



# CHARLOTTE COUNTY

## Community Development

### Staff Report for: PD-26-01

**Hearing Date:** April 13, 2026/May 26, 2026

**To:** Planning and Zoning Board/Board of County Commissioners

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

**Regarding:** A request to amend the Zoning Atlas

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#### Part 1 – General Information

**Applicant:** Taylor Morrison of Florida, Inc., 28100 Bonita Grande Dr., Suite 102, Bonita Springs, FL 34135

**Agent:** Tom Sacharski, AICP - RVI Planning + Landscape Architecture, 8725 Penderly Place, Suite 101, Bradenton, FL 34201

**Owner(s):** Owner of the portion of the property subject to the requested changes:  
Taylor Morrison of Florida, Inc., 28100 Bonita Grande Dr., Suite 102, Bonita Springs, FL 34135.  
Multiple owners hold title to the portions of the property that are not subject to the requested changes.

**Request:** A privately initiated request to amend the Charlotte County Zoning Atlas from Planned Development (PD) to PD; this is a major modification to Ordinance Number 2023-003, specifically PD conditions “a”, “b”, and “c”, by:

- Adding single-family attached as a permitted use.
- Increasing the approved residential development rights from 208 dwelling units to 212 dwelling units; however, the base density is 212 dwelling units, and no transfer of density units is required.
- Adopting a proposed General PD Concept Plan, which specifically amends Phase 2, excluding the existing amenity center and Building 11, adopted as part of the approved General PD Concept Plan in Ordinance Number 2023-003.

**Location:** **Commission District I:** The subject property is generally located north of Harborview Road, south of Westchester Boulevard, west of Loveland Boulevard, and east of Kings Highway, in the Port Charlotte area.

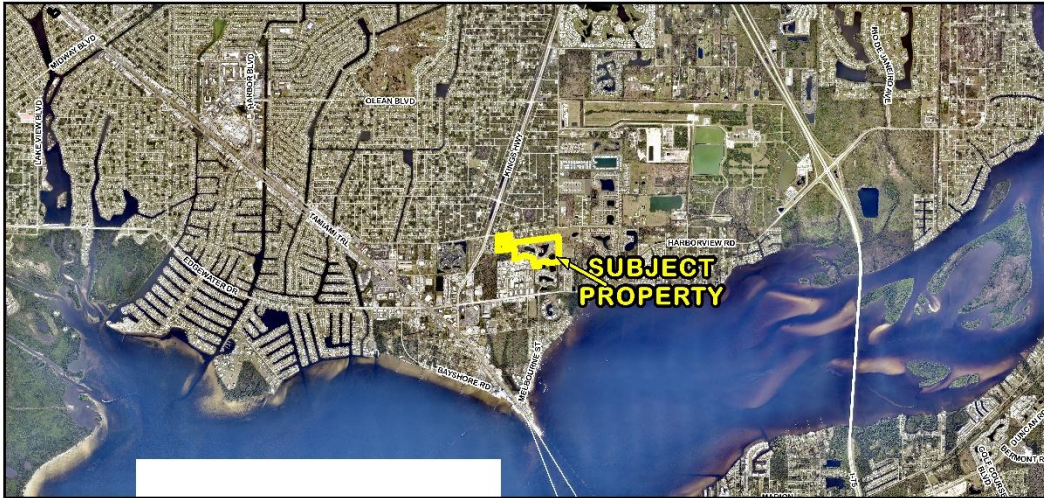
**Land Area:** The subject property contains a total of 42.62± acres.

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

## Part 2 - Analysis and Conclusion

### *History of the Subject Property*

The subject property is generally located north of Harborview Road, south of Westchester Boulevard, west of Loveland Boulevard, and east of Kings Highway, in the Port Charlotte area.



**PD-26-01 Area Image (Mid-Range)**



**PD-26-01 Area Image**

On April 15, 1980, the Board of County Commissioners (Board) approved a Planned Development rezoning (PD 80-1) for 493 dwelling units, consisting of 336 garden apartments and 157 cluster villas for approximately 76 acres of lands. The subject property for this application is a portion of that Planned Development.



**PD-26-01 and PD 80-1 Area Image**

In 1985, an 8-unit condominium building known as Country Meadows Westchester within PD 80-1 was approved by the Board.

On October 21, 1997, a 48-unit townhouse development within PD 80-1 was approved by the Board via Resolution Number 971190AO (Attachment A).

On September 19, 2006, a partial Final Detail Site Plan (DRC-PD-80-1D) was approved to construct the 212-unit Bella Via Condominium on the 42.62 acres within PD 80-1 via Resolution Number 2006-169 (Attachment B). Since approval, two 8-unit buildings were constructed with supporting infrastructure and an amenity center, leaving 196 dwelling units remaining to be built on the subject property.

On May 24, 2022, the Board approved a modification to this Final Detail Site Plan via Resolution 2022-059 (Attachment C). Specifically,

- To extend the buildout date of the Bella Via residential development to May 24, 2025.
- To revise the number of structures from 21 to 20 buildings.
- To include two phases for this project.

On November 20, 2022, a minor modification to this Final Detail Site Plan was approved to add two dumpsters.

On January 24, 2023, the Board approved a major modification of an existing PD via Ordinance Number 2023-003 (Attachment D). The specific changes are:

- Modification of the layout and placement of some buildings.
- Revisions to development standards as established in Final Detail Site Plan for residential development, called Bella Via Condominium, and approved via Resolution Number 2006-169.
- Reduction of the approved residential development rights from 212 dwelling units to 208 dwelling units.
- Adoption of the General PD Concept Plan.

On July 11, 2023, the Board approved Resolution Number 2023-115 (Attachment E), which approved a modification to the PD Final Detail Site Plan (Application Number DRC-23-00012) for Bella Via Condominium Phase 2. The modification includes the remaining 128 multi-family units of the total 208 units, along with associated infrastructure, on approximately 21.58 acres of the subject property.

### **Current Status**

The applicant, Taylor Morrison of Florida, Inc., owns the portion of the property subject to the requested changes. Specifically, the applicant requests:

- To add single-family attached as a permitted use.
- To increase the approved residential development rights from 208 dwelling units to 212 dwelling units; however, the base density allows up to 212 dwelling units, and therefore no transfer of density units is required.
- To adopt a proposed General PD Concept Plan, which specifically amends Phase 2, excluding the existing amenity center and Building 11, as previously adopted as part of the approved General PD Concept Plan in Ordinance No. 2023-003.

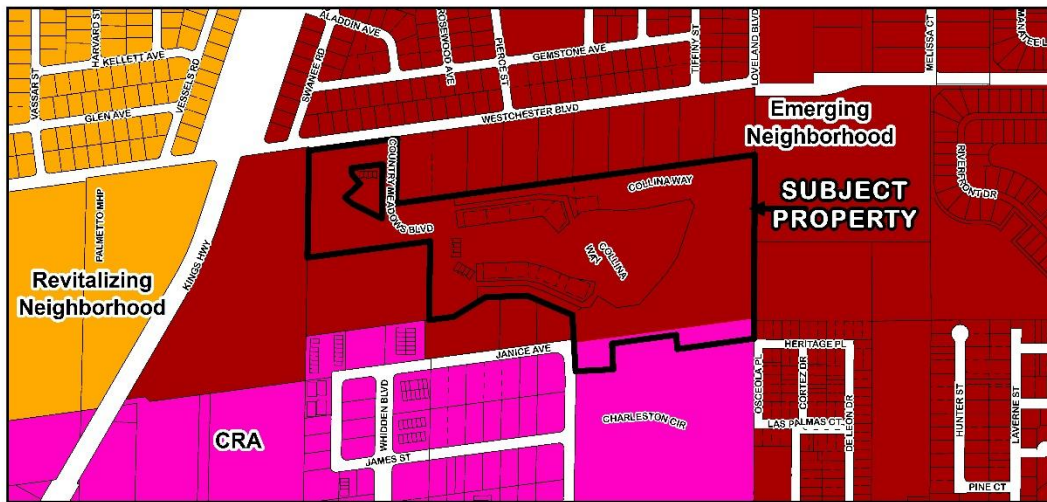
The applicant states that the purpose of this request is due to changing market trends and development scenarios.

### **Consistency with the County's Comprehensive Plan**

The majority of the subject property is located within an Emerging Neighborhood, as shown on the 2050 Framework Map, with only a small portion designated as CRA. According to the County's Comprehensive Plan, *Emerging Neighborhoods include large areas of undeveloped lots or other vacant lands that are appropriate for residential and mixed-use development. These areas are generally located near regional transportation corridors, typically have access to central water and sewer infrastructure, and are situated in the path of future urban development. Emerging Neighborhoods provide an opportunity to establish a distinct community identity and to incorporate planning principles that support more sustainable development prior to further growth.*

The subject property is part of a Planned Development (PD) project that was originally approved in April 1980 for residential development. A major modification to the existing PD was approved in January 2023, and the most recent Final Detail Site Plan was approved in July 2023 for Bella Via Condominiums Phase 2, allowing for 128 multi-family units.

The proposed major modification to the existing PD, if approved, will introduce additional residential housing options and will not alter the overall residential character of the development. Therefore, it is staff's professional opinion that the proposed changes are not contrary to the intent of the Emerging Neighborhood designation.



**PD-26-01 Framework**

Furthermore, the subject property has been designated as Low Density Residential since the 1980s; the site retains 212 base density units, which is 4.97 units per acre, and the approved residential development is up to 208 units. The proposed residential development is to increase four dwelling units from 208 dwelling units to 212 dwelling units, which is consistent with the Low Density Residential Future Land Use Map category.

Therefore, the proposed changes are consistent with and supported by various goals, objectives and policies set forth in the County’s Comprehensive Plan.

***Compatibility and Surrounding Uses***

The subject property is located on the south side of Westchester Boulevard in the Port Charlotte area. The portion of the site subject to the proposed changes currently contains the existing amenity center and one multi-family building with supporting infrastructure, while the remaining portion is vacant.

To the north, across Westchester Boulevard, are single-family homes. This area is designated as Low Density Residential (LDR) and is zoned Residential Single-Family 3.5 (RSF-3.5) and Residential Estate 1 (RE-1).

To the south are multi-family developments, including Charleston Cay Apartments, as well as vacant lands designated for industrial uses and the Whidden Industrial Park, which contains developed commercial and light industrial uses within the Charlotte Harbor Community Redevelopment Area (CRA). This area is designated as LDR, Low Intensity Industrial (LII), and Charlotte Harbor Industrial (CHI), with zoning classifications of Planned Development (PD) and Industrial General (IG).

To the west is Solaris Healthcare-Charlotte Harbor, in an area designated as LDR and High Density Residential (HDR), with zoning classifications of Residential Multi-Family 5 (RMF-5) and Residential Multi-Family 12 (RMF-12).

To the east are vacant lands designated for residential development, Tri-City Baptist Church, and single-family homes. This area is designated as LDR and is zoned RMF-5, RE-1, and Residential Single-Family 5 (RSF-5).

The proposed PD rezoning will not modify the previously approved PD conditions related to the open space and the enhanced landscape and buffer requirements or development standards, including setbacks and maximum building heights. Therefore, it is staff's professional opinion that the proposed development will not have any detrimental impacts on surrounding residential uses.

**Concurrency issues**

- *Water and Sewer:* The proposed development will be served by Charlotte County Utilities. Based on the Utilities Department Availability Request Form dated October 10, 2025, potable water and sewer services are available and required.
- *Traffic:* Based on the Traffic Impact Statement prepared by TR Transportation Consultants, Inc., dated December 1, 2025, and submitted with the application, the County Transportation Department concurs with the conclusion that the proposed development will not degrade the Level of Service (LOS) of any roadway below the minimum acceptable standard. The surrounding roadway network is capable of accommodating the additional vehicle trips anticipated to be generated by the development.
- *Schools:* The proposed changes do not increase the approved residential development rights for the subject property. Therefore, no increase in student generation is anticipated as a result of the proposed rezoning.

Therefore, the proposed PD rezoning does not create any concurrency issues.

**PD Concept Plan**

The PD Concept Plan associated with this PD rezoning, a major modification of the existing PD, was submitted for Site Plan Review. The petition number is DRC-26-008. A recommendation letter (Attachment F) was issued on April 2, 2026.

**Conclusion**

It is staff's professional opinion that the proposed major modification to adopted PD Conditions "a", "b", and "c", with the recommended amendments set forth in Exhibit "A," is consistent with the Low Density Residential (LDR) Future Land Use Map (FLUM) category, as well as the applicable goals, objectives, and policies of the County's Comprehensive Plan. The proposed development is not expected to create any detrimental impacts on surrounding properties.

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### Part 3 – Summary and Recommendation

**Staff Summary:**

Based upon the analysis and conclusions set forth herein, in staff's professional opinion, the application (Application No. PD-26-01) is generally consistent, as conditioned, with Charlotte County's Comprehensive Plan, Charlotte County's Code of Laws and Ordinances and other applicable guidelines.

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

*A motion to forward application No. PD-26-01 to the Board of County Commissioners with a recommendation of **Approval with amended conditions a, b, and c**, based on the findings and analysis in the staff report dated April 2, 2026, Charlotte County’s Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.*

**Part 4: Research and Findings**

1. **2050 Framework Map Designation:** The majority of the subject property is part of the Emerging Neighborhood (FLUM Map #2 - 2050 Framework)
2. **2030 Service Area Delineation:** In the Urban Service Area
3. **Existing Land Use on the Site:** Phase I of the project has been completed and the majority of the subject property subject to this application is currently vacant. (see attached Site Image)
4. **Existing Future Land Use and Zoning Designations:**  
(see attached Future Land Use Map and Zoning Map.)

| FLUM:                                | Development Standards:  |
|--------------------------------------|---|
| <b>Low Density Residential (LDR)</b> | <p><b>General Range of Uses</b></p> <p>Single-family residential, multi-family residential, manufactured residential dwelling units, recreational vehicle parks, sub-neighborhood commercial uses, recreational facilities in association with residential development, schools, and public services and facilities.</p> <p><b>Maximum Density</b></p> <p>Residential densities shall not exceed five dwelling units per acre. If zoned Environmentally Sensitive, the density is one dwelling unit per ten acres.</p> <p><b>Maximum Intensity for Sub-neighborhood Commercial Uses</b></p> <ul style="list-style-type: none"> <li>• Range of acreage: 0.4 to 3 acres</li> <li>• Maximum building coverage of a site: 60%</li> <li>• Maximum floor area ratio: 0.6</li> </ul> <p><b>Special Provisions for Sub-neighborhood Commercial Use</b></p> <p>1. Sub-Neighborhood Commercial Centers must have sufficient buffering to prevent intrusion into residential areas and may be developed only as a Planned Development (PD) with no residential uses or Commercial Neighborhood (CN).</p> |
| Zoning:                              | Development Standards:  |
| <b>Planned Development (PD)</b>      | <p>The purpose and intent of this district is to provide flexibility and to encourage concentrated, energy-efficient land development, and to provide opportunities to impose conditions to ensure that the proposed development is consistent and compatible with the surrounding neighborhood.</p>  |

|  |  |
|--|--|
|  | <p><u>Minimum lot and yard requirements.</u> Internal lot and yard requirements shall be established through the PD rezoning process. Unless otherwise approved by the BCC or provided in section 3-9-45.1, no structure shall be located closer to the peripheral property line of the PD than twenty-five (25) feet or as required by section 3-9-88, "Waterfront property," as the same may be amended, whichever is greater.</p> <p><u>Maximum height of structures.</u> The maximum height for structures shall be established through the PD rezoning process.</p> <p><u>Open space.</u> Unless otherwise approved by the BCC or as provided in section 3-9-45.1, a minimum of twenty (20) percent of the entire PD parcel or phase shall be retained as open space.</p> <p><u>Internal circulation.</u> All streets shall be designed to provide safe, efficient and convenient access to land uses within the development and to roadways adjacent to the development. In addition to vehicular thoroughfares, functional pedestrian and bicycle-path systems are required in accordance with the county's land development regulations.</p> |
|--|--|

**Table 1**

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

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

| <b>FLUM:</b>   | <b>Development Standards:</b>   |
|--|---|
| <b>No Change<br/>Low Density<br/>Residential<br/>(LDR)</b> | <p><b>General Range of Uses</b></p> <p>Single-family residential, multi-family residential, manufactured residential dwelling units, recreational vehicle parks, sub-neighborhood commercial uses, recreational facilities in association with residential development, schools, and public services and facilities.</p> <p><b>Maximum Density</b></p> <p>Residential densities shall not exceed five dwelling units per acre. If zoned Environmentally Sensitive, the density is one dwelling unit per ten acres.</p> <p><b>Maximum Intensity for Sub-neighborhood Commercial Uses</b></p> <ul style="list-style-type: none"> <li>• Range of acreage: 0.4 to 3 acres</li> <li>• Maximum building coverage of a site: 60%</li> <li>• Maximum floor area ratio: 0.6</li> </ul> <p><b>Special Provisions for Sub-neighborhood Commercial Use</b></p> <p>1. Sub-Neighborhood Commercial Centers must have sufficient buffering to prevent intrusion into residential areas and may be developed only as a Planned Development (PD) with no residential uses or Commercial Neighborhood (CN).</p> |
| <b>Zoning:</b>   | <b>Development Standards:</b>   |

|   |   |
|---|---|
| <b>Planned<br/>Development<br/>(PD)</b> | <p>The purpose and intent of this district is to provide flexibility and to encourage concentrated, energy-efficient land development, and to provide opportunities to impose conditions to ensure that the proposed development is consistent and compatible with the surrounding neighborhood.</p> <p><u>Minimum lot and yard requirements.</u> Internal lot and yard requirements shall be established through the PD rezoning process. Unless otherwise approved by the BCC or provided in section 3-9-45.1, no structure shall be located closer to the peripheral property line of the PD than twenty-five (25) feet or as required by section 3-9-88, "Waterfront property," as the same may be amended, whichever is greater.</p> <p><u>Maximum height of structures.</u> The maximum height for structures shall be established through the PD rezoning process.</p> <p><u>Open space.</u> Unless otherwise approved by the BCC or as provided in section 3-9-45.1, a minimum of twenty (20) percent of the entire PD parcel or phase shall be retained as open space.</p> <p><u>Internal circulation.</u> All streets shall be designed to provide safe, efficient and convenient access to land uses within the development and to roadways adjacent to the development. In addition to vehicular thoroughfares, functional pedestrian and bicycle-path systems are required in accordance with the county's land development regulations.</p> |
|---|---|

**Table 2**

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

| Direction:   | Existing Land Use:  | FLUM Designation:  | Zoning District Designation:   |
|--------------|---|--|--|
| <b>North</b> | Westchester Boulevard<br>Single-family homes  | Low Density Residential (LDR)  | Residential single-family 3.5 (RSF-3.5)<br>Residential Estate 1 (RE-1)     |
| <b>East</b>  | Vacant land for residential development<br>Tri-city Baptist Church<br>Single-family homes     | Low Density Residential (LDR)  | Residential Estate 1 (RE-1)<br>Residential multi-family 5 (RMF-5)          |
| <b>South</b> | Single-family homes<br>Vacant lands designated for industrial uses<br>Whidden Industrial Park | Low Density Residential (LDR)<br>Low Intensity Industrial (LII)<br>Charlotte Harbor Industrial (CHI) | Planned Development (PD)<br>Industrial General (IG)                        |
| <b>West</b>  | Solaris Healthcare  | Low Density Residential (LDR)<br>High Density Residential (HDR)                                      | Residential Multi-family 5 (RMF-5)<br>Residential Multi-family 12 (RMF-12) |

**Table 3**

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

The subject property retains a base density of 212 dwelling units, and the proposed development is for a maximum of 212 dwelling units.

