



MEMORANDUM

Date: 01-30-25

To: Honorable Board of County Commissioners

From: Jie Shao, AICP, MCP, Planner, Principal

Subject: Petition to change the name of the CDD to the "Firelight Community Development District (CDD)" and to expand this CDD, Petition Number, CDD-25-01

Request:

Pursuant to **Section 190.046 (Termination, Contraction, or Expansion of District)** and **Section 190.005 (Establishment of District)**, Florida Statutes, Eagle Creek CDD has submitted a petition to Charlotte County to amend Ordinance Number 2023-012 (Attachment 1) in order to change the name of the CDD from "Eagle Creek Community Development District" to the "Firelight Community Development District" by revising Section 4-3.5-231. District Name and to add approximately 144.82 acres of lands by revising Section 4-3.5-232 to the existing CDD.

Applicant:

Eagle Creek Community Development District

Agents:

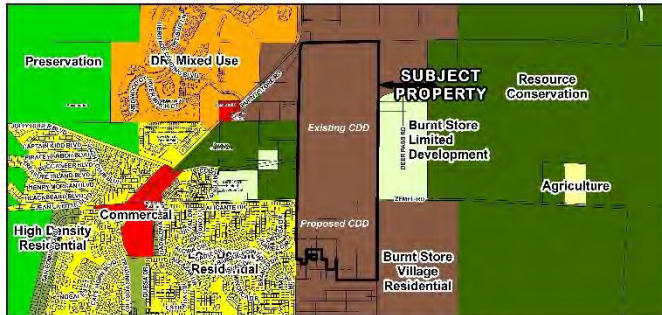
Jonathan T. Johnson
Florida Bar No. 986460
Jonathan.Johnson@KutakRock.com
Kyle M. Magee
Florida Bar No. 120117
Kyle.Magee@KutakRock.com
Kutak Rock LLP
107 West College Avenue
Tallahassee, Florida 32301
(850) 692-7300 (telephone)
(850) 692-7319 (facsimile)

Analysis:

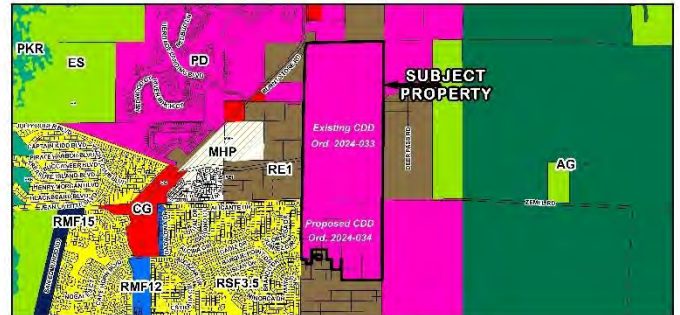
Section 190.046(1)(f), Florida Statutes, states that "*petitions to amend the boundaries of the district that exceed the amount of land specified in paragraph (e) shall be processed in accordance with s. 190.005, and the petition shall include only the elements set forth in s. 190.005 (1)(a)(1) and (5-8) and the consent required by paragraph (g)...*" The submitted petition includes the following required elements except for item 5, which is not applicable.

At this time, the applicant, Eagle Creek Community Development District, is petitioning to the Board to change the name of the existing CDD to “Firelight CDD and to add approximately 144.82 acres to the existing CDD. The additional property is generally located immediately across Zemel Road to the south of the existing CDD.

The Comprehensive Plan’s Future Land Use Map currently designates the proposed expansion area as Burnt Store Village Residential (BSVR). The site is currently designated as Planned Development (PD) via Ordinance Number 2024-034 (Attachment 2) to allow for a residential development up to 273 residential units.



CDD-25-01 FLUM Designations



CDD-25-01 Zoning Designations

It is staff’s professional opinion that the establishment of the proposed expansion of the existing CDD is consistent with all applicable elements of the County’s Comprehensive Plan.

3. *Whether the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.*

The area within the proposed expansion area of the CDD contains approximately 144.82 acres, all of which form a sufficiently contiguous parcel. Therefore, the area for the proposed expansion CDD is sufficiently contiguous, compact and of sufficient size to be developed as a functional inter-related residential community.

