in this Code.~~
 - ~~(2) Amphitheater.~~
 - ~~(3) Animal sanctuary, zoo.~~
 - ~~(4) Biofuel production, less than five thousand (5,000) gallons per day.~~

- ~~(5) Building trades contractor's office with storage yard on premises, or with more than ten (10) service vehicles and with heavy equipment.~~
- ~~(6) Commercial laundry.~~
- ~~(7) Commercial vehicle rental.~~
- ~~(8) Heavy machinery, equipment rental, sales, service.~~
- ~~(9) Heliport, helistop.~~
- ~~(10) Industrial marina.~~
- ~~(11) Leisure vehicle rental.~~
- ~~(12) Light manufacturing and assembly in a completely enclosed building.~~
- ~~(13) Lumberyard.~~
- ~~(14) Outdoor market or exhibition space.~~
- ~~(15) Railroad sidings.~~
- ~~(16) Storage of boat, travel trailer and motor vehicle, including recreational vehicles and campers.~~
- ~~(17) Telecommunications facility, greater than fifty (50) feet in height. (See section 3-9-68, communication towers.)~~
- ~~(18) Truck stop.~~
- (19) Such other uses as determined by the zoning official or his/her designee to be:
 - a. Appropriate by reasonable implication and intent of the district.
 - b. Similar to another use either explicitly permitted in that district or allowed by special exception.
 - c. Not specifically prohibited in that district.

The board of zoning appeals shall review a favorable determination of the zoning official under this provision at the time the special exception application is presented to it. An unfavorable determination of the zoning official or his/her designee shall be appealable pursuant to section 3-9-6, board of zoning appeals.

(g) *Development standards:*

CG	
Lot (min.)	
Area (sq. ft.)	12,000
Width (ft.)	100
Setbacks (min. ft.)	
Front	15
Side (interior)	0

Side (street)	10
Rear (interior)	10
Rear (street)	10
Abutting water	20
Bulk (max.)	
Lot coverage of all buildings	55%
Height (ft.)	60
Density (units/acre)	0

Landscape buffers and screening shall be required in this district in accordance with the provisions of article XXII, chapter 3-5, of the Code, as the same may be amended.

Where properties lie anywhere on a barrier island or within one thousand two hundred (1,200) feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with section 3-9-88, waterfront property.

(h) *Signs.* Signs shall be in accordance with section 3-9-85.

(i) *Off-street parking.* Off-street parking shall be in accordance with section 3-9-79.

(Ord. No. 2014-063, § 1(Exh. A), 11-25-14)

Editor's note— Ord. No. 2014-063, § 1(Exh. A), adopted Nov. 25, 2014, repealed the former § 3-9-42, and enacted a new section as set out herein. The former § 3-9-42 pertained to Commercial, general (CG) and derived from Minutes of Dec. 8, 1981, § 7; Res. No. 83-11, § 1, adopted Feb. 15, 1983; Res. No. 83-18, § 1, adopted March 22, 1983; Res. No. 85-105, § 1, adopted June 11, 1985; Res. No. 87-254, § 22, adopted Oct. 20, 1987; Res. No. 87-255, § 6, adopted Oct. 20, 1987; Res. No. 87-258, §§ 1, 2, adopted Oct. 20, 1987; Ord. No. 89-34, § 16, adopted May 31, 1989; Ord. No. 92-44, §§ 1—3, adopted June 2, 1992; Ord. No. 94-55, §§ 28, 29, adopted Nov. 3, 1994; Ord. No. 2001-031, § 1(m), adopted June 12, 2001; Ord. No. 2002-008, § 1, adopted Jan. 28, 2002; and Ord. No. 2003-061, § 8, adopted Aug. 26, 2003.

5905 DUNCAN ROAD – 13.32± ACRES

ENVIRONMENTAL ASSESSMENT REPORT

Charlotte County Parcel ID #: 412303101001

May 2024

Prepared For:

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Introduction

An environmental assessment was conducted on the property located at 5905 Duncan Road on May 17, 2024. The 13.32± acre site is located in Section 34, Township 40S, and Range 23E, of Charlotte County, Florida. More specifically, the site is located north of US Highway 17 (Duncan Road), east of Regent Road, and south of Riverside Drive, and west of Lakewood Mobile Home Park, in Punta Gorda, Florida. Please see the attached Project Location Map (Exhibit A).

The purpose of this assessment was to identify the potential for either U.S. Army Corps of Engineers (ACOE) Department of Environmental Protection (DEP), and/or South Florida Water Management District (SFWMD) jurisdictional wetlands. The site was also assessed to determine the potential of listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the U.S. Fish & Wildlife Service (FWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

The project's surrounding land uses are a mixture of residential homes, undeveloped vacant land, and forested land. The survey was conducted in the mid-morning; the temperatures were in the upper 80's, with light breezes, and partly cloudy skies.

Background

The ACOE, DEP, and the SFWMD are the agencies that regulate development activities in wetlands. To be considered wetlands by the ACOE, DEP, and/or SFWMD, the area should exhibit wetland hydrology, contain wetland vegetation, and have hydric soils. For an area to be considered wetlands, a site should have hydric soils, wetland hydrology, and wetland vegetation present. The property was reviewed for indicators of these parameters.

Hydric soils are identified by certain characteristics that are unique to wetland soils. Wetland hydrology is normally present if the soil is saturated or inundated for a period of time; typically, from May through November; the rainy season in Southwest Florida. In the absence of visual signs of saturation or inundation, the regulatory agencies typically use hydrologic indicators such as adventitious rooting, lichen lines, or algal matting as method of guidance. If most of the shrubs/plants that are present are those that are adapted to saturated soil conditions, it's likely wetland vegetation.

The FWS and FWC are the primary agencies that review potential impacts to listed species. The FWS reviews potential impacts and provides comments to the ACOE and DEP during the permitting process, while the FWC provides comments to the SFWMD. In general, the wildlife agency concerns need to be addressed for the permits to be authorized by the ACOE, DEP, and/or the SFWMD.

Existing Site Conditions

Boundary – The project boundary was obtained from the Charlotte County parcel data and is assumed to be approximately 13.32± acres.

Soils - The soils on the property have been mapped by the National Resource Conservation Service (NRCS, formerly the Soil Conservation Service). These mappings are general in nature but can provide a certain level of information about the site as to the possible extent of wetland area. The agencies commonly use these mappings as justification for certain wetland/upland determinations. According to these mappings, the parcel is underlain by Oldsmar sand

(NRCS #33; non-hydric). Oldsmar sand soil is considered non-hydric at both the local and national levels. Please see the attached NRCS Soils Map (Exhibit D).

Vegetation Descriptions – Vegetation is one parameter used in determining the presence of uplands or wetlands; these community mappings will generally reflect what a specific area could be considered by the regulatory agencies. During the initial site assessment, we did not identify any wetlands; however, we did identify 0.59± acres of “other surface water” communities on-site.

While on-site, generalized community delineations are hand-drawn on an aerial defining the different vegetation associations on-site. These general delineations were based on the nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS), Level III and IV (FDOT 1999). Please see the attached FLUCFCS Map with Aerial (Exhibit B) and FLUCFCS Map without Aerial (Exhibit C). Listed below are the vegetation communities and land-uses identified on the site.

FLUCFCS Codes & Community Descriptions

Uplands

The following community areas have been designated as upland habitats. Uplands are any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet enough to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands.

FLUCFCS 150 Commercial (Sheds, Fuel Tanks, Etc.) – 0.13± Acres

This former commercial property includes several sheds, fuel tanks, and associated buildings. This community occupies approximately 0.13± acres of the site. This community would be considered uplands by regulatory agencies.

FLUCFCS 211 E2 Improved Pasture (Exotics 25-49%) – 5.71± Acres

This upland community type occupies approximately 5.71± acres. The canopy and sub-canopy is mostly open with widely scattered slash pine (*Pinus elliotti*), live oak (*Quercus virginiana*), and earleaf acacia (*Acacia auriculiformis*). Sub-canopy species include cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), and downy rose myrtle (*Rhodomyrtus tomentosa*). The groundcover is dominated by bahia grass (*Paspalum notatum*) with dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia trifida*), dollarweed (*Hydrocotyle umbellata*), caesar weed (*Urena lobata*), hairy beggar-ticks (*Bidens alba*), tickseed (*Coreopsis floridana*), frog fruit (*Phyla nodiflora*), smutgrass (*Sporobolus sp.*), false buttonweed (*Spermacoce verticillata*), three-awn grass (*Aristida purpurea*), flattop goldenrod (*Euthamia caroliniana*), and other various opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax sp.*) and grapevine (*Vitis rotundifolia*). This community should be considered uplands by regulatory agencies.

FLUCFCS 310 E3 Herbaceous (Exotics 50-74%) – 4.27± Acres*

This upland habitat type occupies 4.27± acres of the property. The canopy contains slash pine (*Pinus elliottii*), melaleuca (*Melaleuca quinquenervia*), and earleaf acacia (*Acacia auriculiformis*). The sub-canopy contains Brazilian pepper (*Schinus terebinthifolius*), downy rose myrtle (*Rhodomyrtus tomentosa*), and cabbage palm (*Sabal palmetto*). The groundcover includes false buttonweed (*Spermacoce floridan*), Spanish needle (*Bidens alba*), ragweed (*Ambrosia artemisiifolia*), finger grass (*Eustachys floridana*), cogon grass (*Imperata cylindrical*), muhly grass (*Muhlenbergia capillaris*), broomsedge (*Andropogon virginicus*), bahia grass (*Paspalum notatum*), and St. Augustine grass (*Stenotaphrum secundatum*), with other various opportunistic weedy species. Commonly observed

vines include grapevine (*Vitis munsoniana*), greenbriar (*Smilax* spp.), poison ivy (*Toxicodendron radicans*), and creeping oxeye (*Sphagneticola trilobata*). This community would be considered uplands by the regulatory agencies.