**8. Is subject property in a Community, Special Planning Area or Overlay District? .....No**

**9. Is subject property located adjacent to existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves? .....No**

The subject property is not adjacent to any of the existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves. (SPAM Maps, #35, #74 and #75)

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

**a. Charlotte Harbor Aquatic Preserves Management Plan? (SPAM Map #36)**

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

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

The subject property is located outside the boundary of the Lemon Bay Aquatic Preserve.

**11. Does subject property contain archaeological or historic resources? (SPAM Map #3, #44 & #70)**

On June 16, 2022, a letter from the Florida Division of Historical Resources states that *in response to your inquiry of June 16, 2022, the Florida Master Site File lists no cultural resources recorded for the property located with parcels ID: 402225227001 and 402225605000 in Charlotte County, Florida.*

*When interpreting the results of our search, please consider the following information:*

- *This search area may contain unrecorded archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.*
- *Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.*
- *While many of our records document historically significant resources, the documentation of a resource at the Florida Master Site File does not necessarily mean the resource is historically significant.*
- *Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at CompliancePermits@dos.MyFlorida.com.*

**12. Are there wetlands on the property?** No, according to the “Protected Species Assessment” report, prepared by Atwell, Inc. and dated October 2025, the site does not contain wetlands.

**a. Number of acres of Category I: ..... None.**

**b. Number of acres of Category II: ..... None.**

**13. Natural Resources:**

**a. Significant natural resources or critical habitat for endangered species:** possible, according to the “Protected Species Assessment” report, prepared by Atwell, Inc. and dated October 2025, “20 potentially occupied gopher tortoise burrows were found in the undeveloped areas of the property. Using the FWC standard burrow occupancy correction factor of 0.5 gopher tortoises per burrow, it is estimated that 10 gopher tortoises are present within the undeveloped areas of the property. No sign of gopher tortoises were observed elsewhere on-site.

*A great egret was observed foraging around the bank of the eastern stormwater management pond. These ponds have the potential for periodic opportunistic foraging by both listed and non-listed species of wading birds within the littoral zones.*

*No other species listed by either the FWS or the FWC were observed on the site during the protected species survey or during other site visits. In addition to the site inspections, a search of the FWC species database revealed no additional known protected species within or immediately adjacent to the project limits.”*

- b. Possible impacts to groundwater, surface water, wetlands or other significant natural resources: None have been identified.
- c. Is subject property in the **Watershed Overlay District?** (FLUM Map #4) .....No
- d. Is subject property in the **Surface Water Protection Overlay District?** (FLUM Map #5).....No
- e. Is subject property in the **Prime Aquifer Recharge Area?** (FLUM Map #6) .....No
- f. Is subject property in a **Wellhead Protection Area?** (FLUM Map #7).....No

**14. Coastal Planning:**

- a. Is the subject site within the **Coastal Planning Area?** (FLUM Map #13).....Yes  
Subject Property is located within Zone 2 of the Coastal Planning Area.
- b. Could the proposed changes impact beach accessibility? ..... No
- c. Could the proposed change affect other waterfront access? ..... No
- d. Flood Zone: The entire site is located within **Flood Zone “10AE”**, which is an area with a determined base flood elevation of 10 feet. (per FEMA Codes)
- e. Storm Surge Evacuation Zone: The site is located within Evacuation Zone “B”.
- f. Is the subject site within the Coastal High Hazard Area? (FLUM Map #14) ..... Yes,  
the majority of the site is located within the Category 1 Storm surge of the Coastal High Hazard Area.
- g. Could the proposed changes impact evacuation times? ..... No

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

- a. Nearest Park: .....**Chester Roberts Park**, (SPAM Map #74)  
Address:.....5084 Melbourne Street, Charlotte Harbor  
Distance: .....approximately 2.2 miles to the southeast of subject property
- b. Nearest Police Station:.....**District 3 Charlotte County Sheriff’s Office** (SPAM Map #25)  
Address:.....3280 Tamiami Trail, Port Charlotte  
Distance: .....approximately 3.1 miles to the northwest of subject property
- c. Nearest Fire/EMS Station: .....**Charlotte County Fire Station No. 1** (SPAM Map #21)  
Address:.....3631 Tamiami Trail, Port Charlotte  
Response Time: .....approximate response time is 4-6 minutes (SPAM Map #39)
- d. Nearest Library:.....**Port Charlotte Library** (SPAM Map #73)  
Address:.....2280 Aaron Street, Port Charlotte  
Distance: .....approximately 3.4 miles to the northwest of subject property
- e. Nearest Hospital: .....**AdventHealth Port Charlotte** (SPAM Map #24)  
Address:.....2500 Harbor Boulevard, Port Charlotte

*Distance:* .....approximately 3.2 miles to the southeast of subject property

- f. Nearest Emergency Shelter: ..**Charlotte Harbor School** (SPAM Map #21)

*Address:*.....22450 Hancock Avenue, Port Charlotte

*Distance:* .....approximately 1.6 miles to the west of subject property

- g. Public School Attendance Boundary:

1. Elementary School: .....**Peace River Elementary School** (SFAM Map #1)

*Address:*.....4070 Beaver Lane, Port Charlotte

*Distance:* .....approximately 1.1 miles to the west of subject property

2. Middle School: .....**Port Charlotte Middle School** (SFAM Map #2)

*Address:*.....23000 Midway Boulevard, Port Charlotte

*Distance:* .....approximately 3.6 miles to the northwest of subject property

3. High School: .....**Charlotte High School** (SFAM Map #3)

*Address:*.....1001 Education Avenue, Punta Gorda

*Distance:* .....approximately 4.6 miles to the southeast of subject property

**16. Concurrency:**

- a. **Roads Level of Service:**.....After reviewing the traffic impact statement submitted with the application, the County transportation department does not have any comments from a transportation concurrency perspective.

- b. **Potable Water Level of Service:**

1. *Provider's Name:* Charlotte County Utilities (SPAM Map #83)

2. *Analysis:* The subject property is located within the Charlotte County Utilities service area. The Charlotte County Utilities contains sufficient capacity to serve the proposed development.

- c. **Sanitary Sewage Level of Service:**

1. *Provider's Name:* Charlotte County Utilities (SPAM Map #84)

2. *Analysis:* The subject property is located within the Charlotte County Utilities service area. The Charlotte County Utilities contains sufficient capacity to serve the proposed development.

- d. **Park and Recreation Level of Service:**

1. *Level of Service:* .....**Adopted Level of Service is 16 Park, Recreation & Open Space points (16 PROS points) per 1,000 population.**

2. *Analysis:*.....**A 2009 analysis shows that the County currently has 17.2 PROS points per 1,000 population.**

- e. **Schools:**.....There is no change to the approved residential development rights. However, the school concurrency issue must be addressed prior to submission of Final Detail Site Plan.

1. *Refuse Collector:*.....**Waste Management Inc. of Florida or another provider**

2. *Solid Waste Provider:* .....**Public Works Dept. - Municipal Solid Waste Management**

3. *Level of Service:* Zemel Road landfill currently has capacity to dispose of 4.6 million cubic yards of waste. The landfill has a projected remaining lifespan to the year 2027. An estimated 170 acres for future disposal cells will provide disposal capacity beyond the year 2050.
  - Solid Waste (Landfill) 5.0 pounds per day per equivalent fulltime resident
  - Solid Waste (Recycle) 2.2 pounds per day per equivalent fulltime resident

**f. Drainage: *Level of Service:***

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

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

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

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

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

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

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

**17. Capital Improvements Program:**

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

**18. Intergovernmental Coordination:**

Does this amendment require comments from, or coordination with, adjacent governments or other governmental agencies?..... No.

However, the advertisement of this application will be emailed to the City of Punta Gorda.

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

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

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

**Part 5 – Approval Criteria**

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

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

**Finding:** The subject property is designated as Low Density Residential (LDR) on the 2030 Future Land Use Map. The proposed Planned Development (PD) rezoning, which is a major modification to an existing PD, will: (1) allow single-family attached as an additional permitted use, and (2) increase the approved residential development rights from 208

dwelling units to 212 dwelling units. However, the base density allows up to 212 dwelling units, and therefore no transfer of density units is required.

The proposed changes are consistent with the LDR Future Land Use Map designation and the County's Comprehensive Plan.

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

**Finding:** The subject property is located on the south side of Westchester Boulevard in the Port Charlotte area. The portion of the property subject to the proposed changes contains two residential buildings with supporting infrastructure, while the remaining portion is vacant.

To the north, across Westchester Boulevard, are single-family homes. To the south are multi-family developments, including Charleston Cay Apartments, as well as Whidden Industrial Park, which contains developed commercial and light industrial uses within the Charlotte Harbor Community Redevelopment Area (CRA).

To the west is Solaris Healthcare. To the east are vacant lands designated for residential development, Tri-City Baptist Church, and single-family homes.

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

**Finding:** The proposed changes will not increase the previously approved residential development rights for the subject property. Therefore, no increase in student generation is anticipated as a result of the proposed rezoning.

After reviewing the Traffic Impact Statement prepared by TR Transportation Consultants, Inc., dated December 1, 2025, and submitted with the application, the County Transportation Department has no comments from a transportation concurrency perspective.

The proposed development will be served by Charlotte County Utilities, which has sufficient capacity to accommodate the proposed residential development.

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

**Finding:** The subject property is part of a Planned Development (PD) project that was originally approved in April 1980 for residential development. A major modification to the existing PD was approved in January 2023, and the most recent Final Detail Site Plan was approved in July 2023 for Bella Via Condominiums Phase 2, allowing for 128 multi-family units.

The proposed major modification to the existing PD, if approved, will introduce additional residential housing options and will not alter the overall residential character of the development. The previously approved 212 residential units will remain unchanged.

Previously approved PD conditions, including the requirement for a 25-foot PD setback with a Type A buffer along the eastern property boundary and along the northern property boundary adjacent to multi-family buildings, as well as a Type B buffer along the

southern property boundary adjacent to properties zoned Industrial General (IG), will remain in effect.

Therefore, it is staff's professional opinion that the proposed development will not adversely affect living conditions or property values in the surrounding area.

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

**Finding:** Public safety should not be affected by this proposed major modification to an existing PD zoning.

**Attachment A**  
**Resolution Number 971190AO**

Orig. BLC

BARBARA T. SCOTT, CLERK  
CHARLOTTE COUNTY  
OR BOOK 1566 PAGE 0397  
RECORDED 10/23/97 @ 09:29 AM  
FILE NUMBER 518920  
TOTAL FEES \$24.00

RESOLUTION

NUMBER 971190AO

A RESOLUTION GRANTING PRELIMINARY AND FINAL  
DETAIL PLAN APPROVAL (DRC-PD-80-1B) TO  
CONSTRUCT HARBOUR ARMS, A 48-UNIT TOWNHOUSE  
DEVELOPMENT WITHIN PD-80-1.

FILED AT  
HURLOCK BRANCH  
97 OCT 22 PM 4:23  
BARBARA T. SCOTT  
CLERK OF COUNTY COURT  
CHARLOTTE COUNTY

RECITALS

WHEREAS, on April 15, 1980, the Charlotte County Board of County  
Commissioners approved the rezoning and concept plan for the property described in  
Exhibit "A" attached hereto and incorporated herein by reference for a Planned  
Development; and

WHEREAS, Harbour Arms Corporation (Developer) now seeks preliminary  
and final detail plan approval to construct a 48-unit townhouse development on the  
property which is located in Section 25, Township 40 South, Range 22 East, Charlotte  
County, Florida; and

WHEREAS, on September 18, 1997, the Charlotte County Development  
Review Committee reviewed the application for preliminary and final detail plan approval  
(DRC-PD-80-1B) and has recommended approval with conditions; and

WHEREAS, the Board of County Commissioners of Charlotte County,  
Florida, has reviewed the request for preliminary and final detail plan approval and the  
recommendation of the County Development Review Committee.

NOW, THEREFORE, BE IT RESOLVED by the Board of County  
Commissioners of Charlotte County, Florida:

IMAGED  
DL

★ #15  
✓ minutes

The application for preliminary and final detail plan approval for construction of a 48-unit townhouse development as set forth above (DRC-PD-80-1B), is hereby approved subject to the following conditions:

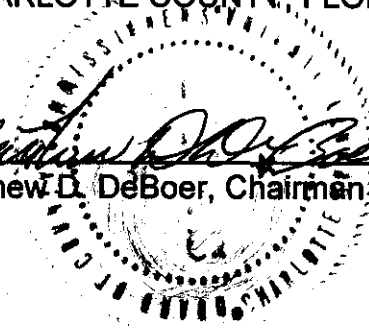
1. Obtain County storm water plan approval;
2. All development and construction activity shall conform to the plans as formally approved by the Development Review Committee. The applicant shall submit a letter of substantial compliance by a registered engineer along with an as-built drawing, that all development and construction activity has conformed to the final approval (Section 3-9-5.1 (I), Charlotte County Code, Conformity to Plan);
3. Site geometry shall be modified to correct traffic circulation problems around the landscaped circle at the entrance, in accordance with the revised layout provided by Chuck Pagen. The Certificate of Occupancy shall not be issued until the Transportation Engineer provides written confirmation that the project as constructed conforms to the revised layout;
4. The construction of Lake #2 and the outfall to Harborview Road shall be required as part of this approval. An acceptable design shall be included in the Stormwater Plan. An acceptable easement shall be provided to accommodate the off-site outfall prior to Stormwater Plan approval;
5. An easement in favor of County Meadows Westchester Condominiums shall be provided through Lake #1 to include the on-site outfall structure and piping prior to Stormwater Plan approval;
6. A right-of-way use permit will be required for any work within County owned rights-of-way or easements;
7. The existing twenty- foot (20') utility easement as recorded in O.R. Book 779, Page 1604, of the Public Records of Charlotte County must be vacated prior to issuance of any building permit;
8. The twenty- foot (20') sanitary sewer easement as recorded in O.R. Book 1118, Page 587, of the Public Records of Charlotte County must be vacated prior to issuance of any building permit;

9. The applicant must provide four (4) copies of the approved landscape plan to the Natural Resources Planning Section;
10. The applicant must adhere to the USFWS recommendations outlined in the *Habitat Management Guidelines for the Bald Eagle in the Southeast Region*, regarding no development within the eagle primary and secondary zones during the eagle nesting season (October 1 through May 15);
11. The applicant must obtain the required County Excavation permit for the proposed Lake #2 indicated on the site plan prior to commencement of any activity within the primary and secondary zones. No activity is to occur within these zones during the nesting season;
12. The applicant must satisfy Section 3-2, Article IX, Tree Requirements, of the Charlotte County Code;
13. The applicant must satisfy Section 3-5, Article, XVI, Open Space Habitat Reservation Requirements, of the Charlotte County Code by preserving 5% of the entire project site. This site must be indicated on a revised site plan prior to obtaining the excavation and building permits;
14. No portion of any structure shall be located within the twenty-five-foot (25') perimeter buffer;
15. Any patio which is enclosed is required to comply with Charlotte County Code Section 3-9-98 (a);
16. The applicant shall provide a copy of the recorded condominium document prior to obtaining a building permit; and
17. Development of all 48 units shall be completed by December 31, 2000.