In addition, the submitted application lists the various facilities and services that the proposed expansion CDD may provide. Specifically, construction of stormwater management system, onsite wetland conservation/mitigation, onsite public roadways, hardscape, landscape, and irrigation as well as streetlights/undergrounding of electrical lines will be funded, owned and maintained by the proposed CDD. Construction of offsite public roadways and water, wastewater and reclaim utilities will be funded by the proposed CDD but will be owned and maintained by the County. Thus, all of the major infrastructure for the subject property within the proposed CDD will be provided to one functional interrelated community.

4. *Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.*

The developer must provide services and facilities to a proposed project whether or not a CDD is formed; however, the proposed CDD will be the best financial alternative for delivering community development services and facilities to the area served by such CDD. Formation of the CDD provides a mechanism for providing the needed services/facilities and alleviating the burden of upfront capital costs and related payments. Establishment of the proposed CDD could also cover ongoing maintenance of facilities that would have accrued to the County. The alternative mechanisms to pay for maintenance of the infrastructure are to establish a special taxing district, such as a Municipal Service Benefit Unit or

Municipal Service Taxing Unit (MSBU or MSTU), or to utilize the limited resources of the local general-purpose government.

5. Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.

There is sufficient capacity in the existing public infrastructure, and there are sufficient facilities to serve the proposed residential development within the proposed CDD. Charlotte County Utilities (CCU) is able to supply potable water and sewer service to this proposed residential development. The proposed expansion of the CDD will fund construction of on-site utilities, and then these utilities will be owned, operated and maintained by the CCU. Furthermore, onsite public roadways will be funded, owned, operated and maintained by the proposed CDD. At this time, the proposed development shall not create any concurrency issues. Therefore, the services and facilities of the proposed CDD will not be incompatible with the capacity and uses of existing local and regional services and facilities. Furthermore, the establishment of the proposed CDD will ensure that the needed infrastructure will be constructed, operated and maintained.

6. Whether the area that will be served by the district is amenable to separate special-district government.

The applicant/petitioner has obtained written consent to expand the existing CDD to include additional lands from the owner, Zemel Land Partners, LLC, of 100% of the real property located within the proposed expansion area in accordance with Section 190.005, Florida Statutes. The subject property is not currently served by an MSTU or MSBU; therefore, the subject area is amenable to the special district.

Staff Conclusion:

Staff from the County Public Works, Charlotte County Utilities, Facilities Construction & Maintenance, and Community Services have no objections to rename this CDD and to expand this existing CDD to include the additional approximately 144.82 acres. Development impacts have been addressed and mitigated during the original Final Site Plan review process but are subject to further review for applicant's proposed revisions to the approved Final Site Plan, if applicable; therefore, it is staff's professional opinion that this petition is consistent with Sections 190.046 and 190.005 F.S., and is not contrary to Charlotte County's Comprehensive Plan, Charlotte County's Code of Laws and Ordinances, or other applicable guidelines.

Attachment 1
Ordinance Number 2023-012

CHG
BCC

FILED WITH THE DEPARTMENT OF STATE *March 29, 2023*

ORDINANCE

NUMBER 2023-012

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO CHAPTER 190, FLORIDA STATUTES, AMENDING PART IV, MUNICIPAL SERVICE BENEFIT AND TAXING UNITS, CHAPTER 4-3.5 MUNICIPAL SERVICE DISTRICTS, BY CREATING NEW ARTICLE XVIII: EAGLE CREEK COMMUNITY DEVELOPMENT DISTRICT (CDD); PROVIDING FOR NEW SECTION 4-3.5-230, AUTHORITY; PROVIDING FOR NEW SECTION 4-3.5-231, DISTRICT NAME; PROVIDING FOR NEW SECTION 4-3.5-232, DISTRICT EXTERNAL BOUNDARIES; PROVIDING FOR NEW SECTION 4-3.5-233, DISTRICT POWERS AND FUNCTIONS; PROVIDING FOR NEW SECTION 4-3.5-234, BOARD OF SUPERVISORS; PROVIDING FOR ADDITIONAL REQUIREMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, Zemel Land Partners, LLC (the "Petitioner"), having obtained written consent to the establishment of the Eagle Creek Community Development District (the "District") by the owners of one-hundred percent (100%) of the real property to be included in the District, petitioned the Board of County Commissioners (the "Board") of Charlotte County, Florida (the "County"), to adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes; and,