**There were several small areas that could be classified as a wetland/hydric, located in the herbaceous area. These areas were very small and isolated in nature, although they did contain some wetland vegetation, advantageous rooting, and water line staining, as well as other signs in this community that could be classified as wetlands; however, these areas were too small to be mapped and not believed to have any effect on the overall surrounding community. It's believed that continued maintenance through the on-site agricultural operations, these areas could be able to revert back to their historical conditions and could eventually be considered uplands by the regulatory agencies.*

FLUCFCS 420 E4 Mixed Upland Forest (Exotics > 75%) – 1.68± Acres

This upland community type occupies approximately 1.68± acres of the property. The canopy contains live oak (*Quercus virginiana*), with slash pine (*Pinus elliottii*), java plum (*Syzygium cumim*), earleaf acacia (*Acacia auriculiformis*), and mimosa (*Albizia julibrissin*). The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), wild coffee (*Psychotria nervosa*), and beauty-berry (*Callicarpa americana*). The groundcover contained Spanish needle (*Bidens alba*), false buttonweed (*Spermacoce floridan*), cogon grass (*Imperata cylindrica*), caesar weed (*Urena lobata*), dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia artemisiifolia*), broomsedge (*Andropogon virginicus*), and bahia grass (*Paspalum notatum*), with various other opportunistic weedy species. Commonly observed vines include air potato (*Dioscorea bulbifera*), greenbriar (*Smilax* sp.), grapevine (*Vitis rotundifolia*), Virginia creeper (*Parthenocissus quinquefolia*), peppervine (*Ampelopsis arborea*), and poison ivy (*Toxicodendron radicans*). This community would be considered uplands by the regulatory agencies.

FLUCFCS 422 Brazilian Pepper – 0.25± Acres

This upland community occupied approximately 0.25± acres of the site. The canopy was mostly open. The sub-canopy was dominated by Brazilian pepper (*Schinus terebinthifolius*), with scattered cabbage palm (*Sabal palmetto*). The groundcover was mostly open with various opportunistic weedy species. This community would be considered uplands by the regulatory agencies.

FLUCFCS 427 E4 Live Oak (Exotics > 75%) – 0.45± Acres

This upland habitat type occupies approximately 0.45± acres of the property. The canopy consists of live oak (*Quercus virginiana*), and seagrape (*Coccoloba uvifera*). The sub-canopy contains cabbage palm (*Sabal palmetto*) and Brazilian pepper (*Schinus terebinthifolius*). The ground cover is mostly open with scattered Spanish needle (*Bidens alba*), false buttonweed (*Spermacoce floridan*), caesar weed (*Urena lobata*), ragweed (*Ambrosia artemisiifolia*), broomsedge (*Andropogon virginicus*), and bahia grass (*Paspalum notatum*), with various other opportunistic weedy species. Commonly observed vines include grapevine (*Vitis munsoniana*) and greenbriar (*Smilax* spp.). This community would be considered uplands by the regulatory agencies.

FLUCFCS 8146 Primitive Gravel Road – 0.24± Acres

This upland habitat type occupies 0.24± acres of the property. This community is comprised of a gravel road accessing the site from Duncan Road. This community was absent of any canopy or sub-canopy cover. The groundcover included bahia grass (*Paspalum notatum*), with broom sedge (*Andropogon virginicus*), Spanish needle (*Bidens alba*), ragweed (*Ambrosia artemisiifolia*), caesar weed (*Urena lobata*), and other opportunistic weedy species along the edges. This community should be considered uplands by the regulatory agencies.

Other Surface Waters (OSW)

The following community area has been designated as other surface waters. Surface waters are waters on the surface of the earth, contained in bounds created naturally or artificially.

FLUCFCS 510 Ditch/Creek – 0.59± Acres

This habitat type occupies approximately 0.59± acres of the property. This community includes a ditch located in the western portion of the site. This ditch appears to be a natural feature on the property. The canopy contains live oak (*Quercus virginiana*), slash pine (*Pinus elliottii*), and Laurel oak (*Quercus laurifolia*) along the edges. The sub-canopy contains scattered Carolina willow (*Salix caroliniana*) and Brazilian pepper (*Schinus terebinthifolius*) with saltbush (*Baccharis halimifolia*), and wax myrtle (*Myrica cerifera*) along the edges. The ground cover includes asiatic pennywort (*Centella asiatica*), spikerush (*Eleocharis interstincta*), smart weed (*Polygonum hydropiperoides*), maidencane (*Panicum hemitomon*), mermaid weed (*Proserpinaca pectinata*), and water hyssop (*Bacopa monnieri*). This community would be considered “other surface waters” by the regulatory agencies.

Table 1. FLUCFCS Community Table

FLUCFCS Code	Community Description	Habitat Type	Acres
150	Commercial (Sheds, Fuel Tanks, Etc.)	Upland	0.13± Ac.
211 E2	Improved Pasture (Exotics 25-49%)	Upland	5.71± Ac.
310 E3	Herbaceous (Exotics 50-74%)	Upland	4.27± Ac.
420 E4	Mixed Upland Hardwoods (Exotics > 75%)	Upland	1.68± Ac.
422	Brazilian Pepper	Upland	0.25± Ac.
427	Live Oak (Exotics > 75%)	Upland	0.45± Ac.
514	Ditch/Creek	OSW	0.59± Ac.
8146	Primitive Gravel Road	Upland	0.24± Ac.
Total			13.32± Ac.

Potential Listed Species

A formal protected species survey has not been conducted on the site at this time; however, during the initial field survey, no protected species or signs thereof were observed. There were a few stick nests or tree cavities noted. There were several burrows, believed to belong to that of the eastern nine-banded armadillo (*Dasyopus novemcinctus*), that were identified, but not flagged in the field; there was no evidence indicating that gopher tortoise (*Gopherus polyphemus*) would be utilizing these burrows.

Mitigation Discussion

Generally, the ACOE and/or DEP does not regulate isolated wetlands or excavation in wetlands where there is only incidental fall back of fill material; the ACOE or DEP do not have jurisdiction over isolated wetlands. In making the determination on whether the wetlands are isolated, the ACOE and DEP considers if water leaves the site, (i.e. ditches) or whether the wetlands are completely contained on-site or extend off-site. If the wetlands extend off-site, they will more than likely assert jurisdiction. Currently, the ACOE and DEP position on most all wetlands is that one of them has jurisdiction; the ACOE regulates navigable waters whereas the DEP regulates both navigable waters and adjacent wetlands. However, the agencies would not make this determination until a Joint Environmental Resource Permit (ERP) and Dredge & Fill Permit (D&F) application is received.

The SFWMD does not require mitigation for impacts to isolated wetlands not used by listed (protected) species that are less than 0.50± acres in size. Impacts to wetlands greater than 0.50± acres or those utilized by protected species would require mitigation. With the ACOE and DEP, impacts to wetlands that are less than 0.50± acres, the activity can usually be processed as a Nationwide Permit application. For projects with greater than 0.50± acres of impacts, the application will be processed as an Individual Permit application. This involves a public notice process and coordination with other federal agencies such as the EPA and the FWS.

There are three steps that are required to be addressed when requesting an ERP permit with the SFWMD and/or the DEP for impacts to regulated wetlands:

- 1) Avoidance (i.e. can these wetland impacts be completely avoided)
- 2) Minimization (i.e. can the amount of wetland impact be reduced while maintaining a feasible project)
- 3) Mitigation (i.e. the loss of wetland function must be replaced)

It should be noted that avoidance and minimization must first be substantiated, before mitigation will be considered by the agencies. When wetlands are proposed to be impacted, the impacts cannot result in any loss of wetland function. In order to prevent net loss in wetland function, wetland mitigation must be provided. Mitigation is a way to off-set impacts to natural resources such as wetlands and may consist of wetland enhancement, wetland creation, wetland preservation, upland compensation, or off-site mitigation. Mitigation costs usually increase with the quantity of proposed impacts. The actual amount of mitigation required would be finalized during the Environmental Resource Permit review process with the SFWMD, ACOE, and DEP.

There are two main categories of wetland mitigation, on-site or off-site. On-site mitigation would include preserving a portion of the on-site wetlands, treating and removing the exotics, potentially providing supplemental plantings, and placing the preserve areas under a Conservation Easement. Preserve areas are required to be maintained in perpetuity. Off-site mitigation requires the purchase of wetland credits at an approved mitigation bank within the service area of the site.