PASSED AND DULY ADOPTED this 21st day of October, 1997.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By Matthew D. DeBoer  
Matthew D. DeBoer, Chairman



ATTEST:  
Barbara T. Scott, Clerk of  
Circuit Court and Ex-Officio  
Clerk to the Board of County  
Commissioners

By: Agnes M. Radzik  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

Reneé Francis Lee  
Reneé Francis Lee, County Attorney  
RFL

p:\wpdata\public\mj\res\hrbrarms.1  
LR97-490

## EXHIBIT "A"

## PD-80-1B HARBOUR ARMS

LEGAL DESCRIPTION.

OR. BOOK 1254 Pg 1183

Commence at the Northwest corner of the Northeast Quarter of Section 25, Township 40 South, Range 22 East, Charlotte County, Florida; thence S 00 degrees 36'48" W along the West line of said Northeast Quarter of Section 25, a distance of 35.42 feet to the southerly right-of-way line of Westchester Boulevard as shown on plat of Country Meadows Westchester, recorded in Condominium Book 5, Pages 5A through 5D, Public Records of Charlotte County, Florida; thence N 81 degrees 56'28" E along said southerly right-of-way line, a distance of 500.59 feet to the West line of Whidden Acres, recorded in Plat Book 15, Page 14, Public Records of Charlotte County, Florida; thence S 00 degrees 45'00" W along said West line of Whidden Acres, a distance of 365.43 feet to the Southwest corner of said plat of Whidden Acres for a POINT OF BEGINNING; thence N 81 degrees 56'28" E along the South line of said plat of Whidden Acres same being parallel with the North line of said Northeast Quarter of Section 25, a distance of 195.78 feet; thence S 00 degrees 36'48" W parallel with said West line of the Northeast Quarter of Section 25, a distance of 681.17 feet; thence S 82 degrees 04'06" W, a distance of 695.25 feet to said West line of the Northeast Quarter of Section 25; thence N 00 degrees 36'48" E along said West line of Section 25, a distance of 610.18 feet to the Southwest corner of said plat of Country Meadows Westchester; thence N 83 degrees 12'50" E long the southerly line of said plat of Country Meadows Westchester, a distance of 509.94 feet to the Southeast corner of said plat of Country Meadows Westchester same being a point on a curve to the right, having a radius of 268.83 feet, a central angle of 17 degrees 06'17", a chord bearing of N 07 degrees 48'08" W, a tangent length of 40.43 feet and a chord length of 79.96 feet; thence along the arc of said curve same being the easterly line of said plat of Country Meadows Westchester, an arc length of 80.26 feet to the POINT OF BEGINNING.

All being in Section 25, Township 40 South, Range 22 East, Charlotte County, Florida:

CONTAINS 988 ACRES ±

IMAGING MEMO  
THE WRITING/TYPING & PRINTING  
WAS UNSATISFACTORY FOR  
REPRODUCTION AT THE TIME  
OF IMAGING.

**Attachment B**  
**Resolution Number 2006-169**

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BCE 14  
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**RESOLUTION**  
**Number 2006- 169**

**A RESOLUTION GRANTING PARTIAL FINAL  
DETAIL PLAN APPROVAL (DRC-PD-80-1D) TO  
CONSTRUCT BELLA VIA CONDOMINIUM, A 212-  
UNIT CONDOMINIUM PROJECT WITHIN PD-80-1.**

**RECITALS**

WHEREAS, on April 15, 1980 the Charlotte County Board of County Commissioners ("Board") approved a rezoning and concept plan for a Planned Development ("PD 80-1"), said concept plan as depicted in Lane L. Marshall & Associates Plan, dated January 31, 1980 and revised February 25, 1980; and

WHEREAS, said concept plan depicted 336 garden apartments and 157 cluster villas; for a total of 493 units on 76 acres, with a gross residential density of 6.5 dwelling units per acre; and

WHEREAS, an Industrial portion of the original project is located on 48 acres adjacent to the residential portion and is not zoned PD 80-1, but rather IL; and

WHEREAS, the comprehensive plan on the subject property is Low Density Residential and the proposed project to be approved herein is consistent with the FLUM designation; and

WHEREAS, a portion of the original PD was approved for a condominium project known as Country Meadows Westchester, a Condominium, which was recorded in Condominium Book 5, Page 54 on June 25, 1985 and an 8-Unit condominium building was constructed as part of that approved project in accordance with plans submitted by Morse Engineering dated October 1984, revised January 25, 1985; and

WHEREAS, on October 21, 1997 pursuant to Resolution 97-1190A0, the Board approved a Resolution granting preliminary and final detailed plan approval ("DRC-PD-80-1B") to construct Harbor Arms, a 48-Unit Townhouse development within certain lands of PD 80-1; and

WHEREAS, a portion of the affordable apartment project will be developed on lands zoned RMF-5, which could have added an additional 27 units over the 493 from the original PD; and

WHEREAS, this approval will encompass the balance of PD 80-1, not including the 8-Unit Condominium within Country Meadows Westchester or the 48-Unit Townhouse approved as part of the Harbor Arms development and will include 128 unit apartment and 212 unit condominium, which will result in a total density of 396 units, well below the



original approval of 493 units; and

WHEREAS, the apartments and condominiums will be developed utilizing affordable rental guidelines and first time home buyers opportunities.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida, the application for partial final detail plan approval for construction of a 212-Unit condominium as set forth herein ("DRC-PD-80-1D"), is hereby approved on the property described in **Exhibit A** subject to the following conditions:

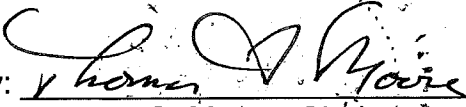
1. The following comment is submitted for consideration. The typical pavement details found on Sheets C-5A and C-11 contain an error. The sequence of asphalt placement for roads within the County maintained right-of-way will require that 1" of Type S-I be placed first as the structural course, followed by 1" of Type S-III as the wearing surface. This is minor and can be adjusted in the field during the construction process. Construction Services – Bill Searfoss.
2. The following comment is submitted for consideration. Given the magnitude of improvements that will be performed to construct proposed improvements to Westchester Boulevard to provide access to the site, the developer shall post a check in an amount sufficient to cover the costs of inspection services necessary to ensure work performed within the right-of-way is performed in accordance with, and acceptable to, County and FDOT standards. This check would be used to cover costs incurred by Construction Management. At the time of the permit application, the applicant shall provide a full set of construction plans, pertinent data indicating the length of contract time needed to perform the work, and the name of the contractor. An estimated amount of inspection time will be calculated and an amount will be determined to cover those services. Should the length of time or hours needed to complete the inspection services exceed the estimate and posted amount, the permit holder by acceptance of the permit conditions, will be charged and agrees to reimburse Charlotte County any additional costs incurred. No work shall commence until this check is posted, and no CO will be given until any outstanding monies due the County are settled. Construction Services – Bill Searfoss.
3. FDC's and the fire hydrants should be on the same side of the street.
4. All Brazilian pepper, melaleuca, Australian pines and downy rose myrtle must be removed from the entire site in accordance with **Section 3-5-397** of the landscape requirements.
5. All trees that are to be preserved or removed must be in accordance with **Chapter 3-2, Article IX, Tree Requirements**, of the County Code. Tree Removal Authorization, Tree Preservation, and a Memorandum of Exemption of Fees

permits are required prior to any land clearing activity or the issuance of building permits.

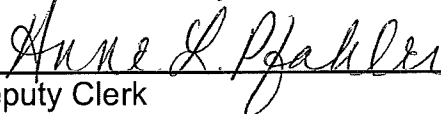
6. The project shall comply with **Chapter 3-5, Article XV, Surface Water and Wetland Protection** requirements of the County Code. The applicant must comply with all conditions of the Southwest Florida Water Management District (SWFMD) Environmental Resource Permit (ERP) No. 44029567.000.
7. SWFWMD documents the impact of  $\pm 0.18$  swales of which the environmental impact report documents as possible US Corps jurisdiction. Applicant has provided statement that they received Corps review and notification of no permit required.
8. Recommendations of the Fish and Wildlife Service (FWS) letter dated March 21, 2006 apply. Staff will concur with the lost status, but if eagles should return to another nest and the project falls within the primary or secondary protection zone, then Habitat Management Guidelines for the Bald Eagle in the Southeast Region shall apply.
9. The project must comply with **Chapter 3-5, Article IV, Clearing, Filling and Soil Conservation** requirements of the County Code. Best Use Management Plans must be utilized during all land clearing and development activities.
10. The project must comply with **Chapter 3-5, Article XVI, Open Space/Habitat Reservation Trust** requirements of the County Code. After reviewing the FWS letter dated April 7, 2005 stating that the northeast portion of the project site falls within the primary zone of a potential bald eagle nesting tree, staff will allow that area to be preserved as Open Space/Habitat. The applicant does identify  $\pm 2.13$  acre of habitat preserved, in perpetuity.
11. The signage plan for this project will be reviewed for compliance with applicable codes in response to sign permit applications.
12. As required by Section 3-9-49(d)(5)b,2, Code of Laws and Ordinances of Charlotte County, the projected schedule for the development approved by this resolution from commencement to buildout shall be as follows:
  - a. Commencement shall begin after July 27, 2006.
  - b. Buildout shall be substantially complete prior to December 31, 2011.

PASSED AND DULY ADOPTED this 19 day of September, 2006.

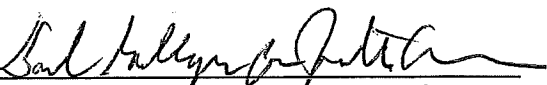
BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By:   
Thomas G. Moore, Chairman

ATTEST:  
Barbara T. Scott, Clerk of  
Circuit Court and Ex-Officio Clerk  
of the Board of County Commissioners

By:   
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By:   
Janette S. Knowlton, County Attorney

RB  
LR 2006-524

Exhibit "A"  
DESCRIPTION OF  
PROPOSED  
BELLA VIA, A CONDOMINIUM

A parcel of land lying in Section 25, Township 40 South, Range 22 East, Charlotte County, Florida, more particularly described as follows:

Commence at the Northwest corner of the Northeast 1/4 of Section 25, Township 40 South, Range 22 East; thence  $S00^{\circ}36'15''W$ , along the West line of the Northeast 1/4 of said Section 25, a distance of 35.43' to its intersection with the Southerly right-of-way line of Westchester Boulevard for the POINT OF BEGINNING; thence  $N81^{\circ}56'44''E$ , along said Southerly right-of-way line, a distance of 500.43' to its intersection with the West line of Whidden Acres, as recorded in Plat Book 15, Page 14, of the Public Records of Charlotte County, Florida; thence  $S00^{\circ}43'58''W$ , along said West line, a distance of 365.26' to the Southwest corner of said Whidden Acres; thence  $N81^{\circ}56'28''E$ , along the South line of said Whidden Acres, a distance of 2030.15' to the Southeast corner of said Whidden Acres, and its intersection with the East line of Section 25, Township 40 South, Range 22 East; thence  $S00^{\circ}04'51''E$ , along said East line of Section 25, a distance of 932.68' to the Northwest corner of the Revised Plat of Bay View as recorded Plat Book 2, Page 36 of the Public Records of Charlotte County, Florida; thence  $S00^{\circ}04'50''E$ , along said Revised Plat of Bay View and its extension thereof, said line also being the East line of Section 25, a distance of 99.99'; thence  $S81^{\circ}56'58''W$ , a distance of 435.77'; thence  $S03^{\circ}13'08''E$ , a distance of 79.95'; thence  $N81^{\circ}56'58''E$ , a distance of 364.90'; thence  $S03^{\circ}13'08''E$ , a distance of 144.60'; thence  $S86^{\circ}46'52''W$ , a distance of 211.40' to its intersection with the East line of Whidden Industrial Condominium as recorded in

Condominium Book 8, Page 68, of the Public Records of Charlotte County; thence N03°42'08"W, along said East line of Whidden Industrial and its extension thereof a distance of 316.76'; thence N67°13'07"W, a distance of 275.04'; thence S87°47'39"W, a distance of 234.99'; thence S57°50'33"W, a distance of 209.60'; thence S82°08'13"W, a distance of 139.26'; thence N00°33'26"E, a distance of 443.57'; thence S82°02'20"W, a distance of 695.28' to the west line of the NE ¼ of Section 25, Township 40 South, Range 22 East; thence N00°36'15"E along said west line, a distance of 601.56' to the POINT OF BEGINNING

LESS and EXCEPT

Country Meadows Westchester, a Condominium, Phase 1, Units 1 through 8, according to the Declaration of Condominium, as recorded in O.R. Book 822, Page 739 through 802, inclusive, and the survey, plot plan and graphic description of improvements recorded in Condominium Book 5, Page 54-A through 54-D, all of the Public Records of Charlotte County, Florida, more particularly described as follows:

Commence at the Northwest corner of the Northeast 1/4 of Section 25, Township 40 South, Range 22 East, Charlotte County, Florida; thence S00°36'48"W, along the West line of the Northeast 1/4 of said Section 25, a distance of 35.42' to the southerly right-of-way line of Westchester Boulevard (70 Feet R/W) same being a line lying 35 feet southerly of and parallel with the North line of said Section 25; thence N81°56'28"E, along said southerly right-of-way line, a distance of 419.63' to a point on a line lying 80.00 feet westerly of and parallel with the West line of Whidden Acres, recorded in Plat Book 15, Page 14, Public Records of Charlotte County, Florida; thence S00°45'00"W, along said line lying 80.00 feet westerly of and parallel with the West line of Whidden Acres, a distance of 132.61, for a POINT

OF BEGINNING; thence continue  $S00^{\circ}45'00''W$ , along said line lying 80.00 feet westerly of and parallel with the West line of Whidden Acres, a distance of 220.43' to the P.C. of a curve concave to the East, having a radius of 348.83' and a central angle of  $14^{\circ}53'46''$ , chord =  $S06^{\circ}41'53''E$ , 90.44'; thence southerly, along the arc of said curve, an arc length of 90.69'; thence  $N64^{\circ}00'19''W$ , a distance of 200.58'; thence  $N48^{\circ}22'38''W$ , a distance of 50.17'; thence  $N46^{\circ}56'28''E$ , a distance of 114.65'; thence  $N43^{\circ}03'02''W$ , a distance of 65.50'; thence  $N07^{\circ}53'06''W$ , a distance of 38.80'; thence  $N82^{\circ}06'54''E$ , a distance of 178.09' to the POINT OF BEGINNING.

Said proposed Bella Via, a Condominium parcel contains **42.62 acres** more or less.

**Attachment C**  
**Resolution 2022-059**

CHG  
BCC

RESOLUTION  
NUMBER 2022 - 059

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, GRANTING RVI PLANNING A MINOR MODIFICATION TO THE EXISTING APPROVED DEVELOPMENT PLAN FOR BELLA VIA CONDOMINIUMS (DRC-PD-80-1), TO EXTEND THE BUILDOUT DATE FOR PHASE I AND TO REVISE THE NUMBER OF STRUCTURES FROM 21 TO 20 BUILDINGS WITH A DECREASE OF UNITS FROM 210 TO 160 UNITS, FOR DRC-22-00059; A TOTAL OF 42.62 ACRES MORE OR LESS, AND LOCATED AT 23343 COLLINA WAY, PORT CHARLOTTE, FLORIDA.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT  
OR BOOK: 4989 PAGE 1630 PAGE: 1 OF 7  
INSTR # 3106612 Doc Type: GOV  
Recorded: 5/25/2022 at 9:23 AM  
Rec. Fee: RECORDING \$61.00  
Cashier By: JOHNN

RECITALS

WHEREAS, RVI Planning ("Applicant") submitted application DRC-22-00059 requesting a Minor Modification to the existing approved development plan for Bella Via Condominiums, to extend the buildout date for Phase I and to revise the number of structures from 21 to 20 buildings with a decrease of units from 210 to 160 units, on 42.62 acres more or less of property located at 23343 Collina Way, in the Port Charlotte area, in Section 25, Township 40 South, Range 22 East, Commission District I, Charlotte County, Florida ("Property"), and more particularly described in Exhibit "A" which is attached hereto and provided herein; and

WHEREAS, the existing approved development plan was granted final detail site plan approval on September 19, 2006, pursuant to Resolution No. 2006-169; and

WHEREAS, the proposed revised development plan ("Master Concept Plan") is attached hereto in Exhibit "B" and provided herein; and

WHEREAS, the Property was rezoned to Planned Development (PD) on April 15, 1980, under DRC-PD-80-1; and

miw

WHEREAS, the Charlotte County Site Plan Review committee reviewed Application DRC-22-00059 and has recommended approval with conditions; and

WHEREAS, the Board has reviewed Application DRC-22-00059 and the recommendation of the Site Plan Review committee.

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

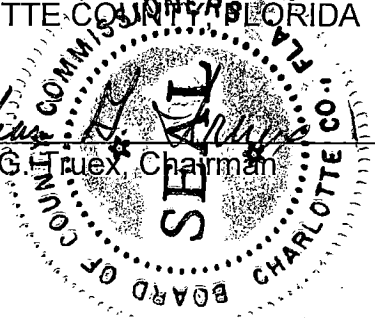
1. Application DRC-22-00059 is approved with the following conditions:
  - A. As required by Section 3-9-45(d)(5)b.2., Code of Laws and Ordinances of Charlotte County, Florida ("Code"), the projected schedule for the development approved by this Resolution from commencement to buildout shall be as follows:
    - i. Commencement shall begin after approval by the Board.
    - ii. Buildout shall be substantially completed prior to May 24, 2025.
  - B. Future buildout of the Property must comply with all conditions established in the PD.
2. The effective date of this Resolution shall be the date this Resolution is recorded.