WHEREAS, the Petitioner is a limited liability company authorized to conduct business in the State of Florida, and whose address is 5800 Lakewood Ranch Blvd, Sarasota, Florida 34240; and,

WHEREAS, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the petition at a duly noticed public hearing conducted by the Board on March 28, 2023; and,

min

35 WHEREAS, upon consideration of the record established at that hearing, the
36 Board determined that the statements within the Petition are true and correct, that the
37 establishment of the District is not inconsistent with any applicable element or portion of
38 the state comprehensive plan or the County's comprehensive plan, that the land within
39 the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to
40 be developable as a functionally interrelated community, that the District is the best
41 alternative available for delivering community development services and facilities to the
42 area that will be served by the District, that the community development services and
43 facilities of the District will not be incompatible with the capacity and uses of existing
44 local and regional community development services and facilities, and that the area that
45 will be served by the District is amenable to separate special-district governance; and,

46 WHEREAS, the establishment of the District shall not act to amend any land
47 development approvals governing the land area to be included within the District; and

48 WHEREAS, the establishment of the District will constitute a timely, efficient,
49 effective, responsive and economic way to deliver community development services in
50 the area described in the Petition; and

51 WHEREAS, the Board has determined that the initial members of the District's
52 Board of Supervisors set forth in Section 5 of this ordinance are residents of the State of
53 Florida and citizens of the United States of America.

54 NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners
55 of Charlotte County, Florida:

56 **Section 1.** Charlotte County Code Chapter 4-3.5, Article XVIII titled "EAGLE
57 CREEK COMMUNITY DEVELOPMENT DISTRICT," § 4-3.5-230 is hereby created by

58 adding the underlined language to provide as follows:

59 **Sec. 4-3.5-230. Authority.**

60 This ordinance is adopted in compliance with and pursuant to the
61 Uniform Community Development District Act of 1980 codified in Chapter
62 190, Florida Statutes. Nothing contained herein shall constitute an
63 amendment to any land development approvals for the land area included
64 within the District.

65 **Section 2.** Charlotte County Code Chapter 4-3.5, Article XVIII titled "EAGLE
66 CREEK COMMUNITY DEVELOPMENT DISTRICT," § 4-3.5-231 is hereby created by
67 adding the underlined language to provide as follows:

68 **Sec. 4-3.5.-231. – District Name.**

69 There is hereby created a community development district situated
70 entirely within a portion of the unincorporated area of Charlotte County,
71 Florida, which shall be known as the "Eagle Creek Community
72 Development District," and which shall be referred to in this ordinance as
73 the "District".

74 **Section 3.** Charlotte County Code Chapter 4-3, Article XVIII titled "EAGLE
75 CREEK COMMUNITY DEVELOPMENT DISTRICT," § 4-3.5-232 is hereby created by
76 adding the underlined language to provide as follows:

77 **Sec. 4-3.5-232. – District External Boundaries.**

78 The external boundaries of the District are described in **Appendix**
79 A attached hereto, said boundaries encompassing 314.19 acres, more or
80 less.

Section 4. Charlotte County Code Chapter 4-3, Article XVIII titled "EAGLE CREEK COMMUNITY DEVELOPMENT DISTRICT," § 4-3.5-233 is hereby created by adding the underlined language to provide as follows:

Sec. 4-3.5-233. District Powers and Functions.

The powers and functions of the District are described in Chapter 190, Florida Statutes. Consent is hereby given to the District's Board of Supervisors to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses, and for security, all as authorized and described by Sections 190.012(2)(a) and (2)(d), Florida Statutes (2021).

Section 5. Charlotte County Code Chapter 4-3, Article XVIII titled "EAGLE CREEK DEVELOPMENT DISTRICT," § 4-3.5-234 is hereby created by adding the underlined language to provide as follows:

Sec. 4-3.5-234. Board of Supervisors.

The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

Name: John Lienaweaver
Address: 700 N.W. 107th Avenue, Suite 400
Miami, Florida 33172

Name: Dale Weidemiller
Address: 700 N.W. 107th Avenue, Suite 400
Miami, Florida 33172

Name: Priscilla Heim
Address: 700 N.W. 107th Avenue, Suite 400
Miami, Florida 33172

Name: Kris Watts
Address: 700 N.W. 107th Avenue, Suite 400
Miami, Florida 33172

Name: Jennings DePriest
Address: 700 N.W. 107th Avenue, Suite 400
Miami, Florida 33172

Section 6. Bond Validation. All bonds issued by the District pursuant to the powers granted by this ordinance shall be validated pursuant to Chapter 75, Florida Statutes.