Summary

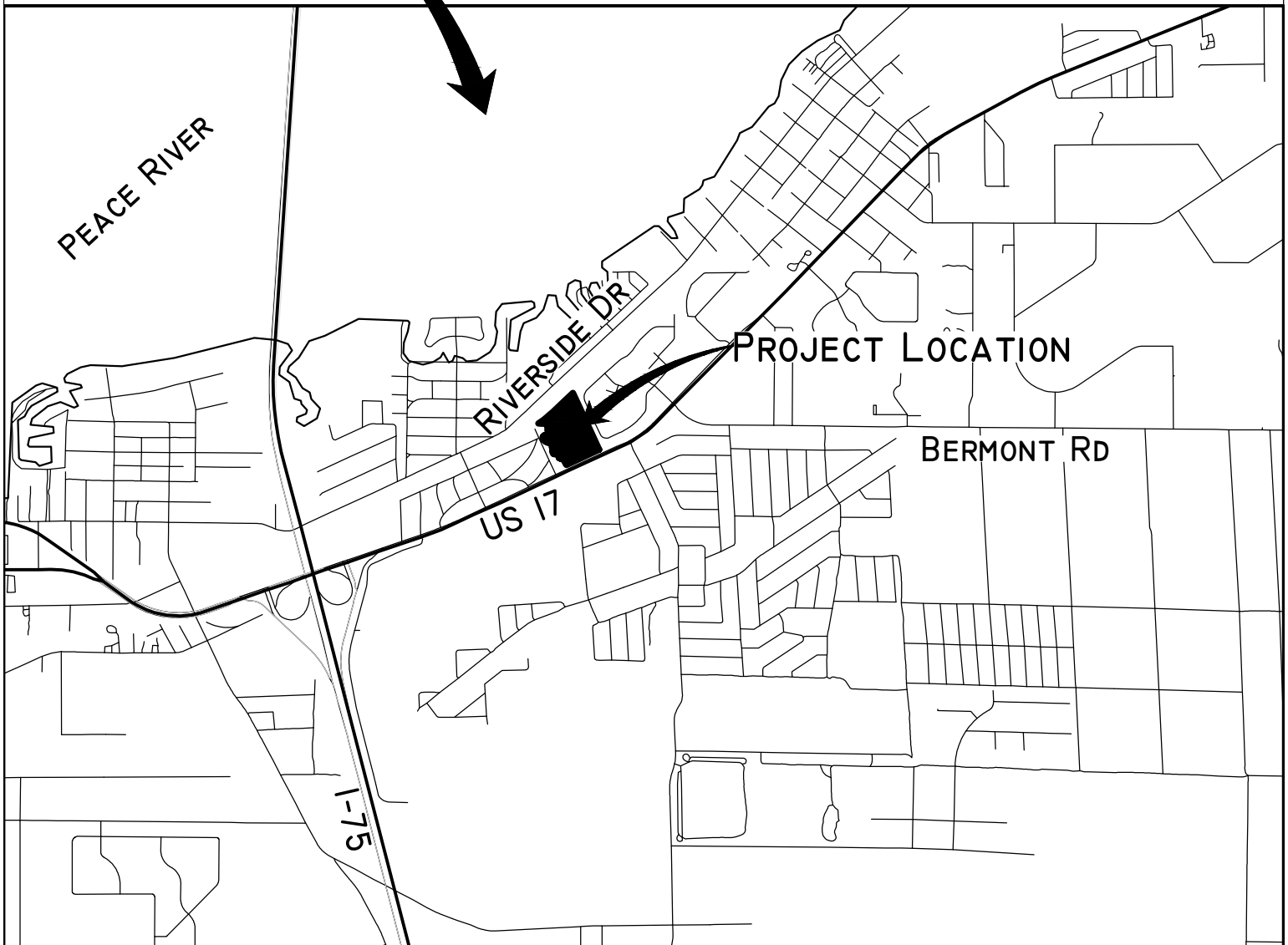
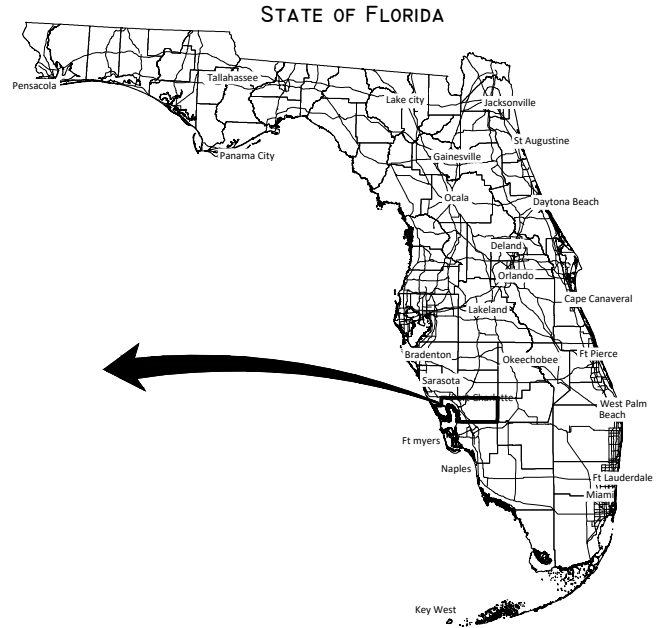
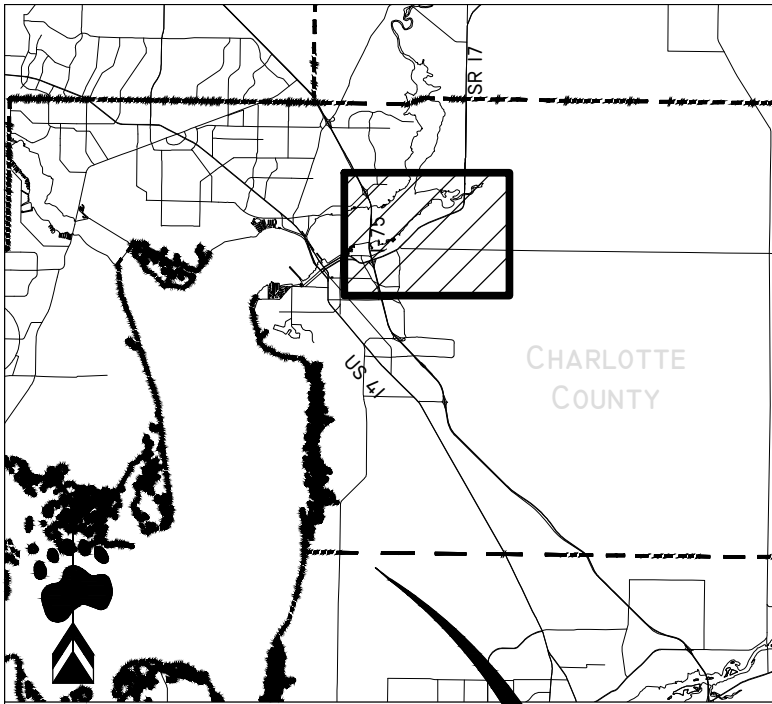
In general, this site does not contain much native, undisturbed community types in which protected species would typically inhabit. Due to the disturbed nature of the site, the surrounding land uses, and busy roadways, it is unlikely that this site supports or would provide habitat for protected species. A formal protected species survey would be required in order to confirm the presence or absence of protected species. Community locations were drawn using non-rectified aerial images with approximate property boundaries; hence their location, aerial extent, and acreage is approximate. Before any detailed site planning, it is recommended that the wetland lines are flagged, surveyed by professional land surveyor, and approved by the regulatory agencies.

The determination of ecological system classifications, functions, values, and boundaries is an inexact science, and different individuals and agencies may reach different conclusions. The on-site conditions can vary throughout the year; therefore, the findings of this survey were based upon the site conditions at the time of the inspection. It is not possible for BearPaws Environmental Consulting to guarantee the outcome of such determinations; therefore, the conclusions of this report are preliminary in nature and would require a full review by the appropriate regulatory agencies.

The information contained and the work performed as part of this initial assessment, conforms to the standards and generally accepted practices in the environmental field, and was prepared substantially in accordance with then-current technical guidelines and criteria. The conclusions of this report represent the results of our analysis of the information provided by the client and their consultants, together with information gathered in the course of the study. No other guarantee, expressed or implied, is made.

EXHIBIT A

Project Location Map



DRAWN BY:	DATE:	CATEGORY
BWS	5/20/24	LOCATION
JOB NUMBER		SCALE:
		NTS
S/T/R		COUNTY
34/40S/23E		CHARLOTTE

5905 Duncan Road

Location Map

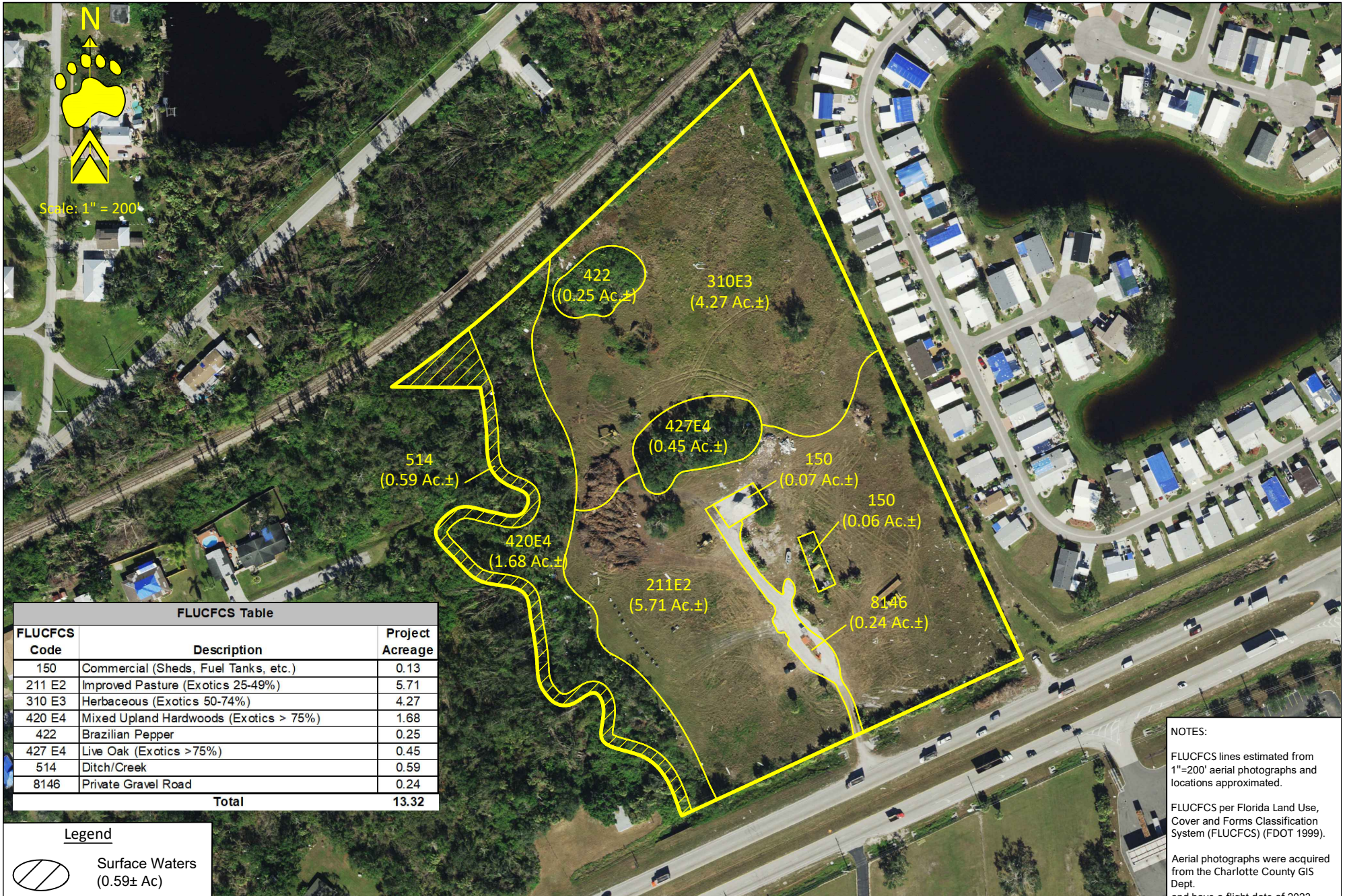
1599 COVINGTON CIRCLE EAST, FORT MYERS, FL 33919
(239) 340-0678 BEARPAWS.ENV.CONSULTING@GMAIL.COM

PAGE

EXHIBIT

EXHIBIT B

FLUCFCS Map with Aerial



FLUCFCS Table		
FLUCFCS Code	Description	Project Acreage
150	Commercial (Sheds, Fuel Tanks, etc.)	0.13
211 E2	Improved Pasture (Exotics 25-49%)	5.71
310 E3	Herbaceous (Exotics 50-74%)	4.27
420 E4	Mixed Upland Hardwoods (Exotics > 75%)	1.68
422	Brazilian Pepper	0.25
427 E4	Live Oak (Exotics >75%)	0.45
514	Ditch/Creek	0.59
8146	Private Gravel Road	0.24
Total		13.32

Legend	
	Surface Waters (0.59± Ac)

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Aerial photographs were acquired from the Charlotte County GIS Dept. and have a flight date of 2023.