[SIGNATURE PAGE FOLLOWS]

PASSED AND DULY ADOPTED this 24th day of May, 2022.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

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



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

By: Roger D. Eaton  
Deputy Clerk

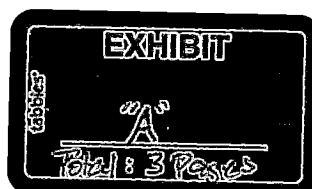
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: Janette S. Knowlton  
Janette S. Knowlton, County Attorney  
LR2022-0375

Exhibit "A"  
DESCRIPTION OF  
PROPOSED  
BELLA VIA, A CONDOMINIUM

A parcel of land lying in Section 25, Township 40 South, Range 22 East, Charlotte County, Florida, more particularly described as follows:

Commence at the Northwest corner of the Northeast 1/4 of Section 25, Township 40 South, Range 22 East; thence  $S00^{\circ}36'15"W$ , along the West line of the Northeast 1/4 of said Section 25, a distance of 35.43' to its intersection with the Southerly right-of-way line of Westchester Boulevard for the POINT OF BEGINNING; thence  $N81^{\circ}56'44"E$ , along said Southerly right-of-way line, a distance of 500.43' to its intersection with the West line of Whidden Acres, as recorded in Plat Book 15, Page 14, of the Public Records of Charlotte County, Florida; thence  $S00^{\circ}43'58"W$ , along said West line, a distance of 365.26' to the Southwest corner of said Whidden Acres; thence  $N81^{\circ}56'28"E$ , along the South line of said Whidden Acres, a distance of 2030.15' to the Southeast corner of said Whidden Acres, and its intersection with the East line of Section 25, Township 40 South, Range 22 East; thence  $S00^{\circ}04'51"E$ , along said East line of Section 25, a distance of 932.68' to the Northwest corner of the Revised Plat of Bay View as recorded Plat Book 2, Page 36 of the Public Records of Charlotte County, Florida; thence  $S00^{\circ}04'50"E$ , along said Revised Plat of Bay View and its extension thereof, said line also being the East line of Section 25, a distance of 99.99'; thence  $S81^{\circ}56'58"W$ , a distance of 435.77'; thence  $S03^{\circ}13'08"E$ , a distance of 79.95'; thence  $N81^{\circ}56'58"E$ , a distance of 364.90'; thence  $S03^{\circ}13'08"E$ , a distance of 144.60'; thence  $S86^{\circ}46'52"W$ , a distance of 211.40' to its intersection with the East line of Whidden Industrial Condominium as recorded in



Condominium Book 8, Page 68, of the Public Records of Charlotte County; thence N03°42'08"W, along said East line of Whidden Industrial and its extension thereof a distance of 316.76'; thence N67°13'07"W, a distance of 275.04'; thence S87°47'39"W, a distance of 234.99'; thence S57°50'33"W, a distance of 209.60'; thence S82°08'13"W, a distance of 139.26'; thence N00°33'26"E, a distance of 443.57'; thence S82°02'20"W, a distance of 695.28' to the west line of the NE ¼ of Section 25, Township 40 South, Range 22 East; thence N00°36'15"E along said west line, a distance of 601.56' to the POINT OF BEGINNING

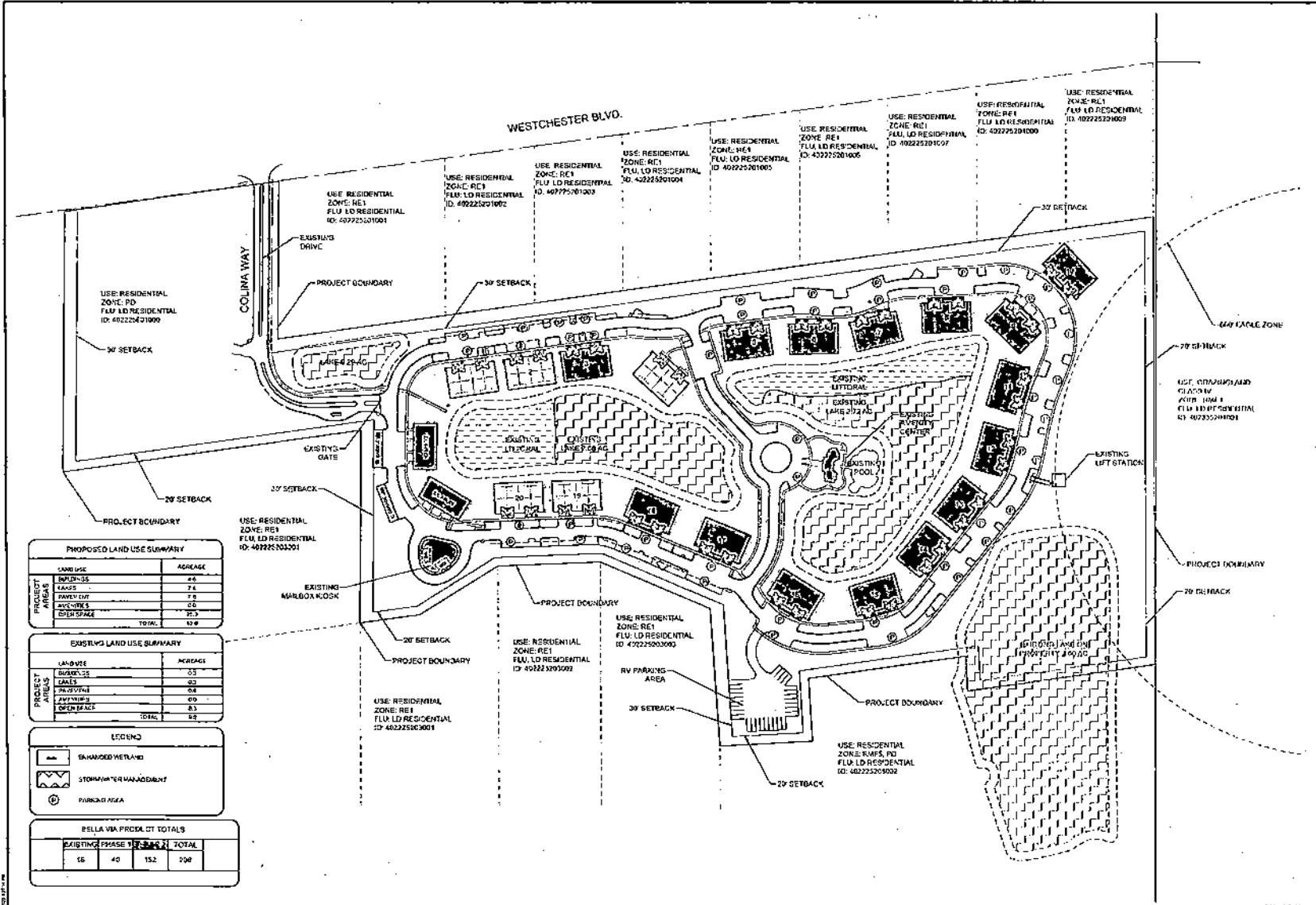
LESS and EXCEPT

Country Meadows Westchester, a Condominium, Phase 1, Units 1 through 8, according to the Declaration of Condominium, as recorded in O.R. Book 822, Page 739 through 802, inclusive, and the survey, plot plan and graphic description of improvements recorded in Condominium Book 5, Page 54-A through 54-D, all of the Public Records of Charlotte County, Florida, more particularly described as follows:

Commence at the Northwest corner of the Northeast 1/4 of Section 25, Township 40 South, Range 22 East, Charlotte County, Florida; thence S00°36'48"W, along the West line of the Northeast 1/4 of said Section 25, a distance of 35.42' to the southerly right-of-way line of Westchester Boulevard (70 Feet R/W) same being a line lying 35 feet southerly of and parallel with the North line of said Section 25; thence N81°56'28"E, along said southerly right-of-way line, a distance of 419.63' to a point on a line lying 80.00 feet westerly of and parallel with the West line of Whidden Acres, recorded in Plat Book 15, Page 14, Public Records of Charlotte County, Florida; thence S00°45'00"W, along said line lying 80.00 feet westerly of and parallel with the West line of Whidden Acres, a distance of 132.61, for a POINT

OF BEGINNING; thence continue  $S00^{\circ}45'00''W$ , along said line lying 80.00 feet westerly of and parallel with the West line of Whidden Acres, a distance of 220.43' to the P.C. of a curve concave to the East, having a radius of 348.83' and a central angle of  $14^{\circ}53'46''$ , chord =  $S06^{\circ}41'53''E$ , 90.44'; thence southerly, along the arc of said curve, an arc length of 90.69'; thence  $N64^{\circ}00'19''W$ , a distance of 200.58'; thence  $N48^{\circ}22'38''W$ , a distance of 50.17'; thence  $N46^{\circ}56'28''E$ , a distance of 114.65'; thence  $N43^{\circ}03'02''W$ , a distance of 65.50'; thence  $N07^{\circ}53'06''W$ , a distance of 38.80'; thence  $N82^{\circ}06'54''E$ , a distance of 178.09' to the POINT OF BEGINNING.

Said proposed Bella Via, a Condominium parcel contains **42.62** acres more or less.



**PROPOSED LAND USE SUMMARY**

| LAND USE     | ACREAGE     |
|--------------|-------------|
| IMPROVEMENTS | 4.6         |
| LANDS        | 7.4         |
| PARKING      | 7.8         |
| SWITCHES     | 5.0         |
| OPEN SPACE   | 22.5        |
| <b>TOTAL</b> | <b>47.3</b> |

**EXISTING LAND USE SUMMARY**

| LAND USE     | ACREAGE    |
|--------------|------------|
| IMPROVEMENTS | 0.5        |
| LANDS        | 0.2        |
| SWITCHES     | 0.4        |
| OPEN SPACE   | 0.9        |
| <b>TOTAL</b> | <b>2.0</b> |

- LEGEND**
- SAVANNAH WETLAND
  - STORMWATER MANAGEMENT
  - PARKING AREA

**BELLA VIA PROJECT TOTALS**

| EXISTING | PHASE 1 | PHASE 2 | TOTAL |
|----------|---------|---------|-------|
| 16       | 40      | 152     | 208   |

**RVI**

Residential Vertical Integration

11111 11111

**BELLA VIA CONDOMINIUMS MASTER\_CONCEPT\_PLAN**

**EXHIBIT**

**Attachment D**  
**Ordinance Number 2023-003**

CHG  
BCC

FILED WITH THE DEPARTMENT OF STATE January 25, 2023

ORDINANCE  
NUMBER 2023 - 003

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT (PD); A MAJOR MODIFICATION TO MODIFY THE LAYOUT AND PLACEMENT OF SOME BUILDINGS, AND TO REVISE DEVELOPMENT STANDARDS AS ESTABLISHED IN THE FINAL DETAIL SITE PLAN FOR THE RESIDENTIAL DEVELOPMENT, BELLA VIA CONDOMINIUM, APPROVED VIA RESOLUTION NUMBER 2006-169, AND LYING WITHIN THE EXISTING PLANNED DEVELOPMENT (PD-80-1), AND ALSO REDUCING THE APPROVED RESIDENTIAL DEVELOPMENT RIGHTS FROM 212 DWELLING UNITS TO 208 DWELLING UNITS; AND ADOPTING A GENERAL PD CONCEPT PLAN; FOR PROPERTY GENERALLY LOCATED NORTH OF HARBORVIEW ROAD, SOUTH OF WESTCHESTER BOULEVARD, WEST OF LOVELAND BOULEVARD, AND EAST OF KINGS HIGHWAY, IN THE PORT CHARLOTTE AREA, CONTAINING 42.62 ACRES MORE OR LESS, COMMISSION DISTRICT I, CHARLOTTE COUNTY, FLORIDA; PETITION PD-22-00010; APPLICANT, TAYLOR MORRISON OF FLORIDA, INC.; PROVIDING AN EFFECTIVE DATE.

ROGER D. EATON, CHARLOTTE COUNTY CLERK OF  
CIRCUIT COURT  
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RECITALS

WHEREAS, in a public hearing held on Tuesday, January 24, 2023, the Board of County Commissioners of Charlotte County, Florida ("Board") reviewed Petition PD-22-00010, submitted by applicant, Taylor Morrison of Florida, Inc. ("Applicant"), requesting a rezoning from Planned Development (PD) to Planned Development (PD), which is a major modification to modify the layout and placement of some buildings, and to revise development standards as established in the Final Detail Site Plan for the residential development, Bella Via Condominium, approved via Resolution Number 2006-169, and lying within the existing Planned Development (PD-80-1), and also reducing the approved

MIN

37 residential development rights from 212 dwelling units to 208 dwelling units; and  
38 adopting the General PD Concept Plan; for property generally located north of  
39 Harborview Road, south of Westchester Boulevard, west of Loveland Boulevard,  
40 and east of Kings Highway, in the Port Charlotte area; containing approximately  
41 42.62 acres more or less; Commission District I, Charlotte County, Florida, and  
42 more particularly described in Exhibit "A" which is attached hereto and by this  
43 reference provided herein ("Property"); and

44 WHEREAS, the PD conditions and the General PD Concept Plan  
45 are attached as Exhibit "B" which is attached hereto and by this reference  
46 provided herein; and

47 WHEREAS, Petition PD-22-00010 has previously been heard by  
48 the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on  
49 the findings and analysis provided by County Staff and the evidence presented to  
50 the P&Z Board, has been recommended for approval on January 9, 2023; and

51 WHEREAS, after due consideration, based on the findings and  
52 analysis provided by County Staff and the evidence presented to it, the Board  
53 has found that approval of Petition PD-22-00010 is consistent with the County's  
54 Comprehensive Plan, and that it meets the requirements for the granting of a  
55 rezone; and

56 WHEREAS, based on the above findings, the Board has  
57 determined it to be in the best interests of the County to rezone the subject  
58 property from Planned Development (PD) to Planned Development (PD), and  
59 also to adopt its associated General PD Concept Plan.

60 NOW, THEREFORE, BE IT ORDAINED by the Board of County  
61 Commissioners of Charlotte County, Florida:

62 SECTION 1. The following petition, made by applicant,  
63 Taylor Morrison of Florida, Inc., for an amendment to the Charlotte County  
64 Zoning Atlas is hereby approved subject to the General PD Concept Plan and  
65 conditions contained in the attached Exhibit "B":

66 Petition PD-22-00010 requesting rezoning from  
67 Planned Development (PD) to Planned Development  
68 (PD), which is a major modification to modify the  
69 layout and placement of some buildings, and to revise  
70 development standards as established in the Final  
71 Detail Site Plan for the residential development, Bella  
72 Via Condominium, approved via Resolution Number  
73 2006-169, and lying within the existing Planned  
74 Development (PD-80-1), and reducing the approved  
75 residential development rights from 212 dwelling units  
76 to 208 dwelling units; and also adopting a General PD  
77 Concept Plan; for property generally located north of  
78 Harborview Road, south of Westchester Boulevard,  
79 West of Loveland Boulevard, and east of Kings  
80 Highway, in the Port Charlotte area, containing 42.62  
81 acres more or less, Commission District I, Charlotte  
82 County, Florida, and more particularly described in  
83 Exhibit "A".

84  
85 SECTION 2. That the zoning for this property shall run with the  
86 property and shall apply to any subsequent owners, heirs and assigns.

87 SECTION 3. This Ordinance shall take effect upon filing in the  
88 Office of the Secretary of State, State of Florida.