Section 7. Bond Default. No bond debt or other obligation of the District, nor any default thereon, shall constitute a debt or obligation of Charlotte County, except upon the express approval and agreement of the Board.

Section 8. County Rates, Fees and Charges. Notwithstanding any power granted to the District pursuant to this Ordinance, neither the District nor any real or personal property or revenue in the District shall by reason of the District's creation and existence be exempted from any requirement for the payment of any and all rates, fees, charges, permitting fees, impact fees, connection charges or fees, or similar County rates, fees or charges, and special taxing district assessments existing at the time of adoption of this Ordinance or by subsequent action of the Board.

Section 9. Eminent Domain Power Limited. Notwithstanding any power granted to the District pursuant to this Ordinance, the District may exercise the power of eminent domain outside the District's existing boundaries only with the prior, specific and express approval of the Board.

Section 10. Notwithstanding any provision to the contrary contained in the Petition, no Proposed Facilities and Services may be funded, transferred to, owned or maintained by the County without prior written approval from the Board.

Section 11. Codification. It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Charlotte County, Florida ("Code"), and the sections of this Ordinance may be renumbered to accomplish such intention. In the event this Ordinance conflicts with any provisions of the Code, the provisions of this Ordinance shall control to the extent of any such conflict.

Section 12. Severability. If any subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder of this Ordinance.

Section 13. Effective Date. This ordinance shall take effect upon adoption by the Board.

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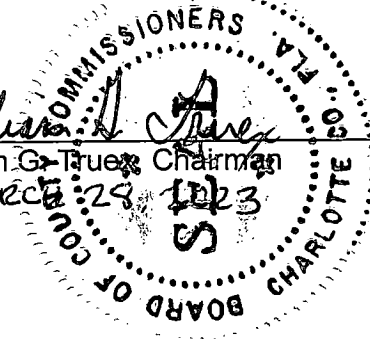
PASSED AND DULY ADOPTED this 28th day of March, 2023.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By:

William G. True
William G. True, Chairman

MARCH 29, 2023



ATTEST:

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

By:

Roger D. Eaton
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By:

Janette S. Knowlton
Janette S. Knowlton, County Attorney

LR 2023-0151

Appendix A [Petition]

PETITION TO ESTABLISH
EAGLE CREEK
COMMUNITY
DEVELOPMENT DISTRICT

Submitted by:

Jere Earlywine
Florida Bar No. 155527
Jere@kelawgroup.com
KE LAW GROUP, PLLC
2016 Delta Boulevard, Suite 101
Tallahassee, Florida 32303
(850) 528-6152 (telephone)

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF
CHARLOTTE COUNTY, FLORIDA

PETITION TO ESTABLISH THE EAGLE CREEK
COMMUNITY DEVELOPMENT DISTRICT

Petitioner, Zemel Land Partners, LLC ("Petitioner"), hereby petitions the Board of County Commissioners of Charlotte County, Florida, pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, to establish a Community Development District ("District") with respect to the land described herein. In support of this petition, Petitioner states:

1. Location and Size. The proposed District is located entirely within Charlotte County, Florida, and covers approximately 314.19 acres of land, more or less. **Exhibit 1** depicts the general location of the project. The site is generally located southeast of Burnt Store Road and north of Zemel Road. The sketch and metes and bounds descriptions of the external boundary of the proposed District is set forth in **Exhibit 2**.
2. Excluded Parcels. There are no parcels within the external boundaries of the proposed District which are to be excluded from the District.
3. Landowner Consents. Petitioner has obtained written consent to establish the proposed District from the owners of one hundred percent (100%) of the real property located within the proposed District in accordance with Section 190.005, Florida Statutes. Consent to the establishment of a community development district is contained in **Exhibit 3**.
4. Initial Board Members. The five (5) persons designated to serve as initial members of the Board of Supervisors of the proposed District are John Lienaweaver, Dale Weidemiller, Priscilla Heim, Kris Watts and Jennings DePriest. All of the listed persons are residents of the state of Florida and citizens of the United States of America.
5. Name. The proposed name of the District is the Eagle Creek Community Development District.
6. Major Water and Wastewater Facilities. **Exhibit 4** shows the existing and proposed major trunk water mains and sewer connections serving the lands within and around the proposed District.
7. District Facilities and Services. **Exhibit 5** describes the type of facilities Petitioner presently expects the proposed District to finance, fund, construct, acquire and install, as well as the estimated costs of construction. At present, these improvements are estimated to be made, acquired, constructed and installed in eight (8) phases over an estimated ten (10) year period from 2023 – 2033. Actual construction timetables and expenditures will likely vary, due in part