Revisions	Date:	Drawn By:	Date:
		BWS	5/20/24
		Job Number	
		S/T/R	
		34/40S/23E	

5905 Duncan Road

Aerial FLUCFCS Map

Category	FLUCFCS
Scale:	1" = 200'
County	Charlotte

1599 Covington Circle East, Fort Myers, FL 33919
(239) 340-0678 bearpaws.env.consulting@gmail.com

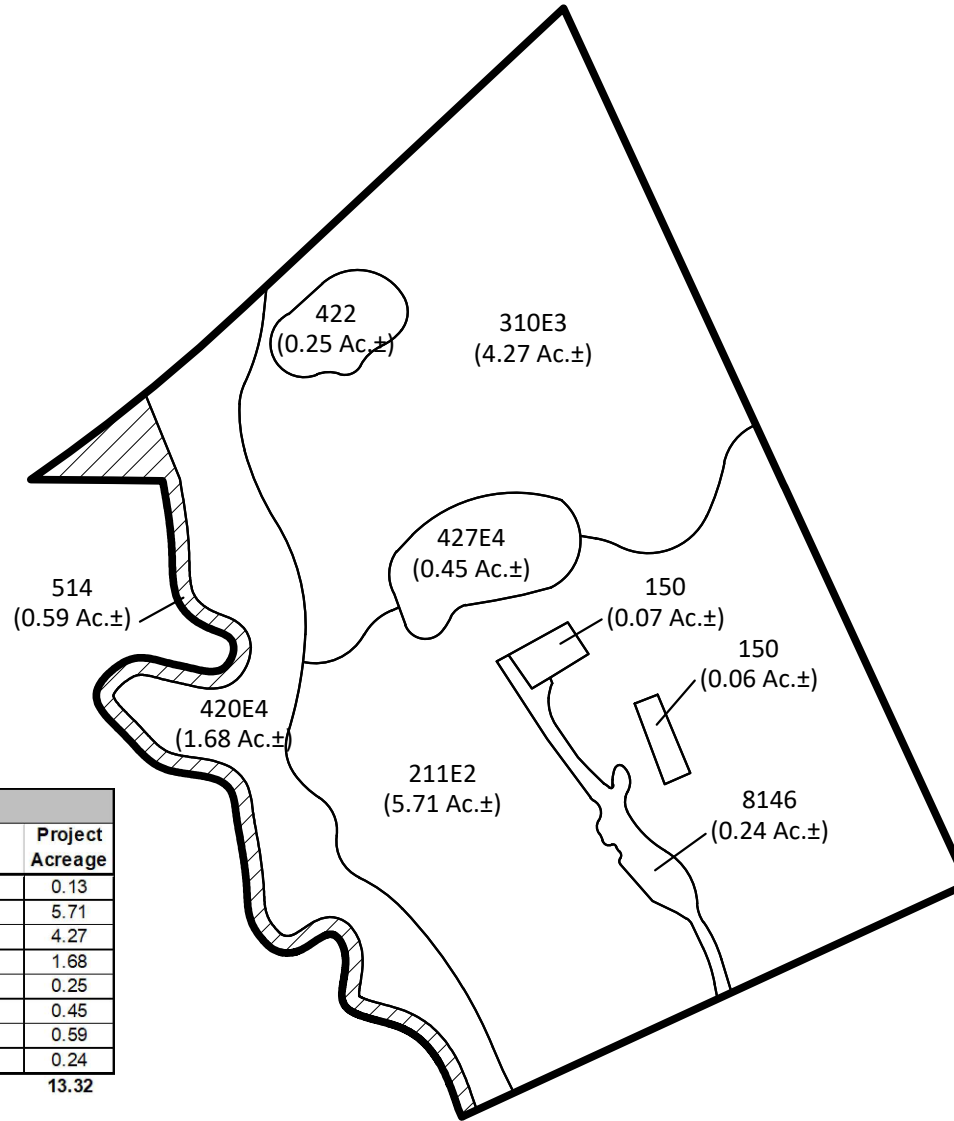
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Exhibit
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EXHIBIT C

FLUCFCS Map




Scale: 1" = 200'



FLUCFCS Table		
FLUCFCS Code	Description	Project Acreage
150	Commercial (Sheds, Fuel Tanks, etc.)	0.13
211 E2	Improved Pasture (Exotics 25-49%)	5.71
310 E3	Herbaceous (Exotics 50-74%)	4.27
420 E4	Mixed Upland Hardwoods (Exotics > 75%)	1.68
422	Brazilian Pepper	0.25
427 E4	Live Oak (Exotics >75%)	0.45
514	Ditch/Creek	0.59
8146	Private Gravel Road	0.24
Total		13.32

Legend

 Surface Waters
(0.59± Ac)

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Revisions	Date:	Drawn By:	Date:
		BWS	5/20/24
		Job Number	
		S/T/R	
		34/40S/23E	

5905 Duncan Road

FLUCFCS Map

Category
FLUCFCS
Scale:
1" = 200'
County
Charlotte



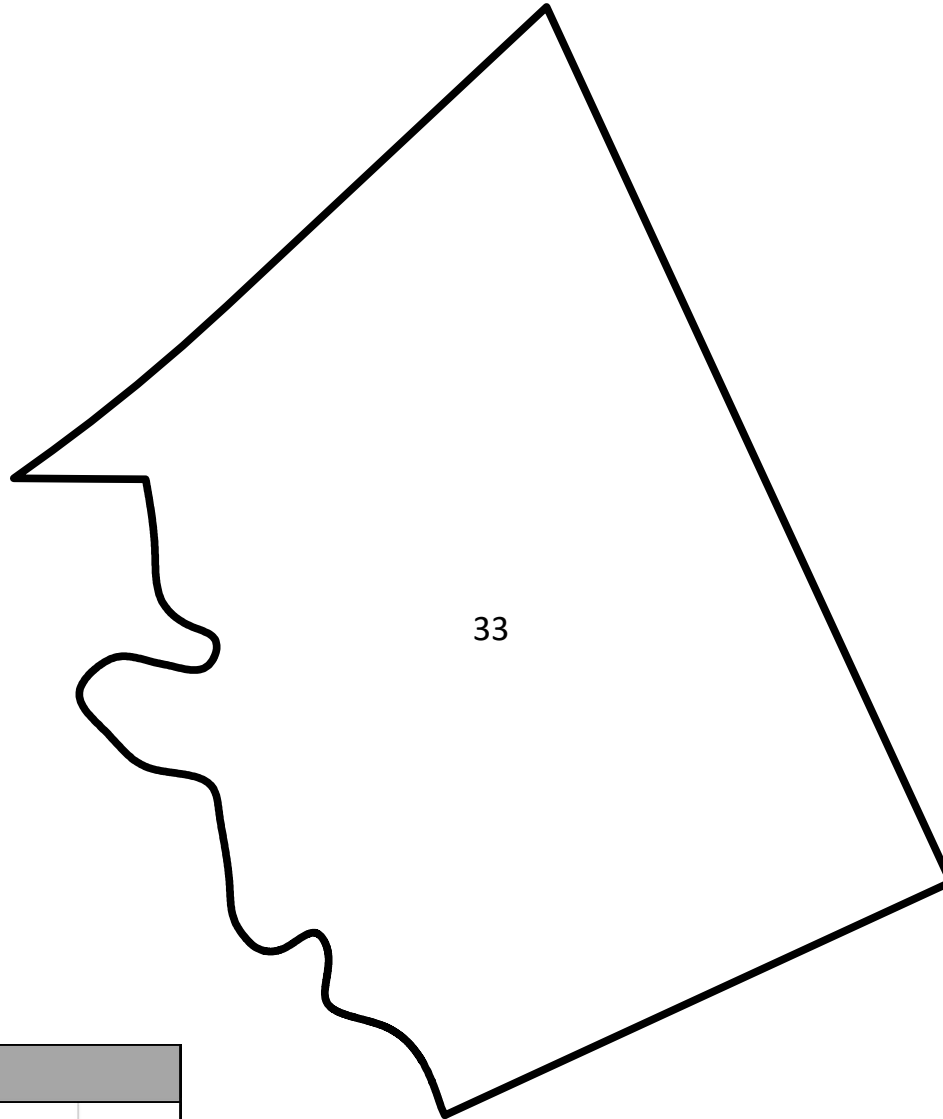
1599 Covington Circle East Fort Myers, FL 33919
(239) 340-0678 bearpaws.env.consulting@gmail.com

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Exhibit
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EXHIBIT D
NRCS Soils Map



Scale: 1" = 200'



NRCS Soils Table		
Soils No.	Name	Hydric
33	Oldsmar Sand, 0 To 2 Percent Slopes	No

NOTES

Soils were acquired from LABINS and are from the NRCS.