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p:\pdata\public\KAREN\FRD\small scale\PD-22-00010, Bella Via Condominium, PD to PD, Major Modification. BCC.  
LR2022-0816  
1.24.2023.doc

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:  
By: *Janette S. Knowlton*  
Janette S. Knowlton, County Attorney  
LR2022-0816

ATTEST:  
Roger D. Eaton, Clerk of the Circuit Court  
and Ex-Officio Clerk of the  
Board of County Commissioners  
By: *Debra J. Johnston*  
Deputy Clerk

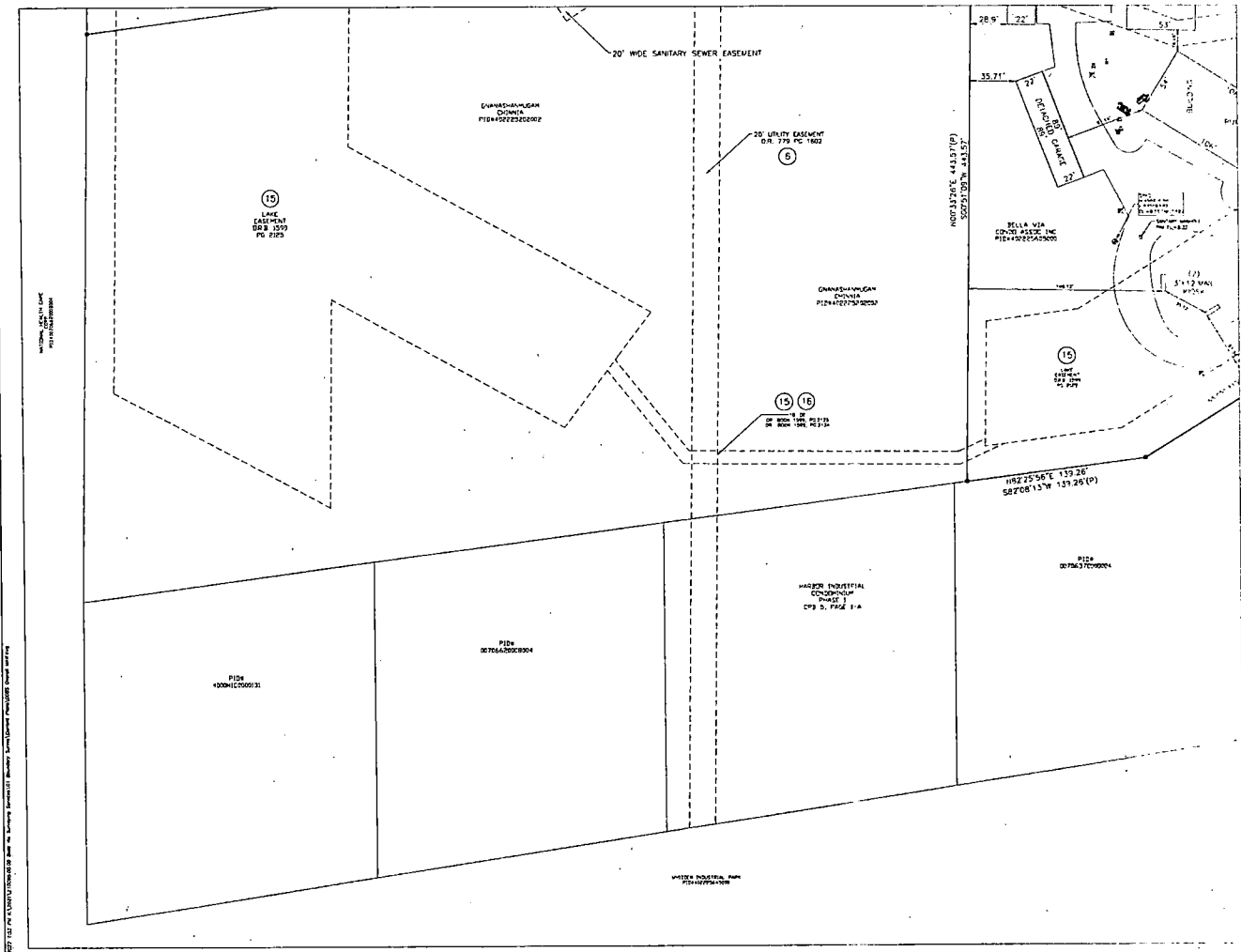
PASSED AND DULY ADOPTED this 24th day of January, 2023.  
BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA  
By: *William G. Arnes*  
William G. Arnes, Chairman  
SEAL  
CHARLOTTE COUNTY, FLORIDA





MATCH LINE  
SEE SHEET 2

MATCH LINE  
SEE SHEET 5



**ABBREVIATIONS & LEGEND**

|    |              |     |                    |
|----|--------------|-----|--------------------|
| AL | ASBESTOS     | 1   | 1" OF CENTRAL WOOD |
| AN | ANALOG       | 12  | WOOD CULVERT PIPE  |
| AP | APPROXIMATE  | 13  | CONCRETE PIPE      |
| AR | ARCHITECTURE | 14  | CONCRETE           |
| AS | ASBESTOS     | 15  | CONCRETE           |
| AT | ASBESTOS     | 16  | CONCRETE           |
| AV | ASBESTOS     | 17  | CONCRETE           |
| AW | ASBESTOS     | 18  | CONCRETE           |
| AX | ASBESTOS     | 19  | CONCRETE           |
| AY | ASBESTOS     | 20  | CONCRETE           |
| AZ | ASBESTOS     | 21  | CONCRETE           |
| BA | ASBESTOS     | 22  | CONCRETE           |
| BB | ASBESTOS     | 23  | CONCRETE           |
| BC | ASBESTOS     | 24  | CONCRETE           |
| BD | ASBESTOS     | 25  | CONCRETE           |
| BE | ASBESTOS     | 26  | CONCRETE           |
| BF | ASBESTOS     | 27  | CONCRETE           |
| BG | ASBESTOS     | 28  | CONCRETE           |
| BH | ASBESTOS     | 29  | CONCRETE           |
| BI | ASBESTOS     | 30  | CONCRETE           |
| BJ | ASBESTOS     | 31  | CONCRETE           |
| BK | ASBESTOS     | 32  | CONCRETE           |
| BL | ASBESTOS     | 33  | CONCRETE           |
| BM | ASBESTOS     | 34  | CONCRETE           |
| BN | ASBESTOS     | 35  | CONCRETE           |
| BO | ASBESTOS     | 36  | CONCRETE           |
| BP | ASBESTOS     | 37  | CONCRETE           |
| BQ | ASBESTOS     | 38  | CONCRETE           |
| BR | ASBESTOS     | 39  | CONCRETE           |
| BS | ASBESTOS     | 40  | CONCRETE           |
| BT | ASBESTOS     | 41  | CONCRETE           |
| BU | ASBESTOS     | 42  | CONCRETE           |
| BV | ASBESTOS     | 43  | CONCRETE           |
| BW | ASBESTOS     | 44  | CONCRETE           |
| BX | ASBESTOS     | 45  | CONCRETE           |
| BY | ASBESTOS     | 46  | CONCRETE           |
| BZ | ASBESTOS     | 47  | CONCRETE           |
| CA | ASBESTOS     | 48  | CONCRETE           |
| CB | ASBESTOS     | 49  | CONCRETE           |
| CC | ASBESTOS     | 50  | CONCRETE           |
| CD | ASBESTOS     | 51  | CONCRETE           |
| CE | ASBESTOS     | 52  | CONCRETE           |
| CF | ASBESTOS     | 53  | CONCRETE           |
| CG | ASBESTOS     | 54  | CONCRETE           |
| CH | ASBESTOS     | 55  | CONCRETE           |
| CI | ASBESTOS     | 56  | CONCRETE           |
| CJ | ASBESTOS     | 57  | CONCRETE           |
| CK | ASBESTOS     | 58  | CONCRETE           |
| CL | ASBESTOS     | 59  | CONCRETE           |
| CM | ASBESTOS     | 60  | CONCRETE           |
| CN | ASBESTOS     | 61  | CONCRETE           |
| CO | ASBESTOS     | 62  | CONCRETE           |
| CP | ASBESTOS     | 63  | CONCRETE           |
| CQ | ASBESTOS     | 64  | CONCRETE           |
| CR | ASBESTOS     | 65  | CONCRETE           |
| CS | ASBESTOS     | 66  | CONCRETE           |
| CT | ASBESTOS     | 67  | CONCRETE           |
| CU | ASBESTOS     | 68  | CONCRETE           |
| CV | ASBESTOS     | 69  | CONCRETE           |
| CW | ASBESTOS     | 70  | CONCRETE           |
| CX | ASBESTOS     | 71  | CONCRETE           |
| CY | ASBESTOS     | 72  | CONCRETE           |
| CZ | ASBESTOS     | 73  | CONCRETE           |
| DA | ASBESTOS     | 74  | CONCRETE           |
| DB | ASBESTOS     | 75  | CONCRETE           |
| DC | ASBESTOS     | 76  | CONCRETE           |
| DD | ASBESTOS     | 77  | CONCRETE           |
| DE | ASBESTOS     | 78  | CONCRETE           |
| DF | ASBESTOS     | 79  | CONCRETE           |
| DG | ASBESTOS     | 80  | CONCRETE           |
| DH | ASBESTOS     | 81  | CONCRETE           |
| DI | ASBESTOS     | 82  | CONCRETE           |
| DJ | ASBESTOS     | 83  | CONCRETE           |
| DK | ASBESTOS     | 84  | CONCRETE           |
| DL | ASBESTOS     | 85  | CONCRETE           |
| DM | ASBESTOS     | 86  | CONCRETE           |
| DN | ASBESTOS     | 87  | CONCRETE           |
| DO | ASBESTOS     | 88  | CONCRETE           |
| DP | ASBESTOS     | 89  | CONCRETE           |
| DQ | ASBESTOS     | 90  | CONCRETE           |
| DR | ASBESTOS     | 91  | CONCRETE           |
| DS | ASBESTOS     | 92  | CONCRETE           |
| DT | ASBESTOS     | 93  | CONCRETE           |
| DU | ASBESTOS     | 94  | CONCRETE           |
| DV | ASBESTOS     | 95  | CONCRETE           |
| DW | ASBESTOS     | 96  | CONCRETE           |
| DX | ASBESTOS     | 97  | CONCRETE           |
| DY | ASBESTOS     | 98  | CONCRETE           |
| DZ | ASBESTOS     | 99  | CONCRETE           |
| EA | ASBESTOS     | 100 | CONCRETE           |

NOTE: ALL DIMENSIONS SHOWN ON THIS MAP ARE BASED ON THE SURVEY DATA PROVIDED BY THE CLIENT.

MATCH LINE  
SEE SHEET 4

|   |               |               |   |         |      |        |            |         |   |        |        |        |                                 |              |               |            |        |               |            |               |            |  |  |
|---|---------------|---------------|---|---------|------|--------|------------|---------|---|--------|--------|--------|---------------------------------|--------------|---------------|------------|--------|---------------|------------|---------------|------------|--|--|
| REV #   | REVISON       | DATE          | BY  | CHECKED | DATE |        |            |         |   |        |        |        |                                 |              |               |            |        |               |            |               |            |  |  |
| 1   | ROYSON        | 2/18/22       |   |         |      |        |            |         |   |        |        |        |                                 |              |               |            |        |               |            |               |            |  |  |
| <table border="0"> <tr> <td>FIELD:</td> <td>MP</td> <td>2/18/22</td> <td></td> <td></td> <td></td> </tr> <tr> <td>DRAWN:</td> <td>JR</td> <td>2/18/22</td> <td></td> <td></td> <td></td> </tr> <tr> <td>CHECKED:</td> <td>MAW</td> <td>2/18/22</td> <td></td> <td></td> <td></td> </tr> </table>  |               |               |   |         |      | FIELD: | MP         | 2/18/22 |   |        |        | DRAWN: | JR                              | 2/18/22      |               |            |        | CHECKED:      | MAW        | 2/18/22       |            |  |  |
| FIELD:  | MP            | 2/18/22       |   |         |      |        |            |         |   |        |        |        |                                 |              |               |            |        |               |            |               |            |  |  |
| DRAWN:  | JR            | 2/18/22       |   |         |      |        |            |         |   |        |        |        |                                 |              |               |            |        |               |            |               |            |  |  |
| CHECKED:  | MAW           | 2/18/22       |   |         |      |        |            |         |   |        |        |        |                                 |              |               |            |        |               |            |               |            |  |  |
|   |               |               |   |         |      |        |            |         |   |        |        |        |                                 |              |               |            |        |               |            |               |            |  |  |
| 12800 University Drive, Suite 175<br>Fort Myers, Florida 33907<br>Phone: (239) 597-0578<br>Fax: (239) 597-0578<br>E-mail: info@rwa-engineering.com<br>License No. 6952  |               |               |   |         |      |        |            |         |   |        |        |        |                                 |              |               |            |        |               |            |               |            |  |  |
| <table border="0"> <tr> <td>DATE:</td> <td>11/22/2022</td> <td>CLIENT:</td> <td>TAYLOR MORRISON OF FLORIDA, INC.<br/>A FLORIDA CORPORATION</td> </tr> <tr> <td>SCALE:</td> <td>1"=40'</td> <td>TITLE:</td> <td>BOUNDARY AND TOPOGRAPHIC SURVEY</td> </tr> <tr> <td>PROJECT NO.:</td> <td>21-0004-01-00</td> <td>SHEET NO.:</td> <td>2 of 7</td> </tr> <tr> <td>DATE PLOTTED:</td> <td>11/22/2022</td> <td>DATE PRINTED:</td> <td>11/22/2022</td> </tr> </table> |               |               |   |         |      | DATE:  | 11/22/2022 | CLIENT: | TAYLOR MORRISON OF FLORIDA, INC.<br>A FLORIDA CORPORATION | SCALE: | 1"=40' | TITLE: | BOUNDARY AND TOPOGRAPHIC SURVEY | PROJECT NO.: | 21-0004-01-00 | SHEET NO.: | 2 of 7 | DATE PLOTTED: | 11/22/2022 | DATE PRINTED: | 11/22/2022 |  |  |
| DATE:   | 11/22/2022    | CLIENT:       | TAYLOR MORRISON OF FLORIDA, INC.<br>A FLORIDA CORPORATION |         |      |        |            |         |   |        |        |        |                                 |              |               |            |        |               |            |               |            |  |  |
| SCALE:  | 1"=40'        | TITLE:        | BOUNDARY AND TOPOGRAPHIC SURVEY                           |         |      |        |            |         |   |        |        |        |                                 |              |               |            |        |               |            |               |            |  |  |
| PROJECT NO.:  | 21-0004-01-00 | SHEET NO.:    | 2 of 7  |         |      |        |            |         |   |        |        |        |                                 |              |               |            |        |               |            |               |            |  |  |
| DATE PLOTTED:   | 11/22/2022    | DATE PRINTED: | 11/22/2022  |         |      |        |            |         |   |        |        |        |                                 |              |               |            |        |               |            |               |            |  |  |









### PD Conditions for Application PD-22-00010

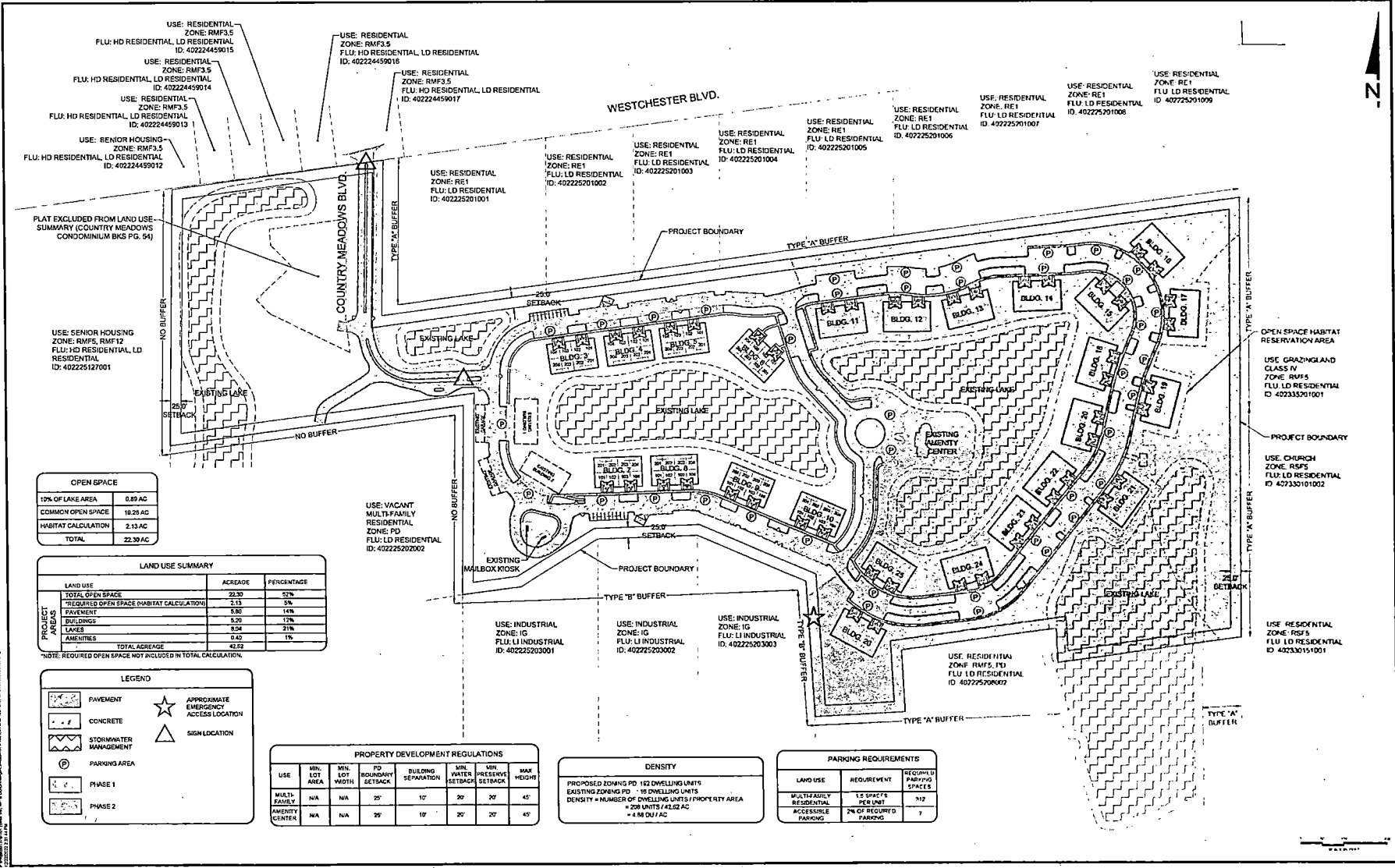
This proposed development shall be in compliance with all applicable requirements as set forth in Charlotte County's Code of Laws and Ordinances. In addition, the following shall apply:

- a. Development on the subject property shall occur as generally illustrated in the General PD Concept Plan (Attachment 1: Bella Via Master Concept Plan) submitted by the applicant, prepared by RVi Planning and Landscape Architecture dated December 22, 2022, except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the conditions/comments indicated in the Site Plan Review (DRC-22-00185) letter dated December 21, 2022, shall be met. Such General PD Concept Plan shall be valid until a Final Detail Site Plan is approved per Section 3-9-45, Planned Development (PD) Residential development standards shall be as indicated on the PD Concept Plan submitted by the applicant.
- b. The subject property retains a base density of 212 units. The applicant is proposing to develop 208 units total. The development is in two phases. Phase 1 includes ten residential multi-family buildings (80 units), and Phase 2 includes 16 buildings (128 units) as shown on the General PD Concept Plan.
- c. Permitted uses:
  - i. Residential multi-family.
  - ii. Accessory uses and structures:
    1. Accessory structures, including, but not limited to, garages (attached and detached), carports and sheds.
    2. If the structure is accessory to a multi-story primary structure, colors and materials may differ, but shall be compatible with colors and materials used for the primary structure, except that metal support structures/poles shall be permitted.
    3. Fences or walls, which may be permitted prior to the principal uses and structures.
- d. No Special Exception or variance shall be allowed.
- e. No development for Phase 2 shall occur prior to Final Detail Site Plan approval, which will be scheduled on the Board of County Commissioners land use consent agenda.
- f. If the roadways for this development are to be private, they shall be constructed to Charlotte County standards. Following Final Detail Site Plan approval, the developer, and subsequently, the homeowner's association or the condominium association, of the PD is required to maintain all private roads within the development area.
- g. The developer is required to provide a five (5)-foot sidewalk, on one side of each street, throughout the subject site. An eight (8)-foot wide sidewalk is required along the property line on Westchester Boulevard.
- h. The development must utilize centralized potable water and sanitary sewer utilities. The water and sanitary sewer lines must be connected to the site prior to the issuance of any Certificate of Occupancy (CO).
- i. The PD setback requirement of twenty-five (25) feet will be adhered to along the property boundary. Within the 25-foot PD setback:
  - i. Along the eastern property boundary and a portion of the southern property boundary, at a minimum, a type A buffer shall be placed as shown on the proposed General PD Concept Plan.