to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

8. Existing and Future Land Uses. The existing use of the lands within the proposed District is vacant. The future general distribution, location and extent of the public and private land uses within and adjacent to the proposed District by land use plan element are shown in **Exhibit 6**. These proposed land uses are consistent with the Charlotte County Comprehensive Plan.

9. Statement of Estimated Regulatory Costs. **Exhibit 7** is the statement of estimated regulatory costs ("SERC") prepared in accordance with the requirements of Section 120.541, Florida Statutes. The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

10. Authorized Agent. The Petitioner is authorized to do business in the State of Florida. The Petitioner has designated Jere Earlywine as its authorized agent. See **Exhibit 8 - Authorization of Agent**. Copies of all correspondence and official notices should be sent to:

Jere Earlywine
Florida Bar No. 155527
Jere@kelawgroup.com
KE LAW GROUP, PLLC
2016 Delta Boulevard, Suite 101
Tallahassee, Florida 32303
(850) 528-6152 (telephone)

11. This petition to establish the Eagle Creek Community Development District should be granted for the following reasons:

a. Establishment of the proposed District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective State Comprehensive Plan or the Charlotte County Comprehensive Plan.

b. The area of land within the proposed District is part of a planned community. It is of sufficient size and is sufficiently compact and contiguous to be developed as one functional and interrelated community.

c. The establishment of the proposed District will prevent the general body of taxpayers in Charlotte County from bearing the burden for installation of the infrastructure and the maintenance of certain facilities within the development encompassed by the proposed District. The proposed District is the best alternative for delivering community development services and facilities to the proposed community without imposing an additional burden on the general population of the local general-purpose government. Establishment of the proposed

District in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources.

d. The community development services and facilities of the proposed District will not be incompatible with the capacity and use of existing local and regional community development services and facilities. In addition, the establishment of the proposed District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the proposed District's services and facilities.

e. The area to be served by the proposed District is amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests the Board of Commissioners of Charlotte County, Florida to:

a. schedule a public hearing in accordance with the requirements of Section 190.005(2)(b), Florida Statutes;

b. grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes;

c. consent to the District exercise of certain additional powers to finance, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for: (1) parks and facilities for indoor and outdoor recreational, cultural and educational uses; and (2) security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, each as authorized and described by Section 190.012(2), Florida Statutes; and

d. grant such other relief as may be necessary or appropriate.

RESPECTFULLY SUBMITTED, this 9th day of January, 2023.