Revisions	Date:	Drawn By: BWS Job Number	Date: 5/20/24	<h2>5905 Duncan Road</h2> <h3>Soils Map</h3>	Category Soils		Page
		S/T/R			Scale: 1" = 200'		-
		34/40S/23E			County Charlotte		Exhibit
					1599 Covington Circle East, Fort Myers, FL 33919 (239) 340-0678 bearpaws.env.consulting@gmail.com		-



February 19, 2025

Kaeley Gatz
Atwell
4161 Tamiami Tr Bldg 5 Unit 501
Port Charlotte Fl 33952
Sent via email: kgatz@atwell.com

RE: Water and Wastewater Service Availability
5905 Duncan Rd PID 412303101001

This letter is issued to identify the procedure to determine the availability of water and sewer services to the above referenced property. The subject location is in the City Utility Service Area. Utility availability means, the subject parcel has the ability to connect to the existing water system and the existing gravity sewer system, and obtain water and sewer capacity required by the subject parcel. Parcels which are un-developed, or planned for re-development, or planned for change of use, will require site specific information to evaluate utility availability status. In the event utility service is not available at the capacity required by the subject parcel, off-site utility line extensions or improvements from the City utility system to the subject location will be required to obtain utility availability. Off-site utility improvements necessary to obtain utility availability are the responsibility of the specially benefitted properties, property owner, or developer.

A preliminary review based on viewing the subject parcel(s) on the Charlotte County GIS site, ccgis.com, indicates the property is undeveloped. Utility improvements may be necessary to obtain utility service to the subject parcel(s). We recommend meeting in our office to determine site specific information, and review capacity and location of existing utility lines. Off-site utility improvements may be required to obtain utility service to the subject parcel. Off-site utility line extensions will be required to meet the future development scenarios consistent with the Utility planning scenarios.

The nearest water main is located in Regent Rd, and in Golf Course Blvd.

The nearest force main is located at Piper Rd and Madaca Dr.

The following conditions apply to owner/developer constructed utility system improvements.

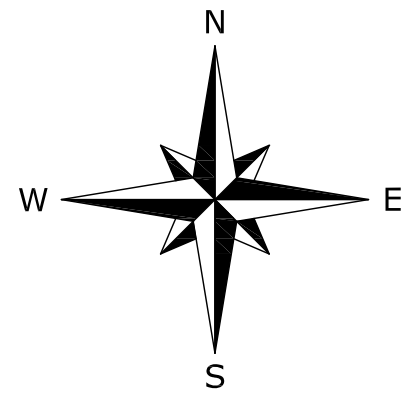
1. Service is contingent upon sufficient water and sewer plant capacity at the time of connection. (Capacity is based on a first come-first serve basis at time of connection and impact fee payments).
2. All utility construction plans, and shop drawings must be reviewed and approved by the City of Punta Gorda Utility Department prior to any construction.
3. Owner/Developer shall be solely responsible for the design, funding, construction and installation of all required on-site and off-site water and sewer facilities necessary to provide service which may include up-grading of existing utilities.
4. Owner/Developer shall obtain all necessary regulatory approvals, including Florida Department of Environmental Protection and City of Punta Gorda, prior to any construction.
5. Utility improvements in public right of way must be conveyed to the City upon completion and acceptance by the City prior to being placed into service.
6. This project will require; Payment of water and wastewater impact fee, City permits to authorize connection to utility system, Shop drawing approvals, Utility work inspection and acceptance.

7. Properties that include a mix of both residential and non-residential shall have separate meters and billing accounts for each use.
8. Pursuant to City Ordinance 1860-16, the City shall have the right to require annexation into the territorial limits of the City, or require the execution of a “Wastewater and Water Service Annexation Agreement” for future annexation, prior to the connection of any service. For additional details contact the Urban Design Department at UrbanDesign@CityofPuntaGordaFL.com or 941-575-3372.

Please call our office at 575 3339 if you would like to schedule a utility availability meeting. If you should have any questions, please do not hesitate to call this office.

Sincerely,

Steve Adams
Utility Engineering Manager



CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD DIR	C DIST
C1	18.76	10.00	107°27'53"	13.63	S37°30'00"E	19.11
C2	27.84	30.33	52°01'01"	14.80	N45°13'26"W	26.60
C3	19.10	10.00	109°25'05"	14.13	S73°21'17"E	16.32
C4	9.39	5.00	157°39'06"	6.89	S69°31'24"W	8.07
C5	11.49	20.00	32°54'56"	5.91	S36°54'33"E	11.33

LAKEWOOD VILLAGE
MOBILE HOME PARK
OCCUPIED

FLOOD DATA
FIRM DATE: 12/15/2022
COMMUNITY NUMBER: 120061
PANEL: 0234G
FIPS: 12015C
FLOOD ZONE: AE
BASE FLOOD ELEVATION: 10

COUNTY DATA
PARCEL ID: 41230310101
MAP NUMBER: 5A345
SECTION: 34-40-23
ZONING CODE: AG, RE1
SHORT LEGAL: ZZZ 344023 P2-1-1
ADDRESS: 5905 DUNCAN RD

STORM DRAIN DATA

STORM STRUCTURE 1
48" RCP
WEST MITERED END INV = 0.5'
EAST MITERED END INV = 0.8

STORM STRUCTURE 2
48" RCP
WEST MITERED END INV = 0.9'
EAST MITERED END INV = 0.9

STORM STRUCTURE 3
48" RCP
WEST MITERED END INV = 0.7'
EAST MITERED END INV = 0.7

R = 1859.86' (C)(D)
L = 698.99' (C)(D)
T BRG = S43°32'00"W (D)
T BRG = S43°42'52"W (C)

N46°45'00"W (D)
N46°17'08"W (C)
50.00'

POINT OF CURVATURE

POINT OF TANGENCY

R = 1909.86'
L = 57.70' (D)
L = 57.92' (C)

POINT OF COMMENCEMENT OF US 17 AND THE CENTER LINE OF BERMONT ROAD

SURVEYOR'S NOTES

1. SURVEY IS NOT VALID WITHOUT ORIGINAL SIGNATURE & EMBOSSED SEAL OF THIS SURVEYOR.
2. BEARINGS BASED ON ASTRONOMICAL GRID NORTH BY GLOBAL POSITION SATELLITE MEASUREMENTS.
3. MEASUREMENTS ARE IN FEET, ON A HORIZONTAL PLANE, PER U.S. STANDARDS, WITH RELATIVE DISTANCE ACCURACY GREATER THAN 1 FOOT IN 10,000 FEET.
4. UNDERGROUND IMPROVEMENTS, UTILITIES, FOUNDATIONS WERE NOT LOCATED.
5. THIS SURVEYOR WAS NEITHER FURNISHED WITH, NOR REQUESTED TO REVIEW, AN ABSTRACT ON THE DESCRIBED PROPERTY AND THEREFORE EXPRESSES NO OPINION AS TO CONDITION OF TITLE, ALL EASEMENTS, RIGHTS OF WAY, SETBACK LINES, RESERVATIONS, AGREEMENTS AND SIMILAR MATTERS SHOULD BE OBTAINED THROUGH APPROPRIATE TITLE VERIFICATION.
6. COORDINATES BASED ON NGS NAD 83 NSRS2007, DOT GPS NETWORK, FLORIDA WEST ZONE.
7. SAFE UPLAND LINE ELEVATION OF 0.75' (NAVD83) WAS A DETERMINATION BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION LETTER ON OCTOBER 7, 2019.
8. OFFICIAL RECORDS BOOK 1422, PAGE 1035 REFERS TO AN ELECTRICAL EASEMENT OVER THE SOUTH 10' OF SUBJECT PROPERTY BUT SAID EASEMENT FALLS IN THE AREA LESS AND EXCEPTED FROM SUBJECT PROPERTY.
9. ELEVATIONS ARE BASED ON NAVD 1988 VERTICAL DATUM.
10. PROPERTY CONTAINS 559,903 SQUARE FEET OR 12.85 ACRES.
11. DATE OF BOUNDARY SURVEY FEBRUARY 1, 2024.
12. MARCH 25, 2025 - REVISED BEARINGS AND DISTANCES.

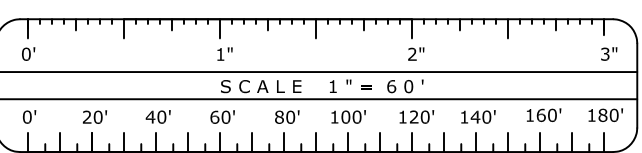
LEGEND

- FND = FOUND
- IR = IRON ROD
- N&D = NAIL AND DISK
- R/W = RIGHT OF WAY
- (C) = CALCULATED
- (D) = DEED
- BM = BENCH MARK
- EL = ELEVATION
- RCP = REINFORCED CONCRETE PIPE
- R = RADIUS
- L = ARC LENGTH
- D = DELTA
- T = TANGENT
- BRG = BEARING
- INV = INVERT
- STR = STRUCTURE
- X = FENCE LINE
- P = POWER LINE
- = POWER POLE
- = WATER METER
- = TELECOMMUNICATION BOX
- 1.0' = SPOT ELEVATION

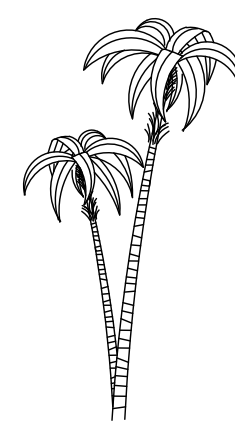
A SURVEY OF COPIED FROM ORB 5052, PAGE 619