- ii. At a minimum, a type A buffer shall be placed along the northern property boundary adjacent to multifamily buildings as shown on the General PD Concept Plan.
- iii. At a minimum, a type B buffer shall be placed along the western and southern property boundary adjacent to properties zoned Industrial General (IG) as shown on the General PD Concept Plan.
- j. There will be one vehicular entrance to this site and be located on Westchester Boulevard, and one emergency access to Janice Avenue. The exact location of the emergency access shall be determined during the Final Detail Site Plan review process. With respect to the site related improvements, County Transportation staff reserve the right to make additional comments at the time of Final Detail Site Plan development level.
- k. Only one monument sign shall be allowed at the entrance located at Westchester boulevard to the site. Another monument sign shall be located in front of a gate as shown on the General PD Concept Plan.
- l. For the school concurrency issues:
  - i. If the school concurrency process is still required under a valid interlocal agreement, prior to Final Detail Site Plan or Final Plat approval for any residential development for any Phases, the applicant/property owner must obtain a School Concurrency Availability Determination Letter (SCADL) from Charlotte County Public Schools (CCPS) indicating that sufficient capacity exists, or has been accounted for through a binding and enforceable agreement with CCPS to address school concurrency.
  - ii. If an agreement is required, the terms of both agreements shall be incorporated into the Planned Development Final Detail Site Plan approval and shall not constitute a major modification.

**Attachment 1**  
**General PD Concept Plan**



| OPEN SPACE          |                 |
|---------------------|-----------------|
| 10% OF LAKE AREA    | 0.99 AC         |
| COMMON OPEN SPACE   | 18.26 AC        |
| HABITAT CALCULATION | 2.13 AC         |
| <b>TOTAL</b>        | <b>22.39 AC</b> |

| LAND USE SUMMARY                          |              |            |
|---|--------------|------------|
| LAND USE                                  | ACREAGE      | PERCENTAGE |
| TOTAL OPEN SPACE                          | 22.39        | 52%        |
| REQUIRED OPEN SPACE (HABITAT CALCULATION) | 2.13         | 5%         |
| PAVEMENT                                  | 5.92         | 14%        |
| BUILDINGS                                 | 5.20         | 12%        |
| LAKES                                     | 9.24         | 21%        |
| AMENITIES                                 | 9.62         | 22%        |
| <b>TOTAL ACREAGE</b>                      | <b>42.92</b> |            |

\*NOTE: REQUIRED OPEN SPACE NOT INCLUDED IN TOTAL CALCULATION.

**LEGEND**

|  |                       |  |                                       |
|--|-----------------------|--|---------------------------------------|
|  | PAVEMENT              |  | APPROXIMATE EMERGENCY ACCESS LOCATION |
|  | CONCRETE              |  | SIGN LOCATION                         |
|  | STORMWATER MANAGEMENT |  |                                       |
|  | PARKING AREA          |  |                                       |
|  | PHASE 1               |  |                                       |
|  | PHASE 2               |  |                                       |

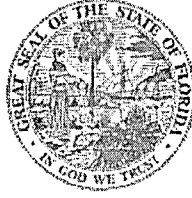
| PROPERTY DEVELOPMENT REGULATIONS |               |                |                     |                     |                    |                       |             |
|----------------------------------|---------------|----------------|---------------------|---------------------|--------------------|-----------------------|-------------|
| USE                              | MIN. LOT AREA | MIN. LOT WIDTH | FD BOUNDARY SETBACK | BUILDING SEPARATION | MIN. WATER SETBACK | MIN. PRESERVE SETBACK | MAX. HEIGHT |
| MULTI-FAMILY                     | NA            | NA             | 25'                 | 10'                 | 20'                | 20'                   | 45'         |
| AMENITY CENTER                   | NA            | NA             | 25'                 | 10'                 | 20'                | 20'                   | 45'         |

| DENSITY  |  |
|--|--|
| PROPOSED ZONING PD 16Z DWELLING UNITS              |  |
| EXISTING ZONING PD - R6 DWELLING UNITS             |  |
| DENSITY = NUMBER OF DWELLING UNITS / PROPERTY AREA |  |
| = 208 UNITS / 42.92 AC                             |  |
| = 4.86 DU / AC                                     |  |

| PARKING REQUIREMENTS    |                        |                         |
|-------------------------|------------------------|-------------------------|
| LAND USE                | REQUIREMENT            | REQUIRED PARKING SPACES |
| MULTIFAMILY RESIDENTIAL | 1.5 SPACES PER UNIT    | 312                     |
| ACCESSIBLE PARKING      | 2% OF REQUIRED PARKING | 7                       |

ATWELL ENGINEERING & ARCHITECTURE, INC. 10000 W. 16th Avenue, Suite 100, Golden, CO 80401  
 TEL: 303.440.1100 FAX: 303.440.1101 WWW.ATWELL-ENG.COM





**FLORIDA DEPARTMENT *of* STATE**

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

January 25, 2023

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

Attention: Dawn Johnston

Dear Roger Eaton,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2023-003, which was filed in this office on January 25, 2023.

Sincerely,

Anya Owens  
Program Administrator

ACO/rra



Ticket# 3875026-1  
01.24.23 Page 2  
AD ID# 3873469  
5 x 13  
Submitted by: Heather Bennett  
Publish: 01/09/2023  
163352 3875028

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

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

01/09/23

as well as being posted online at [www.yoursun.com](http://www.yoursun.com) and [www.floridapublicnotices.com](http://www.floridapublicnotices.com).

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

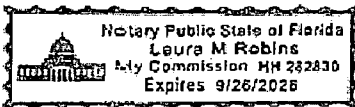
*Melinda Prescott*

(Signature of Affiant)

Sworn and subscribed before me this 9th day of  
January, 2023

*Laura M Robins*

(Signature of Notary Public)



Personally known  OR  Produced Identification

# Boebert's backers urge her to 'tone down the nasty rhetoric'

By JESSE BEDAYN  
ASSOCIATED PRESS/  
REPORT FOR AMERICA

RIFLE, Colo. — Debbie Hartman voted for Lauren Boebert for Congress in 2020 and again in 2022, delighted by Boebert's unequivocal defense of cultural issues that animate the Republican Party's far right flank. But as Hartman shopped recently at a supermarket in this Rocky Mountain ranching outpost, she had one piece of advice for the Colorado lawmaker.

"Tone down the nasty rhetoric on occasion and just stick with the point at hand," said Hartman, 65, a veterinary tech assistant.

That sentiment reflects Boebert's challenge as she begins her second term in the House. In her relatively short time in Washington, she has built a national profile with a combative style embracing everything from gun ownership to apocalyptic religious rhetoric. Constituents such as Hartman in the Republican-leaning 3rd Congressional District laud Boebert for defending their rights, but cringe at her provocations, contributing to an unexpectedly tight race last year that she won by just 546 votes out of more than 300,000 cast.

"She tapped into what Trump was doing, and she maybe took it too far in some instances," said Alex Mason, 27, adding that Boebert, whom he supports, is still more tactful than former President Donald Trump.

In an interview, Boebert said "this slim victory" opened my eyes to another chance to do everything that I've been promising to do."

To the congresswoman, that means being "more focused on delivering the policies I ran on than owning the left," adding she hoped "to bring the temperature down, to bring unity."

For much of past week, however, the temperature on Capitol Hill was only rising. Boebert was a leading voice among a group of lawmakers who refused to support Rep. Kevin McCarthy's bid to become House speaker, a historic revolt against a party leader. McCarthy finally won the gavel early Saturday morning.

Some of Boebert's toughest words are increasingly aimed at fellow Republicans. Including Rep. Marjorie Taylor Greene of Georgia, another controversial Trump ally who was one of McCarthy's most prominent conservative supporters.

"I have been asked to explain MITG's beliefs on Jewish space lasers, on why she showed up to a white supremacist conference... I'm just not going to go there," Boebert said over the phone as she rode in a car winding through the high canyons near her hometown of Silt before the speakership vote. "She wants to say all these things and seem unhinged on Twitter, so be it."

Boebert, 36, insisted that while she may try to pick fewer fights with the left, she's not going to become a different person even after barely beating an opponent, Democrat Adam Frisch, who had targeted what he called Boebert's "entertainment."  
"A lot of folks on the left have said: 'Look at your election, are you going to tone it down, little girl?'" she said. "I'm still going to be me."

The slim margin has stirred discussion about whether she might be vulnerable in another race next year, with Frisch saying he has received encouragement from lawmakers in Washington to run again.

But, she said, she's thinking more about what it's like to be a member of the majority party. "In the minority, all I had was my voice, the only thing I could do was be loud about the things I'm passionate about," she said. Now, "We have to lead right now, we have to show Americans that we deserve to be in the majority."

People in Boebert's district, which runs from the rugged red mesas in Grand Junction that stand sentry over rugged, coal mining hamlets nestled in the Rockies, say the landscape promotes a kind of frontier libertarianism. To many voters, Boebert became a standard-bearer for a rural way of life and values that they feel are being both persecuted and forgotten.

# McCarthy's next big task: Win GOP support for House rules

By HOPE YEN and LISA MASCARO  
ASSOCIATED PRESS

WASHINGTON — After an epic 15-ballot election to become House speaker, Republican Kevin McCarthy faces his next big test in governing a fractious, slim majority: passing a rules package to govern the House.

The drafting and approval of a set of rules is normally a fairly routine legislative affair, but in these times, it's the next showdown for the embattled McCarthy.

To become speaker and win over skeptics, McCarthy had to make concessions to a small group of hard-liners who refused to support his ascension until he yielded to their demands.

Now those promises — or at least some of them — are being put into writing to be voted on when lawmakers return this week for their first votes as the majority party.

On Sunday, at least two moderate Republicans expressed their reservations about supporting the rules package, citing what they described as secret deals and the disproportionate power potentially being handed out to a group of 20 conservatives.

The concessions included limits on McCarthy's power, such as by allowing a single vote to remove him as speaker and curtailing government spending, which could include defense cuts. They also give the conservative Freedom Caucus more seats on the



Dean of the House Rep. Hal Rogers, R-Ky., swears in Rep. Kevin McCarthy, R-Calif., as House Speaker on the House floor on early Saturday at the U.S. Capitol in Washington.

Rep. Nancy Mace, R-S.C., a strong McCarthy supporter, said she currently is "on the fence" about the proposed rules.

"I like the rules package," Mace said, in reference to what has been released publicly. "What I don't support is a small number of people trying to get a deal done or deals done for themselves in private, in secret."

She said it will be hard to get anything done in the House if a small band is given a stronger hand compared with the larger number of moderates.

"I am concerned that compromise legislation will not get through to get a vote on the floor," she said.

Rep. Tony Gonzalez, R-Texas, said was an outright "no" against the rules package, describing an "insurance caucus" that he said would cut defense spending and push extremist legislation, such as on immigration.

Democrats are expected to be united against the package.

## NOTICE OF PUBLIC MEETING AND HEARING FOR ONE OR MORE OF THE FOLLOWING MATTERS: PROPOSED CHANGES TO THE FUTURE LAND USE MAP AND COMPREHENSIVE PLAN ELEMENTS, DEVELOPMENTS OF REGIONAL IMPACT OR CHANGES THERETO, REZONINGS, TRANSFER OF DENSITY UNITS (TDU), PRELIMINARY AND FINAL PLATS, DEVELOPER AGREEMENTS, STREET AND PLAT VACATIONS, DRC FINAL DETAIL PLANS OR CHANGES THERETO, TEXT AMENDMENTS AND STREET NAMING

A PUBLIC MEETING AND HEARING ON PROPOSALS AND PETITIONS AS DESCRIBED BELOW WILL BE CONDUCTED BY THE BOARD OF COUNTY COMMISSIONERS AT A REGULAR MEETING ON TUESDAY, JANUARY 24, 2023, AT 2:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD DURING THE COURSE OF ACTION. THE MEETING AND HEARING WILL BE HELD IN COMMISSION CHAMBERS, ROOM 119, FIRST FLOOR, BUILDING A, THE CHARLOTTE COUNTY ADMINISTRATION CENTER, 1850 NURDOCK CIRCLE, PORT CHARLOTTE, FLORIDA. THE BOARD IS NOT BOUND TO CONSIDER THE PETITIONS IN THE ORDER LISTED IN THIS NOTICE. ANY OF THESE PETITIONS MAY BE CONSIDERED AS SOON AS THE MEETING COMMENCES.

COPIES OF SAID PETITIONS WITH COMPLETE LEGAL DESCRIPTIONS AND SUBSEQUENT STAFF REPORTS WILL BE AVAILABLE FOR REVIEW AT THE CHARLOTTE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT AND ALL CHARLOTTE COUNTY PUBLIC LIBRARIES. A MEETING AGENCY AND PETITION PACKETS MAY BE REVIEWED AT THE FOLLOWING INTERNET ADDRESS: <http://www.charlottecountyfl.gov/boards-committees/planning-zoning-board/agenda.html>

ALL INTERESTED PERSONS ARE URGED TO ATTEND. THE PUBLIC IS WELCOME TO SPEAK. TIME LIMITS ARE SET BY BOARD RULES IF YOU HAVE SPECIFIC QUESTIONS OR COMMENTS, YOU ARE ENCOURAGED TO CONTACT A STAFF PERSON AT ANY TIME IN ADVANCE OF THE PUBLIC HEARINGS. PLEASE CALL 941-764-4003 AND MENTION THE PETITION NUMBER OF THE MATTER YOU WISH TO DISCUSS.