A TRACT OR PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 40 SOUTH, RANGE 23 EAST AND IN SECTIONS 3 AND 4, TOWNSHIP 41 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE CENTERLINE OF BERMONT ROAD (STATE ROAD NO. 74) AND STATE ROAD NO. 35 (U.S. ROUTE 17) ON THE SOUTH LINE OF SAID SECTION 34, RUN NORTHEASTERLY ALONG THE CENTERLINE OF SAID STATE ROAD NO. 35, ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 1909.86 FEET, FOR 57.70 FEET TO A POINT OF TANGENCY; THENCE RUN N 46 DEGREES 45' 00" W FOR 50 FEET TO A STEEL PIPE MARKING THE POINT OF CURVATURE ON A NORTHWESTERLY LINE OF SAID STATE ROAD; THENCE RUN SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE, ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 1859.86 FEET, TANGENT BEARING S 43 DEGREES 15' 00" W, FOR 698.99 FEET TO A CONCRETE MONUMENT MARKING A POINT OF TANGENCY; THENCE RUN S 64 DEGREES 47' 00" W ALONG SAID NORTHWESTERLY LINE FOR 368.08 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL, FROM SAID POINT OF BEGINNING RUN N 25 DEGREES 13' W, PERPENDICULAR TO SAID NORTHWESTERLY LINE, FOR 1089.08 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY LINE OF THE ATLANTIC COAST LINE RAILROAD RIGHT-OF-WAY; THENCE RUN S 46 DEGREES 27' 35" W FOR 455.90 FEET TO A STEEL PIPE MARKING A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG SAID SOUTHEASTERLY LINE, ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 1969.86 FEET FOR 284.00 FEET TO A STEEL PIPE MARKING THE INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 34; THENCE RUN S 89 DEGREES 57' E ALONG SAID SOUTH LINE FOR 164.2 FEET MORE OR LESS TO THE CENTERLINE OF A TIDAL CREEK; THENCE RUN SOUTHERLY AND EASTERLY ALONG THE CENTERLINE OF SAID CREEK TO AN INTERSECTION WITH THE SECTION LINE COMMON TO SAID SECTIONS 3 AND 4; THENCE RUN S 6 DEGREES 13' 30" E FOR 140 FEET MORE OR LESS TO A STEEL PIPE MARKING THE INTERSECTION WITH SAID NORTHWESTERLY LINE OR STATE ROAD NO. 35; THENCE RUN N 64 DEGREES 47' 00" E, ALONG SAID NORTHWESTERLY LINE OR STATE ROAD NO. 35; THENCE RUN N 64 DEGREES 47' 00" E, ALONG SAID NORTHWESTERLY LINE FOR 605.01 FEET TO THE POINT OF BEGINNING. BEARINGS HEREINAFTER MENTIONED ARE FROM ASSUMING THE SOUTH LINE OF SAID SECTION 34 TO BEAR S 89 DEGREES 57' 00" E. LESS AND EXCEPT THAT RIGHT-OF-WAY GIVEN TO THE STATE OF FLORIDA IN DEED RECORDED IN O.R. BOOK 623, PAGE 854 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.



SOUTH SURVEY INC. LB 8514
ROBERT ORREN SOUTH, FLORIDA LAND SURVEYOR 2668
SEAN MITCHELL HARRIS, FLORIDA LAND SURVEYOR 7408
5500 SABAL PALM LANE, PUNTA GORDA, FLORIDA 33982
EMAIL: PUNTAGORDABOY@HOTMAIL.COM
PHONE: 941-639-4123 - WEB PAGE: LS2668.COM



BOUNDARY SURVEY
SECTION 34, TOWNSHIP 40 SOUTH
RANGE 23 EAST
SECTION 3 & 4, TOWNSHIP 41 SOUTH
RANGE 23 EAST
CHARLOTTE COUNTY, FLORIDA

PREPARED BY:

J. R. Goulding
Florida Power & Light Company

EASEMENT

599 888

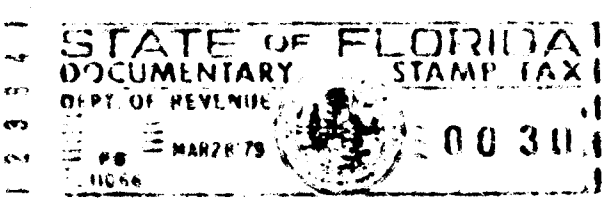
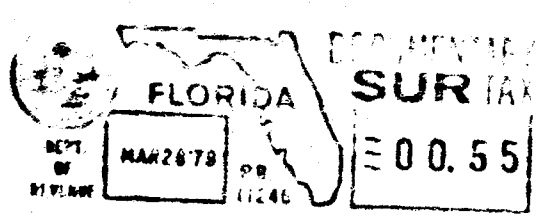
DATE February 1, 1979
34 40S 23E
SEC 3 & 4 TWP 41S RGE 23E

In consideration of the payment to me/us by Florida Power & Light Company of \$1.00 and other good and valuable consideration which I/we have received, I/we and those holding through me/us, grant and give to Florida Power & Light Company and its successors and assigns an easement for the construction, operation and maintenance of electric utility facilities (including wires, poles, guys, cables, conduits, transformer enclosures and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, change the size of or remove such facilities or any of them; to permit the attachment of conduits, wires or cables of any other Company or person; also, to cut, trim and keep clear all trees, brush and undergrowth or other obstructions that might endanger or interfere with said facilities, on, over, upon, under, and across my/our property described as follows;

A tract or parcel of land lying in Section 34, Township 40 South, Range 23 East and in Sections 3 and 4, Township 41 South, Range 23 East, Charlotte County, Florida, which tract or parcel is described as follows:

From the intersection of the centerline of Bermont Road (State Road No. 74) and State Road No. 35 (US Route 17) on the South line of said Section 34 run Northeasterly along the centerline of said State Road No. 35, along the arc of a curve to the left of radius 1909.86 feet, for 57.70 feet to a point of tangency; thence run N46°45'00" W for 50 feet to a steel pipe marking the point of curvature on a Northwesterly line of said State Road; thence run Southwesterly along said Northwesterly line, along the arc of a curve to the right of radius 1859.86 feet, tangent bearing S43°15'00" W, for 698.99 feet to a concrete monument marking a point of tangency; thence run S64°47'00" W along said Northwesterly line for 368.08 feet to the Point of Beginning of the herein described parcel. From said Point of Beginning run N25°13' W, perpendicular to said Northwesterly line, for 1089.08 feet to an intersection with the Southeasterly line of the Atlantic Coast Line Railroad right-of-way thence run S46°27'35" W for 455.90 feet to a steel pipe marking a point of curvature; thence run Southwesterly along said Southeasterly line, along the arc of a curve to the right of radius 1969.86 feet for a 284.00 feet to a steel pipe marking the intersection with the South line of said Section 34; thence run S89°57' E along said South line for 164.2 feet more or less to the centerline of a tidal creek; thence run Southerly and Easterly along the centerline of said creek to an intersection with the section line common to said Sections 3 and 4; thence run S6°13'30" E for 140 feet more or less to a steel pipe marking the intersection with said Northwesterly line of State Road No. 35, thence run N64°47'00" E along said Northwesterly line for 605.01 feet to the Point of Beginning. Bearings hereinabove mentioned are from assuming the South line of said Section 34 to bear S89°57'00" E.

Said easement to be more particularly described as the South 212 feet of the West 10 feet of the East 32 feet and the East 205 feet of the North 10 feet of the South 212 feet.



REC'D MAR 28 11 15 AM '79
CHARLOTTE COUNTY, FLORIDA

In the presence of:
x Annelle Rutledge x Donald N. Rogers (Seal)
x Sidney Fitzhugh Donald N. Rogers (Seal)

(Seal)
(Seal)

STATE OF FLORIDA AND COUNTY OF Charlotte
I, a Notary Public, do hereby certify that Donald N. Rogers and _____
known to me, personally appeared before me and acknowledged the execution of the foregoing instrument for the uses and purposes therein expressed.

WITNESS my hand and official seal in said County and State this 6th day of February, 1979

My Commission expires _____
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

Michelle A. [Signature]
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
FORM 1732P REV. 7/73

443095

776970

RETURN TO: FLORIDA POWER & LIGHT
2025 TAMiami TRl
PORT CHARLOTTE FL 33948

Prepared by and Return to: ROBERT HADDOCK
CONSTRUCTION SERVICE DESIGNER
122 E Charlotte Ave.
Punta Gorda, FL 33950
RWO/SIO/TWO/ER 4620-01-556
SEC. 3 & 4, 34, TWP. 40S, 41S E, RNG. 23E
Parcel # 0071347-000300-0

IMAGED
SG

EASEMENT
4210 DUNCAN RD

The undersigned, in consideration of the payment of \$10.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, and easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement 10 feet in width described as follows:

A tract or parcel of land lying in Section 34, Township 40 South, Range 23 East and in Sections 3 and 4, Township 41 South, Range 23 East, Charlotte County, Florida, which tract or parcel is described as follows:

From the intersection of the centerline of Bermont Road (State Road No. 74) and State Road No. 35 (US Route 17) on the South line of said Section 34 run Northeasterly along the centerline of said State Road No. 35, along the arc of a curve to the left of radius 1909.86 feet, for 57.70 feet to a point of tangency; thence run N46°45' 00" W for 50 feet to a steel pipe marking the point of curvature on a Northwesterly line of said State Road; thence run Southwesterly along said Northwesterly line, along the arc of a curve to the right of radius 1859.86 feet, tangent bearing S43°15' 00" W, for 698.99 feet to a concrete monument marking a point of tangency; thence run S64°47' 00" W along said Northwesterly line for 368.08 feet to the Point of Beginning of the herein described parcel. From said Point of Beginning run N25°13' W, perpendicular to said Northwesterly line, for 1089.08 feet to an intersection with the Southeasterly line of the Atlantic Coast Line Railroad right-of-way thence run S46°27' 35" W for 455.90 feet to a steel pipe marking a point of curvature; thence run Southwesterly along said Southeasterly line, along the arc of a curve to the right of radius 1969.86 feet for a 284.00 feet to a steel pipe marking the intersection with the South line of said Section 34; thence run S89°57' E along said South line for 164.2 feet more or less to the centerline of a tidal creek; thence run Southerly and Easterly along the centerline of said creek to an intersection with the section line common to said Sections 3 and 4; thence run S6°13' 30" E for 140 feet more or less to a steel pipe marking the intersection with said Northwesterly line of State Road No. 35, thence run N64°47' 00" E along said Northwesterly line for 605.01 feet to the Point of Beginning. Bearings hereinabove mentioned are from assuming the South line of said Section 34 to bear S89°57' 00" E.

EASEMENT DESCRIPTION

Said Easement to be more particularly described as the Southerly 10 feet of the above described property.

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all time; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersign has the power to grant, if at all, the right herein above granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

Recording \$ 10.50
Document Tax Pd \$ 0.70

File: 375837 OR BOOK/PAGE: 1422/1035
Recorded: 09/20/95 11:10 A.M.

Barbara T. Scott, Clerk of the Circuit Court, Charlotte County



IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on June 14, 1995.

Signed, sealed and delivered in the presence of:

Adorna Lee
_____ (witness)

Print Name Adorna Lee

Joann Doran
_____ (witness)

Print Name JOANN DORAN

_____ (witness)

Print Name _____

_____ (witness)

Print Name _____

Donald N. Rogers (Seal)

Print Name: DONALD N. ROGERS

Print Address: 4209 DUNCAN RD
PUNTA GORDA, FL 33950

N/A (Seal)

Print Name _____

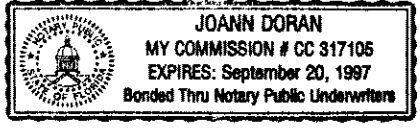
Print Address _____

STATE OF FLORIDA AND COUNTY OF CHARLOTTE

The forgoing instrument was acknowledged before me this 14th day of JUNE, 1995, by Donald N. Rogers, and N/A.

MY Commission Expires: 9/20/97

Joann Doran
Notary Signature
Print Name JOANN DORAN



ATTORNEYS' TITLE FUND SERVICES, LLC

Naples
3033 Riviera Drive, Suite 105
Naples, FL 34103
(800)526-3855

Farr Farr Emerich Hackett Carr & Holmes, P.A.
99 Nesbit Street,
Punta Gorda, FL 33950

Date: November 16, 2023
Fund File Number: 1465449
County: Charlotte
Reference: 051652.0001

Dear Fund Member:

We have examined title to the property described in Schedule A attached and prepared these schedules to be used exclusively for the purpose of issuing a commitment or policy of title insurance underwritten by Old Republic National Title Insurance Company.

Please review the schedules before signing and inserting in a 2021 ALTA Commitment (C21) jacket. Subject to your agency authorization, you must:

- A. **Add additional requirements and/or exceptions to Schedule B that you find necessary from your analysis of the present transactions.**
- B. **Evaluate Schedule A and B and issue endorsements as may be appropriate, deleting or modifying the Schedules.**
- C. **Obtain a 2021 ALTA Commitment (C21) jacket, which must be included with Schedules A & B of the 2021 ALTA Commitment.**

Fund Members may download and print the 2021 ALTA Commitment (C21) jacket by [clicking here](#).

Software providers are currently working to update to the 2021 ALTA forms. The Fund will alert members when DoubleTime and E-Closing DT will allow users to obtain C21 jackets electronically. Once available, DoubleTime users must upgrade to the most current version to access 2021 ALTA forms. You may upgrade for free by going to www.thefund.com/df. Please contact support@thefund.com with questions.

Our examination of title reflects only those matters recorded in the Official Records Books. You are responsible for such other off-record examinations and checks as you may find necessary pursuant to underwriting procedures. When the interest you are insuring is a personal property interest (such as a mortgage, a leasehold or cooperative interest), a federal tax lien search of the Secretary of State's records may be required. See Fund Title Note 30.02.08.

Where the amount of insurance is \$3 million or under, a 20-year judgment and lien search was not performed on the proposed insured purchaser if a mortgage is not associated with the purchase or if the mortgage appears to be 100% purchase money in nature.

The Fund appreciates this opportunity to be of service. Please contact us if you have any questions.

Sincerely,

Attorneys' Title Fund Services, LLC
Cynthia Pierne, Senior Examiner
(800) 336-3863 x6805, CPierne@TheFund.com

AMERICAN LAND TITLE ASSOCIATION
COMMITMENT
(With Florida Modifications)

ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

Commitment Number: 1465449	Revision Number: None	Issuing Office File Number: 051652.0001	Issuing Agent: 38401
Property Address: 5905 Duncan Road Punta Gorda, FL 33950	Loan ID Number:	Issuing Office's ALTA Registry ID: None	Issuing Office: Farr Farr Emerich Hackett Carr & Holmes, P.A.

SCHEDULE A

1. Commitment Date: **November 12, 2023 at 11:00 PM**
2. Policy to be issued: Proposed Amount of Insurance:
 - a. OWNER'S: **2021 ALTA® Owner's Policy with Florida Modifications** **\$1,250,000.00**
Proposed Insured: **John Garret Kizer**
The estate or interest to be insured: **Fee Simple**
 - b. MORTGAGEE:
Proposed Insured:
The estate or interest to be insured:
 - c. MORTGAGEE:
Proposed Insured:
The estate or interest to be insured:
3. The estate or interest in the Land at the Commitment Date is: *(Identify each estate or interest covered, i.e., fee, leasehold, etc.)* **FEE SIMPLE**
4. The Title is, at the Commitment Date, vested in: *(Identify vesting for each estate or interest identified in Item 3 above)* **R T Chevy Shop, LLC**, as disclosed in the Public Records, and has been since *(Date)* **1/22/2007 & 9/23/2022**
5. The Land is described as follows: **See Exhibit A**

Old Republic National Title Insurance Company
1408 Westshore Blvd, Suite 900, Tampa, Florida, 33607, (612) 371-1111

AUTHORIZED SIGNATORY
Farr Farr Emerich Hackett Carr & Holmes, P.A.
38401

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

AMERICAN LAND TITLE ASSOCIATION
COMMITMENT
(With Florida Modifications)

ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

Schedule B-I

Issuing Office File Number: **051652.0001**

REQUIREMENTS

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

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AMERICAN LAND TITLE ASSOCIATION
COMMITMENT
(With Florida Modifications)

ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

Schedule B-II

Issuing Office File Number: **051652.0001**

EXCEPTIONS FROM COVERAGE

SOME HISTORICAL LAND RECORDS CONTAIN DISCRIMINATORY COVENANTS THAT ARE ILLEGAL AND UNENFORCEABLE BY LAW. THIS COMMITMENT AND THE POLICY TREAT ANY DISCRIMINATORY COVENANT IN A DOCUMENT REFERENCED IN SCHEDULE B AS IF EACH DISCRIMINATORY COVENANT IS REDACTED, REPUDIATED, REMOVED, AND NOT REPUBLISHED OR RECIRCULATED. ONLY THE REMAINING PROVISIONS OF THE DOCUMENT WILL BE EXCEPTED FROM COVERAGE.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.
2.
 - a. General or special taxes and assessments required to be paid in the year **2023** and subsequent years.
 - b. Rights or claims of parties in possession not recorded in the Public Records.
 - c. Any encroachment, encumbrance, violation, variation, or adverse circumstance that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.
 - d. Easements or claims of easements not recorded in the Public Records.
 - e. Any lien, or right to a lien, for services, labor or material furnished, imposed by law and not recorded in the Public Records.
3. Any Owner's Policy issued pursuant hereto will contain under Schedule B the following exception: *Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the Land insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.*
4. Any lien provided by County Ordinance or by Chapter 159, F.S., in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.
5. Easement in favor of Florida Power and Light Company contained in instrument recorded March 28, 1979, under O.R. Book [599, Page 888](#), Public Records of Charlotte County, Florida.
6. Resolution No. 91-135 recorded in O.R. Book [1166, Page 806](#), Public Records of Charlotte County, Florida.
7. Easement in favor of Florida Power and Light Company contained in instrument recorded September 20, 1995, under O.R. Book [1422, Page 1035](#), Public Records of Charlotte County, Florida.

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AMERICAN LAND TITLE ASSOCIATION
COMMITMENT
(With Florida Modifications)

ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

Schedule B-II

Issuing Office File Number: 051652.0001

8. Lands lie within various county special assessment districts and municipal taxing districts and are subject to liens for any unpaid special assessments by virtue of the ordinances and resolutions creating these districts. The special assessments are payable with the ad valorem taxes.
9. Rights of the lessees under unrecorded leases.

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AMERICAN LAND TITLE ASSOCIATION
COMMITMENT
(With Florida Modifications)

ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

Exhibit A

Commitment Number:

1465449

Issuing Office File Number:

051652.0001

A Tract or Parcel of land lying in Section 34, Township 40 South, Range 23 East and in Sections 3 and 4, Township 41 South, Range 23 East, Charlotte County, Florida, which tract or parcel is described as follows: From the intersection of the centerline of Bermont Road (State Road No. 74) and State Road No. 35 (U.S. Route 17) on the South line of said Section 34, run Northeasterly along the centerline of said State Road No. 35, along the arc of a curve to the left of radius 1909.86 feet, for 57.70 feet to a point of tangency; thence run N 46 degrees 45' 00" W for 50 feet to a steel pipe marking the point of curvature on a Northwesterly line of said State Road; thence run Southwesterly along said Northwesterly line, along the arc of a curve to the right of radius 1859.86 feet, tangent bearing S 43 degrees 15' 00" W, for 698.99 feet to a concrete monument marking a point of tangency; thence run S 64 degrees 47' 00" W along said Northeasterly line for 368.08 feet to the Point of Beginning of the herein described parcel. From said Point of Beginning run N 25 degrees 13' W, perpendicular to said Northwesterly line, for 1089.08 feet to an intersection with the Southeasterly line of the Atlantic Coast Line Railroad Right-of-Way; thence run S 46 degrees 27' 35" W for 455.90 feet to a steel pipe marking a point of curvature; thence run Southwesterly along said Southeasterly line, along the arc of a curve to the right of radius 1969.86 feet for 284.00 feet to a steel pipe marking the intersection with the South line of said Section 34; thence run S 89 degrees 57' E along said South line for 164.2 feet more or less to the centerline of a tidal creek; thence run Southerly and Easterly along the centerline of said creek to an intersection with the section line common to said Sections 3 and 4; thence run S 6 degrees 13' 30" E for 140 feet more or less to a steel pipe marking the intersection with said Northwesterly line of State Road No. 35; thence run N 64 degrees 47' 00" E along said Northwesterly line for 605.01 feet to the Point of Beginning. Bearings hereinabove mentioned are from assuming the South line of said Section 34 to bear S 89 degrees 57' 00" E.

LESS AND EXCEPT that right-of-way given to the State of Florida in the Deed recorded in O.R. Book 623, Page 854 of the Public Records of Charlotte County, Florida.

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US-17 PROPERTY

Traffic Analysis for Rezoning
Charlotte County, FL
Job No. 24003194

Prepared for:

Charlotte Harbor Construction, Inc.
210 Wood Street
Punta Gorda, FL 33950
(941) 347-4665

Prepared by:

Atwell, LLC
4161 Tamiami Trail, Building 5, Unit 501
Port Charlotte, Florida 33952

February 27, 2026



PROJECT SUMMARY:

Atwell was contracted by Charlotte Harbor Construction, Inc. to evaluate the proposed US-17 Property project. The ±12.85 acre property is located at 5905 Duncan Road, Punta Gorda, FL 33950 and is currently zoned Residential Estates-1 (RE1) & Agriculture (AG) with a proposed rezoning to Planned Development (PD) to allow for a commercial subdivision. The commercial subdivision will consist of a retail 70,000 SF GFA, Shopping Plaza and 125 room Hotel with all associated infrastructure. The Charlotte County PID # 412303101001.