- PETITIONS**
- LAND USE REGULAR AGENDA**
- PP-22-05-12** Quasi-Judicial Commission District I  
Babcock Property Holdings I, L.C., is requesting Preliminary Plat approval for a subdivision to be named, The Flatwoods at Babcock Ranch, consisting of 246 lots and 23 tracts, also being a replat of Tract E-36, Babcock Ranch Community Sprinkler Road (L5 & L6). The property contains 88.51 acres and is generally located south of Cypress Harbor, north of the Lee County line, west of Muddy Grass Road, and east of SR 14, in the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment 1, within the East County area and Commission District I.
- PAS-22-00008** Legislative Commission District II  
Pursuant to Section 163.318, Florida Statutes, adopt a Small Scale Plan Amendment to change Charlotte County FLM Series Map #1, 2030 Future Land Use, a from Low Density Residential (LD) (R39 101) (4.5 acres) and Agricultural (AG) (10 03) (2.5 acres) to Medium Density Residential (MDR) with an annotation to the 2030 Future Land Use Map stating that 1) the base density of the entire site is 12 units, and 2) the use of the entire site for 21 recreational vehicles, and will not require a transfer of density, b) to remove an annotation to the 2030 Future Land Use Map which states that 1) the base density of the site (portion of a parcel located at 1 Creek Side Loop) is two units, and 2) the use of the site for 21 recreational vehicles will be limited to 195 recreational vehicles and will not require a transfer of density; for property, including two parcels, 39 10 1 acres of one parcel located at 1 Creek Side Loop, and another parcel located at 27095 Jones Loop Road, in the Punta Gorda area, containing 49 131 acres, Commission District II, Petition No. PAS-22-00008, Applicant: TAG Crevicks, LLC, providing an effective date.
- PD-22-00012** Quasi-Judicial Commission District II  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Recreational Vehicle Park (RVP) (39 10) (4 acres) and Residential Estate I (RE-I) (10 01) (10 01) (2 acres) to Planned Development (PD) to allow for expansion of an existing RVP park to have recreational vehicles up to 256 units, and also adopt a General PD Concept Plan for property, including two parcels, 39 10 1 acres of one parcel located at 1 Creek Side Loop, and another parcel located at 27095 Jones Loop Road, in the Punta Gorda area, containing 49 131 acres, Commission District II, Petition No. PD-22-00012, Applicant: TAG Crevicks, LLC, providing an effective date.
- PD-22-00010** Quasi-Judicial Commission District I  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) to PD; this is a major modification to modify the layout and placement of some buildings, and to revise development standards as established in Final Detail Site Plan for residential development, called Bella Via Condominium, and approved via Resolution MITG 2016-169. This development is within the existing Planned Development (PD-80-1). The proposed changes will also reduce the approved residential development rights from 212 dwelling units to 204 dwelling units, and adopt the General PD Concept Plan for property generally located north of Hawthorne Road, south of Westchester Boulevard, west of Loxland Boulevard, and east of Kings Highway, in the Port Charlotte area, containing 42 822 acres, Commission District I, Petition No. PD-22-00010, Applicant: Taylor Morrison of Florida, Inc. c/o Charles Cook, providing an effective date.
- PAS-22-00002** Legislative Commission District I  
Pursuant to Section 163.318, Florida Statutes, adopt a Small Scale Plan Amendment to change 1) Charlotte County FLM Series Map #1, 2030 Future Land Use, from Charlotte Harbor Coastal Residential (CHCR) in Charlotte Harbor Mixed Use (CHMU) for 11.88 acres, and 2) Charlotte County FLM Series Map #1A, 2030 Future Land Use, Detail Map from Charlotte Harbor Coastal Residential (CHCR) to Charlotte Harbor Mixed Use (CHMU) for 11.88 acres, for a portion of the property located at 23317 Harper Avenue and 3460 Pinnacle Street, in the Charlotte Harbor Community Redevelopment Area (CRA) and in the Port Charlotte area, containing 35.15 acres, Commission District I, Petition No. PAS-22-00002, Applicant: Pastore Doyle Developers, LLC, providing an effective date.
- PD-22-00001** Quasi-Judicial Commission District I  
An Ordinance, pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Charlotte Harbor Mixed Use (CHMU) and Coastal Residential 3.5 (CR-3.5) to Planned Development (PD), in order to allow for development of a multi-family residential community up to 222 units; increasing density from 193 units to 222 units, and requiring a transfer of 29 density units for the subject property including four parcels located at 23317 and 23245 Harper Avenue, 4460 Pinnacle Street and 23386 Farnam Street, and two parcels located south of Harper Avenue, northeast of Freedom Avenue, east of Church Street, and west of Shady Lane, Bayshore Road, in the Charlotte Harbor Community Redevelopment area and in the Port Charlotte area, containing 39.934 acres; Commission District I, Petition No. PD-22-00001, Applicant: Pastore Doyle Developers, LLC, providing an effective date.
- SHOULD ANY AGENCY OR PERSON DECIDE TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING, A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, A VERBATIM RECORD OF THE PROCEEDING IS REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.
- Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. EM Sound Enhancement Unit for the Hearing Impaired are available at the Front Security Desk, Building A of the Main Administration Complex. Anyone needing other reasonable accommodations or auxiliary aids and services please contact our office at 941.764.4191, TDD/TTY 941.743.1234 or by email to: [David.Lyons@CharlotteCountyFL.gov](mailto:David.Lyons@CharlotteCountyFL.gov)*
- Publish January 9, 2023



**Attachment E**  
**Resolution Number 2023-115**

CHG  
BCC

RESOLUTION  
NUMBER 2023 - 115

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, GRANTING TAYLOR MORRISON OF FLORIDA, INC. A MODIFICATION TO THE PD FINAL DETAIL SITE PLAN APPROVAL FOR BELLA VIA CONDOMINIUMS PHASE 2, CONSISTING OF THE REMAINING 128 MULTI-FAMILY UNITS OF A TOTAL OF 192 MULTI-FAMILY UNITS WITH ASSOCIATED INFRASTRUCTURE, ON 21.58± ACRES OF A 43.60± ACRES SITE, AND LOCATED AT 23295 WESTCHESTER BOULEVARD, PORT CHARLOTTE, FLORIDA.

ROGER D. EATON, CHARLOTTE COUNTY CLERK OF  
CIRCUIT COURT  
# PAGE: 4  
INSTR #: 3289779 Doc Type: GOV  
Recorded: 07/12/2023 at 12:11 PM  
Rec. Fee: RECORDING \$35.50

RECITALS

WHEREAS, Taylor Morrison of Florida, Inc. ("Applicant") submitted Application DRC-23-00012 requesting a modification to the PD Final Detail Site Plan approval for Bella Via Condominiums Phase 2, consisting of the remaining 128 multi-family units of a total of 192 multi-family units with associated infrastructure, on 21.58± acres of a 43.60± acres site, located at 23295 Westchester Boulevard, in the Port Charlotte area, in Section 25, Township 40 South, Range 22 East, Commission District I, Charlotte County, Florida ("Property"), and more particularly described in Exhibit "A" which is attached hereto and provided herein; and

WHEREAS, the Property was rezoned from Planned Development to Planned Development (PD) on January 24, 2023, pursuant to Ordinance Number 2023-003, along with a PD Concept Plan and its associated PD conditions; and

WHEREAS, the Charlotte County Site Plan Review committee reviewed Application DRC-23-00012 for technical compliance with the Code and has recommended approval with conditions; and

MIN

WHEREAS, the Board has reviewed Application DRC-23-00012 and the recommendation of the Site Plan Review committee.

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

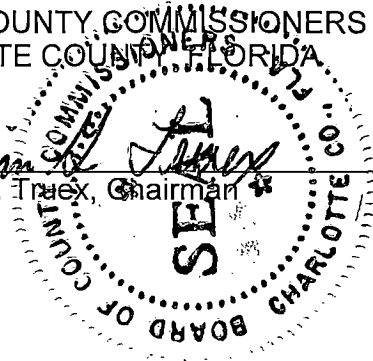
1. Application DRC-23-00012 is approved with the following conditions:
  - A. As required by Section 3-9-45(d)(4)(d), Code of Laws and Ordinances of Charlotte County, Florida ("Code"), the projected schedule for the development approved by this Resolution from commencement to buildout shall be as follows:
    - i. Commencement shall begin after approval by the Board.
    - ii. Buildout shall be substantially completed prior to July 11, 2026.
  - B. Development standards shall comply with Ordinance Number 2023-003, as may be amended by the Board.
2. The effective date of this Resolution shall be the date this Resolution is recorded.

[SIGNATURE PAGE FOLLOWS]

PASSED AND DULY ADOPTED this 11th day of July, 2023.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: William G. Trax  
William G. Trax, Chairman



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

By: Roger D. Eaton  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton  
Janette S. Knowlton, County Attorney  
LR2023-0588



# **Attachment F**

## **DRC Recommendation Letter**



April 2, 2026

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

**Re: DRC-26-008 Bella Via - PD Modification  
Site Plan Review agenda date, February 12, 2026**

County staff has reviewed the PD Modification for Bella Via. The project site is 20.43± acres of a total 43.60± and is located at 23479 Collina Way, Port Charlotte, FL.

**It is the decision of the Zoning Official to forward DRC-26-008 to the Board of County Commissioners with a recommendation of approval. The comments are as follows:**

1. Property in 10AE flood zone. Not enough level of detail to do Building review. Further review in next stages of review.
2. Rezone to PD from PD Must comply with all PD conditions for the Final Detail Site Plan.
3. The two utility easements shown on the owner's survey E1118/583 and E779/1602 did not come up in public records the property appraiser shows several easements 3 of which are public. See the following... Book 650, page 2015, Book 3157, Page 236 and Book 3158, Page 1055. Is the easement shown on the survey correct and if so, are they public? Are the additional easements found on the property appraiser record located in the development area. Please note that any encroachments into public easements may require a release or occupation of easement.
4. Please be advised that a mod. to the existing SWP will be required.
5. Applicant will need to provide a Gopher Tortoise Burrow Excavation Completion Report or FWC After-Action Report stating the burrows have been excavated / bucket-trapped and tortoise moved out of harm's way for Tree Removal Approval.

6. Prior to or at the time of building permit application, provide a completed Tree Permit Application as appropriate for this site, along with a tree inventory (survey) of location, types, sizes of trees overlaid on a site plan of the building, parking, and other site amenities. Identify the trees proposed to be removed and preserved. All trees to be preserved or removed must be in accordance with Section 3-9-100: Buffers, Landscaping, and Tree Requirements, of the County Code. Tree permits must be obtained prior to any land clearing/ fill activity or the issuance of any building permits.
7. At the time of development, the project must comply with Chapter 3-5, Article IV, Clearing, Filling and Soil Conservation requirements of the County Code. Best Use Management Plans must be documented on final site plans and utilized during all land clearing and development activities.
8. The project must also comply with Chapter 3-5, Article XVI, Open Space/Habitat Reservation Trust requirements of the County Code. Given the presence of habitat for use by listed species, the Final site and Landscape plans should depict, and label as preserved, in perpetuity a minimum of 5% of the development area for preservation area with calculations shown to meet or exceed requirements OR absence of preservation of habitat, the applicant must contribute an equal amount of \$300 per acre or fraction thereof, to the Open Space/Habitat Reservation Fund.
9. Fire hydrant required to within 300' of each building.
10. If the building(s) is required to have a fire sprinkler system, then the FDC (Fire Dept. Connection) shall be within 100' of the fire hydrant.
11. Per Charlotte County Ordinance 3-3-4 (5) Fire hydrants shall be installed as may be necessary so that the distance between hydrants does not exceed 800 feet. The minimum flow from any hydrant shall be such that it is designed to deliver 1250 G.P.M. at 20 pounds P.S.I. residual pressure for a minimum of two hours.
12. FDC shall be a 5" Storz connection with a height of 30" above finish grade and at a 30-degree angle.
13. Roadways shall be at least 20' wide of clear space for fire department access.
14. Gates/access arms shall be installed with an EVAC System for emergency operation use.
15. Provide secondary entrance/egress for emergency apparatus.
16. Landscaping, buffers, and tree requirements must be consistent with the conditions established in the PD rezoning and meet all applicable regulations of Section 3-9-100: Buffers, Landscaping, and Tree Requirements.
17. This project has not been reviewed for compliance. A full landscape plan will be required at time of PD Final Detail.
18. PD Concept is approved. Utility plan submission and approval will be required prior to utility construction.

19. The revised General PD Concept Plan may be revised during the PD rezoning process.

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

*Shaun Cullinan*

Shaun Cullinan  
Planning and Zoning Official

**Exhibit “A”  
Amendment to  
PD conditions “a”, “b”, and “c”**

**PD Conditions for Application PD-26-01**  
**Revisions to PD Conditions “a”, “b”, & “c” as Established in**  
**Ordinance Number 2023-003**

- a. Development on the subject property shall occur as generally illustrated in the General PD Concept Plan (Attachment 1: Bella Via Master Concept Plan) submitted by the applicant, prepared by RVi Planning and Landscape Architecture dated December 22, 2022, except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the conditions/comments indicated in the Site Plan Review (DRC-22-00185) letter dated December 21, 2022, shall be met. Such General PD Concept Plan shall be valid until a Final Detail Site Plan is approved per Section 3-9-45, Planned Development (PD). Residential development standards shall be as indicated on the PD Concept Plan submitted by the applicant. Development in Phase 2, except for the existing amenity center and Building 11, shall occur as generally illustrated in the General PD Concept Plan (Attachment 2: Bella Via PD Concept Plan) submitted by the applicant, prepared by Atwell, Inc. dated January 12, 2026, revised March 25, 2026, except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the conditions/comments indicated in the Site Plan Review (DRC-26-008) letter dated April 2, 2026, shall be met. Such General PD Concept Plan shall be valid until a Final Detail Site Plan is approved pursuant to Section 3-9-45, Planned Development (PD).
- b. The subject property retains a base density of 212 units. The applicant is proposing to develop ~~208~~ 212 units in total. The development is in two phases. Phase 1 includes ten residential multi-family buildings (80 units), and Phase 2 includes ~~46 buildings (128-132 units)~~ as generally shown on the General PD Concept Plans.
- c. Permitted uses:
  - i. Single-family attached.
  - ~~i.~~ ii. Residential multi-family.
  - ~~ii.~~ iii. Accessory uses and structures:
    - 1. Accessory structures, including, but not limited to, garages (attached and detached), carports and sheds.
    - 2. If the structure is accessory to a multi-story primary structure, colors and materials may differ, but shall be compatible with colors and materials used for the primary structure, except that metal support structures/poles shall be permitted.
    - 3. Fences or walls, which may be permitted prior to the principal uses and structures.

# **Attachment 2**

## **General PD Concept Plan**

# BELLA VIA

## PD CONCEPT PLAN

PREPARED FOR:  
TAYLOR MORRISON OF FLORIDA, INC.

28100 BONITA GRANDE DRIVE, SUITE 102  
BONITA SPRINGS, FL 34135  
PHONE: (239) 237-0517

### UTILITY SERVICE PROVIDERS

|                              |   |
|------------------------------|---|
| <b>WATER:</b>                |   |
| CHARLOTTE COUNTY UTILITIES   | 3280 S. TAMIAMI TRAIL, UNIT 505<br>PORT CHARLOTTE, FL 33952<br>PHONE: 941-764-4300      |
| <b>SEWER:</b>                |   |
| CHARLOTTE COUNTY UTILITIES   | 3280 S. TAMIAMI TRAIL, UNIT 505<br>PORT CHARLOTTE, FLORIDA 33952<br>PHONE: 941-764-4300 |
| <b>ELECTRIC:</b>             |   |
| FLORIDA POWER AND LIGHT      | 2245 MURPHY COURT<br>NORTH PORT, FLORIDA 34289<br>PHONE: 800-375-8490                   |
| <b>PHONE:</b>                |   |
| CENTURY LINK                 | 4195 KINGS HIGHWAY<br>PORT CHARLOTTE, FLORIDA 33980<br>PHONE: 941-637-5141              |
| <b>CABLE:</b>                |   |
| COMCAST                      | 12600 WESTLINKS DRIVE, SUITE 4<br>FORT MYERS, FL 33913<br>PHONE: (239) 318-1525         |
| <b>FIRE PROTECTION:</b>      |   |
| CHARLOTTE COUNTY FIRE/EMS    | 26571 AIRPORT ROAD<br>PUNTA GORDA, FLORIDA 33982<br>PHONE: 941-833-5600                 |
| <b>SOLID WASTE DISPOSAL:</b> |   |
| WASTE MANAGEMENT             | 25515 OLD LANDFILL ROAD<br>PORT CHARLOTTE, FLORIDA 33980<br>PHONE: 941-629-1106         |

### PROJECT CONTACTS

|   |   |
|---|---|
| <b>CIVIL ENGINEER:</b>                    |   |
| ATWELL, LLC                               | 4161 TAMIAMI TRAIL, BLDG. 5, UNIT 501<br>PORT CHARLOTTE, FLORIDA 33952<br>PHONE: 941-625-1165 |
| STEVEN R. SONBERG, P.E., P.S.M., DIRECTOR |   |
| <b>SURVEYOR:</b>                          |   |
| ATWELL, LLC                               | 4161 TAMIAMI TRAIL, BLDG. 5, UNIT 501<br>PORT CHARLOTTE, FLORIDA 33952<br>PHONE: 941-625-1165 |
| STEVEN R. SONBERG, P.E., P.S.M., DIRECTOR |   |
| <b>ENVIRONMENTAL:</b>                     |   |
| ATWELL, LLC                               | 4470 CAMINO REAL WAY, SUITE 101<br>FORT MYERS, FL 33966<br>PHONE: (239) 334-3680              |
| <b>ARCHITECT:</b>                         |   |
|   |   |
| <b>LANDSCAPE ARCHITECT:</b>               |   |
| JOHN T. SWEN LANDSCAPE ARCHITECT          | P.O. BOX 494466<br>PORT CHARLOTTE, FLORIDA 33949<br>PHONE: 941-626-7365                       |
| JOHN T. SWEN, RLA                         |   |
| <b>TRAFFIC ENGINEER:</b>                  |   |
| TR TRANSPORTATION CONSULTANTS, INC.       | 2726 OAK RIDGE COURT, SUITE 503<br>FORT MYERS, FL 33901<br>PHONE: (239) 278-3090              |



GENERAL LOCATION MAP



LOCATION MAP

SECTION 25  
TOWNSHIP 40  
RANGE 22E  
CHARLOTTE COUNTY, FLORIDA

### SITE INFORMATION

|                          |  |
|--------------------------|--|
| <b>PROJECT AREA:</b>     | 42.6 AC (OVERALL)<br>20.43 AC (PD MODIFICATION AREA) |
| <b>PARCEL STRAP NO.:</b> | 402225227001   |
| <b>PARCEL ADDRESS:</b>   | 23479 COLLINA WAY<br>PORT CHARLOTTE, FLORIDA 33980   |
| <b>CURRENT ZONING:</b>   | PD PLANNED DEVELOPMENT                               |
| <b>PROPOSED USE:</b>     | RESIDENTIAL  |

### SHEET LIST TABLE

| SHEET | TITLE              |
|-------|--------------------|
| 1     | COVER SHEET        |
| 2     | AERIAL             |
| 3     | PD CONCEPT PLAN    |
| 4     | OPEN SPACE EXHIBIT |



| ALL ELEVATIONS ON CIVIL ENGINEERING PLANS REFERENCE: ### |      |                      |    |
|--|------|----------------------|----|
| NO.  | DATE | REVISION DESCRIPTION | BY |
|  |      |                      |    |
|  |      |                      |    |
|  |      |                      |    |



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0 120  
SCALE: 1"= 120'



**ATWELL**  
866.850.4200 [www.atwell.com](http://www.atwell.com)  
4167 TAMAMI TRAIL, BLDG 5, UNIT 501  
PORT CHARLOTTE, FL 33952  
TEL: 813.625.1165

AERIAL  
**BELLA VIA**  
CHARLOTTE COUNTY, FLORIDA  
TAYLOR MORRISON OF FLORIDA, INC.