TRIP GENERATION:

Trip generation estimates were generated using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition. For this analysis, rates under Land Use Codes 821 – Shopping Plaza (40-150k) and 310 – Hotel estimated the quantity of trips generated by the proposed project development. **Table 1** below shows the land use and trip generation rate percentages during the peak commuter hours.

ITE Land Use Characteristics	AM Directional Distribution			PM Directional Distribution		
	In	Out	Pass-by	In	Out	Pass-by
821 - Shopping Plaza (40-150k) 70k SF GFA	62%	38%	0%	48%	52%	0%
310 - Hotel - 125 Rooms	51%	49%	0%	51%	49%	0%

**TABLE: 1
VEHICULAR TRIP GENERATION RATES**

Table 2 below shows the daily and peak commuter hour vehicular trip ends generated for each land use.

ITE Land Use Characteristics	Units	Daily	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
821 - Shopping Plaza (40-150k) 70k SF GFA	1k SF GFA	7,100	153	94	247	315	341	656
310 - Hotel - 125 Rooms	Rooms	730	22	21	43	30	29	59
Total Trips:		7,830	175	115	290	345	370	715

**TABLE: 2
GENERATED VEHICULAR TRIP ENDS**



LEVEL OF SERVICE (LOS):

According to the Charlotte County Concurrency Report (CCCR) (2025), US-17 is a 4-lane divided Suburban Commercial (C3C) context classification highway, currently operating at LOS C with an adopted LOS D. The Project has a projected buildout date of 2028. **Table 3** below shows the existing roadway Average Annual Daily Trips (AADT), peak hour trips and LOS, both operating and adopted.

Roadway Segment	2025 AADT	k-factor	Growth Rate	2025 Peak Hour	Operating LOS	Adopted LOS
US-17 ¹	20,037	0.090	2.00%	1,803	C	D

¹ Roadway classification for US-17 from Copeley Ave to CR-74 is based on the FDOT Context Classification which is C3C-Suburban Commercial.

**TABLE: 3
EXISTING TRAFFIC LOS ANALYSIS**

Roadway Segment ¹	2028 Peak Hour ²	Peak Hour Project Trips	2028 Peak Hour (w/ Project Buildout)	LOS D Limit (Peak Hr/2-Way Vol.)	Operating LOS	Adopted LOS	LOS Exceeded
US-17	1,914	715	2,629	3,455	C	D	No

¹ Roadway classification for US-17 from Copeley Ave to CR-74 is based on the FDOT Context Classification which is C3C-Suburban Commercial.

² 100th-Hour rates adjusted for growth rates from CCCR.

**TABLE: 4
FUTURE TRAFFIC LOS ANALYSIS**

Table 4 above shows that following the buildout of the project, US-17 will continue to operate within the adopted LOS.



CONCLUSION:

This analysis shows the trip generation rates, and generated trip ends that the U.S. 17 Property project would have on the servicing roadway. Based on this analysis and the resulting data, the following is concluded:

- The project is estimated to generate 7,830 total daily trips with 290/715 peak hour commuter trips in the AM/PM.
- US-17 Currently operates at LOS C with an adopted LOS D. With the added project peak hour trips, the service roadway would continue to operate within adopted LOS.
- A full traffic impact statement will need to be submitted during development permitting to allow for a full turn lane analysis.

In summary, the new trips generated by the proposed US-17 Property project can be accommodated within the available capacity of the existing roadway and will not create any adverse impacts to LOS.

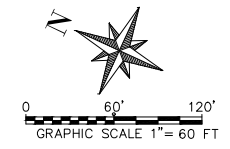
Sincerely,

ATWELL, LLC

A handwritten signature in blue ink, appearing to read "SR Sonberg".

Steven R. Sonberg, P.E., P.S.M.
Director

Attachments:
PD Concept Plan



SITE PLAN SUMMARY

1) **PROPERTY INFORMATION:**
CURRENT ZONING AND LAND USE: AG, RE1 / VACANT
PROPOSED USE: COMMERCIAL PLANNED DEVELOPMENT (PD)

2) **PROJECT LAND USE**

PROPERTY AREA:	12.85 AC	(100%)
DEVELOPMENT AREA (PD AREA):	12.85 AC	(100.0%)
WETLAND / WETLAND BUFFER AREA:	1.91 AC	(14.9%)
COMMERCIAL TRACT AREA:	6.86 AC	(53.3%)
STORMWATER LAKE AREA:	3.29 AC	(25.8%)
COMMON OPEN SPACE AREA:	0.79 AC	(6.2%)

3) **FLOOD ZONE**
THE PARCEL LIES ENTIRELY IN FLOOD ZONE "10AE"

4) **PARKING REQUIREMENTS:**
PARKING WILL BE PROVIDED AT FINAL DETAIL PLAN APPROVAL PER CHARLOTTE COUNTY DEVELOPMENT REGULATIONS SECTION 3-9-79

5) **OPEN SPACE**
OPEN SPACE REQUIRED: 12.85 AC X 20% = 2.57 AC
OPEN SPACE PROVIDED: WETLAND / WETLAND BUFFER AREA + COMMON OPEN SPACE AREA
= (1.91 AC + 0.79 AC) / 12.85 AC
= (2.70 AC / 12.85 AC) = 21.0%

6) **OPEN HABITAT SPACE**
REQUIRED: 5% OF PROPERTY AREA = (12.85 AC x 0.05) = 0.64 AC
PROVIDED: WETLAND + WETLAND BUFFER AREA
= 1.91 AC / 12.85 AC = 14.9%

DEVELOPMENT STANDARDS:

DESCRIPTION	COMMERCIAL
REQUIRED PARKING	0
MIN. LOT REQUIREMENT (SQ. FT.)	12,000
MAX. PERCENTAGE OF LOT COVERAGE (%)	55
MIN. WIDTH (FT.)	100
MIN. FRONT YARD (FT.)	25
MIN. SIDE YARD INTERIOR (FT.)	0
MIN. SIDE YARD ABUTTING A PROPERTY LINE (FT.)	25 **
MAX. BUILDING HEIGHT (FT.)	60
MIN. REAR YARD ABUTTING A LOT (FT.)	10
MIN. REAR YARD ABUTTING WATER (FT.)***	20
MIN. REAR YARD ABUTTING A ROAD (FT.)	15
SETBACK FOR ACCESSORY STRUCTURE FROM REAR LOT LINE (FT.)	SAME AS PRINCIPLE
SETBACK FOR ACCESSORY STRUCTURE FROM SIDE YARD (FT.)	SAME AS PRINCIPLE
SETBACK FOR ACCESSORY STRUCTURE ABUTTING A ROAD (FT.)	SAME AS PRINCIPLE
SETBACK FOR ACCESSORY STRUCTURE ABUTTING WATER (FT.)***	SAME AS PRINCIPLE

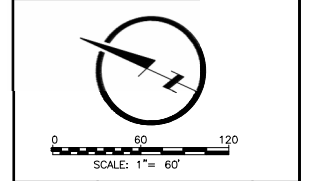
** SIDE YARD FOR ANY BUILDING ABUTTING A PROPERTY LINE IS 25 FEET OR 1/4 THE HEIGHT OF THE BUILDING, WHICHEVER IS GREATER.
*** PROPOSED SETBACK IS FROM SEASONAL HIGH WATER LINE OF LAKE.

LEGEND

- COMMERCIAL TRACT AREA
- LAKE AREA
- WETLAND AREA
- 15' MIN, 25' AVERAGE WETLAND BUFFER AREA

- PLANNED DEVELOPMENT NOTES:**
- ALL TRACT LINES SHOWN ARE PRELIMINARY & MAY BE CHANGED DUE TO MARKET CONDITIONS, DESIGN CONSTRAINTS OR PERMITTING REQUIREMENTS AT FINAL DETAIL SITE PLAN APPROVAL.
 - WHERE A LANDSCAPE BUFFER IS REQUIRED, DEVELOPER TO WORK WITH COUNTY STAFF TO DETERMINE IF EXISTING TREES & VEGETATION MEET BUFFER REQUIREMENTS & DETERMINE WHAT ADDITIONAL TREES WILL BE REQUIRED TO MEET COUNTY LANDSCAPE BUFFER MINIMUM REQUIREMENTS.
 - ALL ON-SITE LAKES WILL BE A PART OF THE STORM WATER MANAGEMENT SYSTEM.
 - PROPOSED PROJECT SHALL BE SERVICED BY CENTRAL WATER & SEWER.
 - SIDEWALK IS NOT PROPOSED ON DUNCAN ROAD FRONTAGE.

ATWELL
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PORT CHARLOTTE, FL 33952
941.625.1165



PD CONCEPT PLAN

US 17 PROPERTY

CHARLOTTE COUNTY, FLORIDA

PREPARED FOR:

NO.	DATE	REVISION DESCRIPTION	BY

811 Know what's below. Call before you dig.

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####

ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

TODD R. REBOL, P.E.
LICENSE NO. 64040

DRAFTED BY: TBV	DESIGNED BY: TBV	REVIEWED BY: TRR
PROJECT NUMBER: 24003194	COMPLETION DATE: 3-6-25	SURVEY DATUM:
BOOK AND PAGE:		

SHEET 3 **OF** 3

239-598-3601

DEREK.ROONEY@GRAY-ROBINSON.COM

MEMORANDUM

TO: Charlotte County Planning & Zoning Division

FROM: Derek P. Rooney

DATE: August 25, 2025

SUBJECT: Archeological/Historical Research

In support of the small-scale plan amendment and companion rezoning applications submitted by 5905 Duncan Road LLC a search was conducted of the National Register of Historic Places, as well as a search was requested from the Florida Division of Historical Resources of the Florida Master Site. The results of both searches found no archeological or historical resources on the subject properties.

Respectfully,

/s/ Derek Rooney