PREPARED FOR:

| NO. | DATE | REVISION DESCRIPTION |
|-----|------|----------------------|
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THIS ITEM HAS BEEN DIGITALLY SIGNED & SEALED BY  
ON THE DATE ADJACENT TO THE SEAL. SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

TODD R. REBOL

|                             |                             |
|-----------------------------|-----------------------------|
| DESIGNED BY:<br>TBV         | REVIEWED BY:<br>TRR         |
| PROJECT NUMBER:<br>21051376 | COMPLETION DATE:<br>3-25-26 |
| BOOK AND PAGE:              | DATUM:                      |







# CHARLOTTE COUNTY

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## Community Development

### Qualifications of Jie Shao

*Position:* Principal Planner

*Years with Charlotte County:* 22

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

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

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

*Education:*

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

*Professional Associations and Certifications:*

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

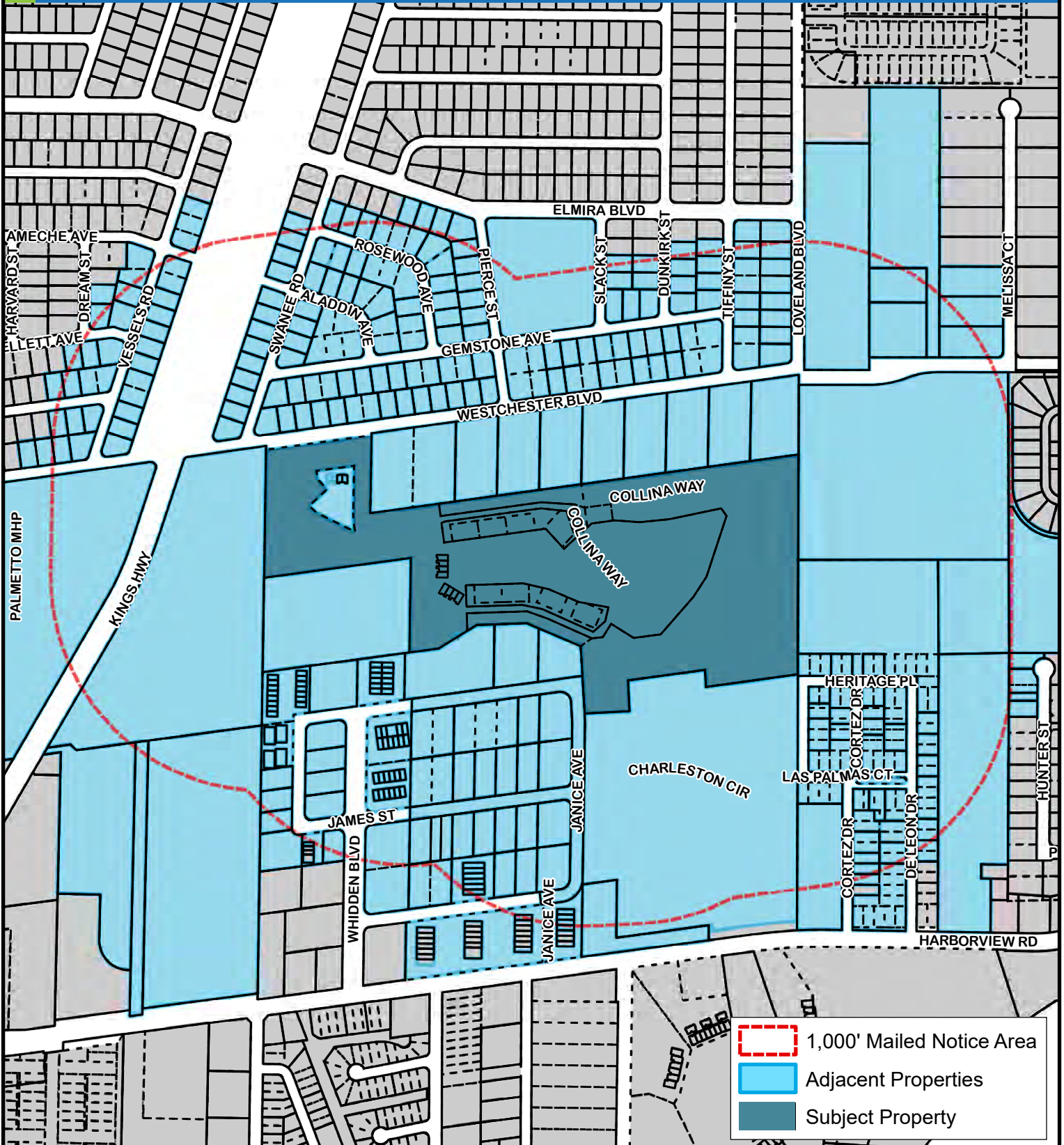
*Related Past Experience:*

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

## Exhibit 1

# CHARLOTTE COUNTY

## 1,000' Foot Mailed Notice of PD-26-01



### 25/40/22 Mid-County



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

# CHARLOTTE COUNTY

## Location Map for PD-26-01



CHARLOTTE COUNTY  
Community Development



 Punta Gorda Boundary

### 25/40/22 Mid-County



(NOT TO SCALE)

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Date Saved: 3/22/2026 3:06:14 PM By: Shaoj-#SR-32208

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# CHARLOTTE COUNTY

Area Image PD-26-01



**SUBJECT  
PROPERTY**

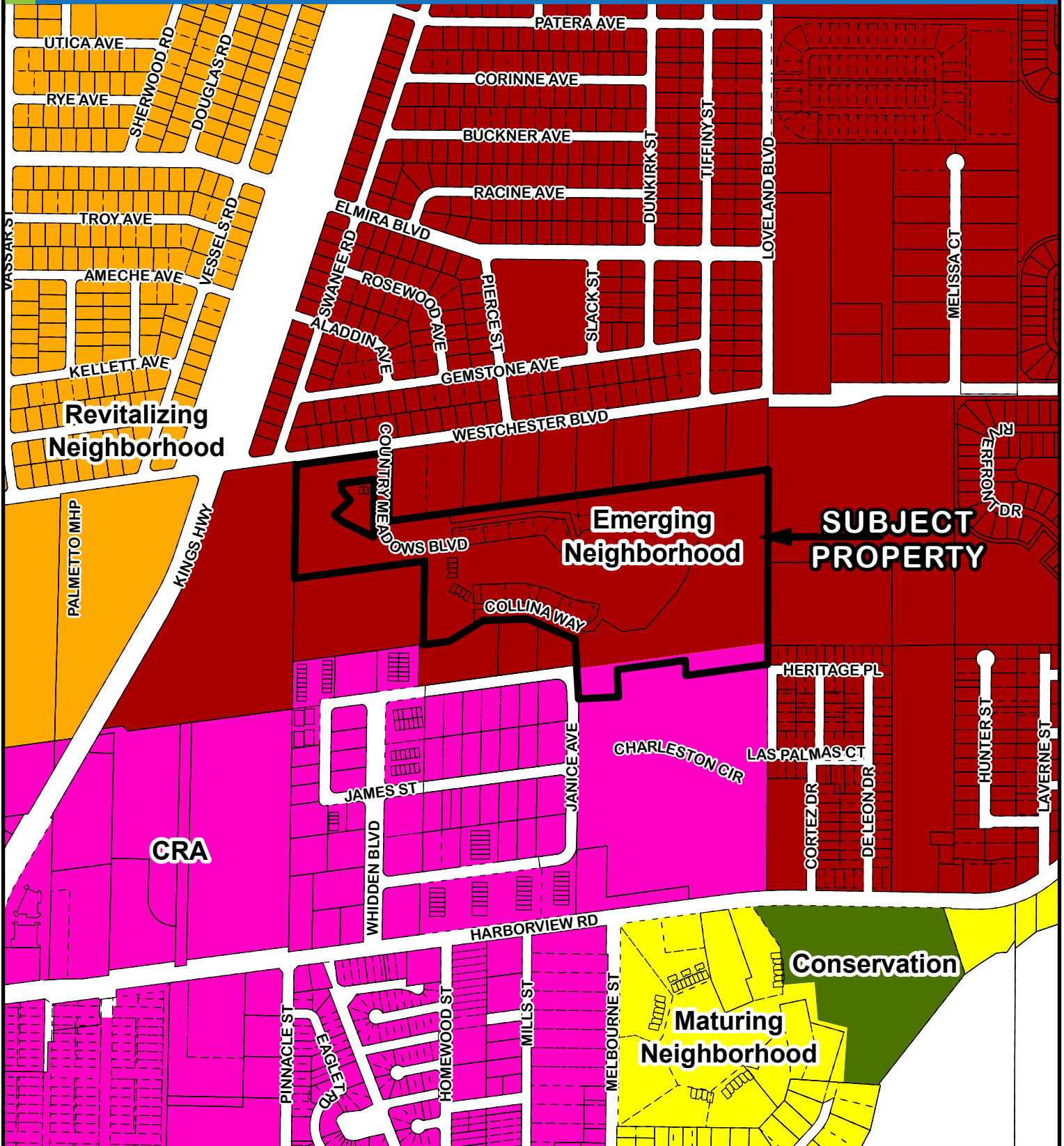
## 25/40/22 Mid-County



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# CHARLOTTE COUNTY

## Framework PD-26-01



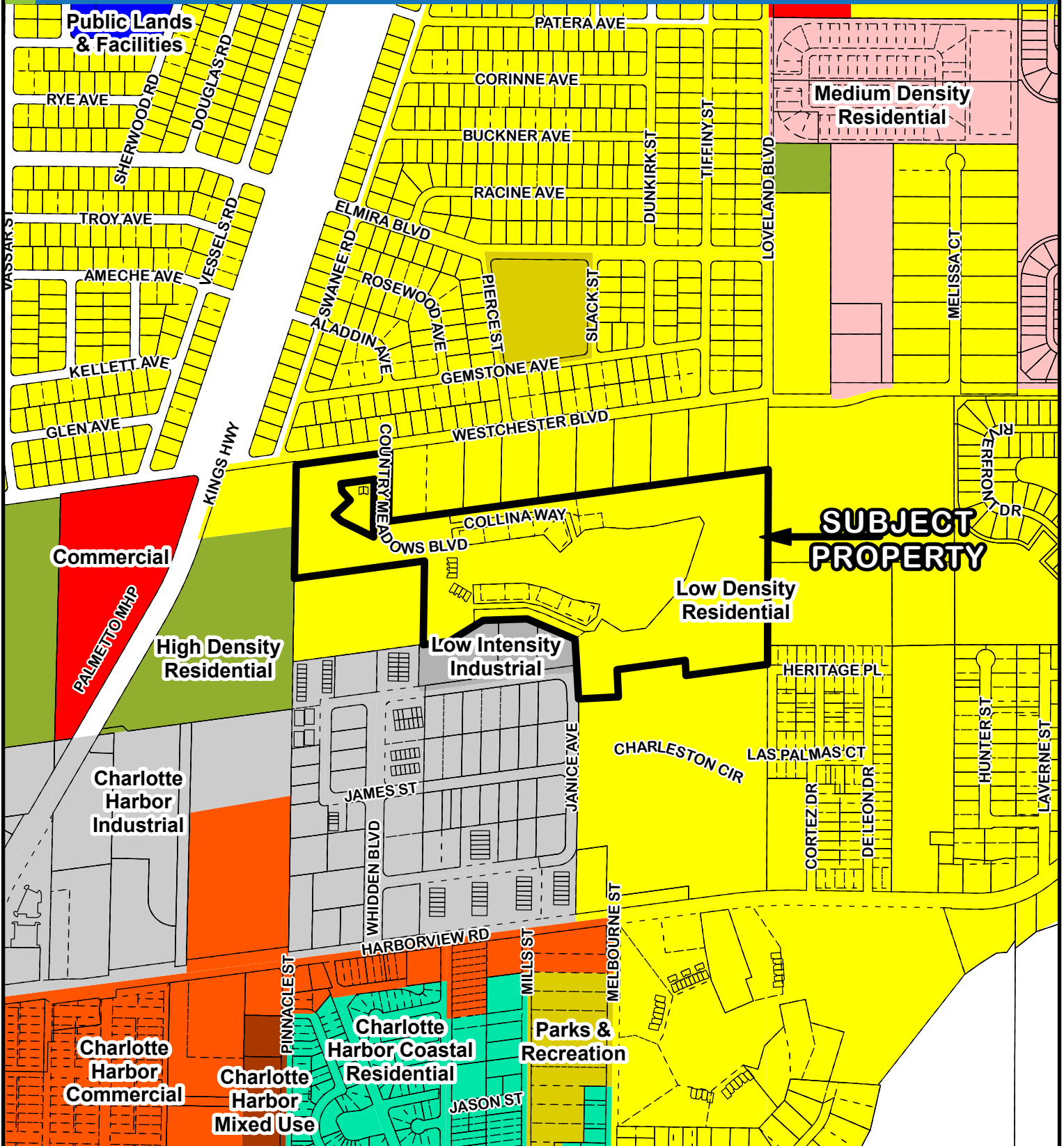
### 25/40/22 Mid-County



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# CHARLOTTE COUNTY

## FLUM Designations PD-26-01



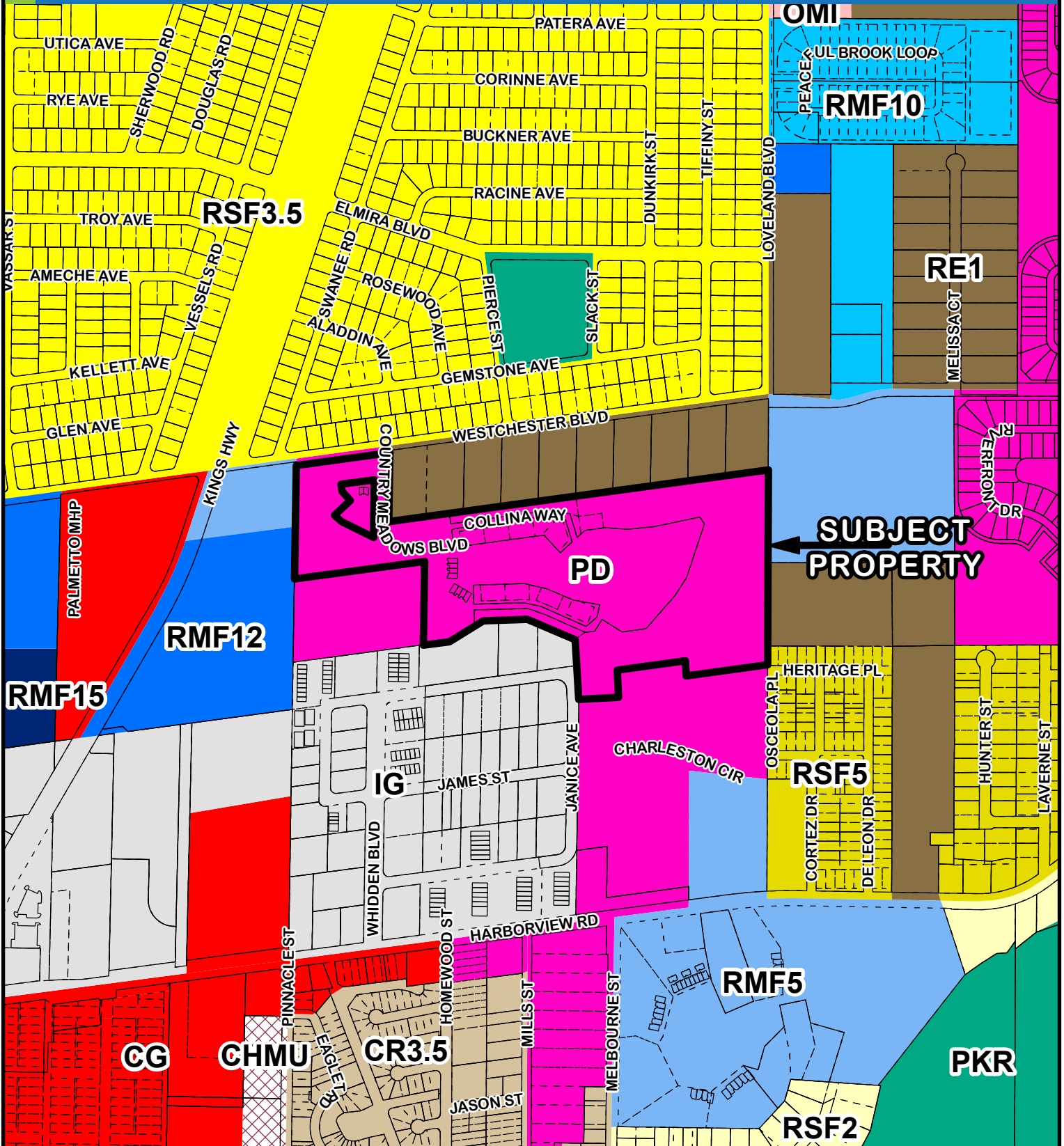
### 25/40/22 Mid-County



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# CHARLOTTE COUNTY

## Zoning Designations for PD-26-01



**25/40/22 Mid-County**



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