KE LAW GROUP, PLLC



Jere Earlywine

Florida Bar No. 155527

Jere@kelawgroup.com

KE LAW GROUP, PLLC

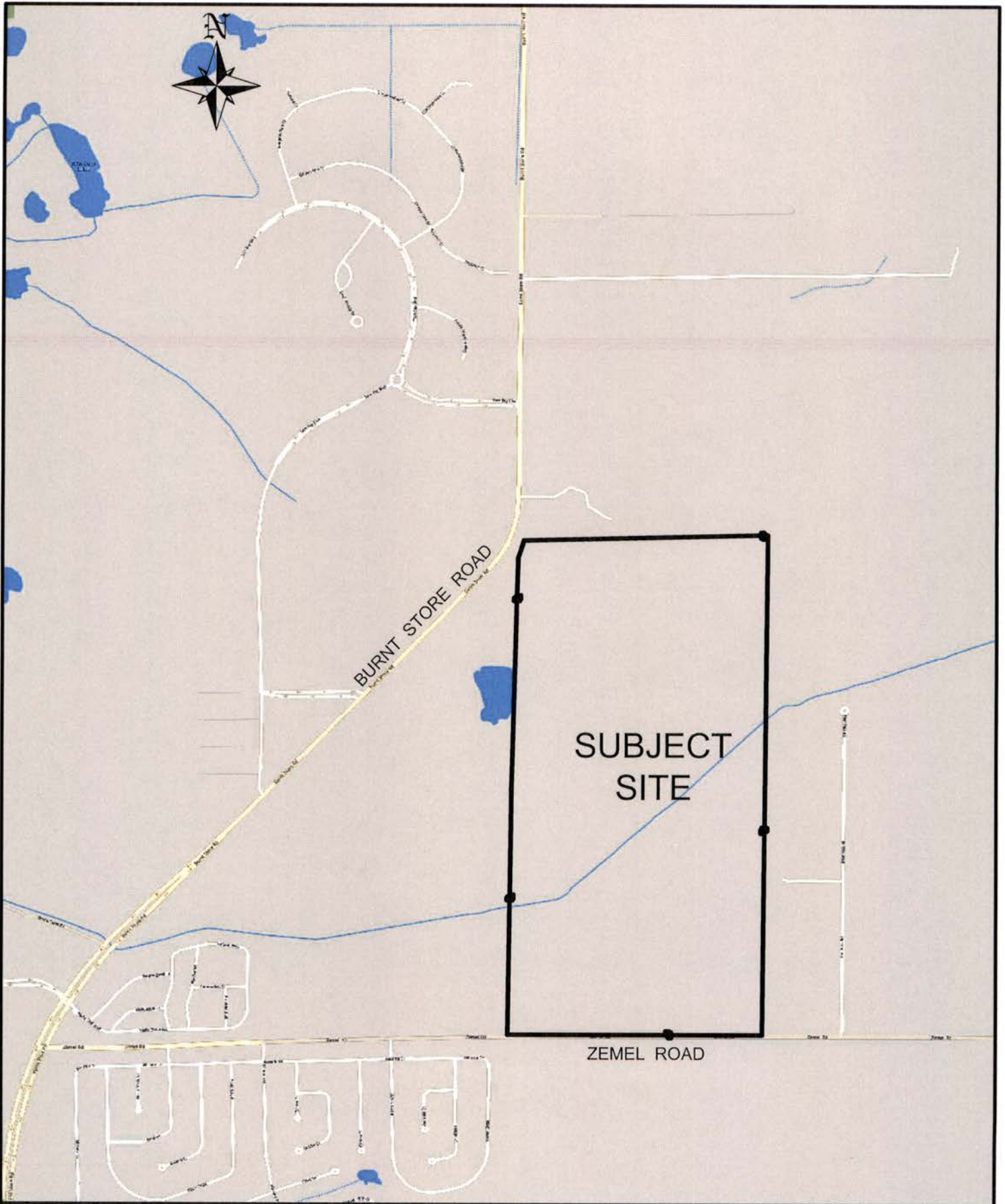
2016 Delta Boulevard, Suite 101

Tallahassee, Florida 32303

(850) 528-6152 (telephone)

Attorneys for Petitioner

EXHIBIT 1



BANKS
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

4101 TAMMAM TRAIL - BLDG 5 UNIT 501
PORT CHARLOTTE, FLORIDA 33655
PHONE: (941) 625-1165 FAX: (941) 625-1149
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

LOCATION MAP
EAGLE CREEK CDD
CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
9-12-22	4532CDD	SP	TRB	WA	TRB	NTS	1

EXHIBIT 2



Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND
LYING IN SECTION 21, T-42-S, R-23-E,
CHARLOTTE COUNTY, FLORIDA.

(CDD PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE,
LYING IN SECTION 21, TOWNSHIP 42 SOUTH, RANGE 23 EAST, AND BEING FURTHER BOUNDED AND
DESCRIBED AS FOLLOWS:

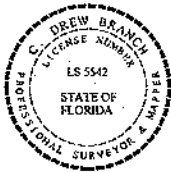
BEGINNING AT SOUTHWEST CORNER OF SAID SECTION 21, SAID POINT BEING RECORDED IN
CERTIFIED CORNER RECORD DOCUMENT #66930; THENCE N.00°45'20"E. (FOR A BASIS OF BEARINGS)
ALONG THE WESTERLY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION FOR 2587.36 FEET TO THE
WEST 1/4 CORNER OF SAID SECTION, AS RECORDED IN CERTIFIED CORNER RECORD DOCUMENT
#51759; THENCE N.01°31'27"E. ALONG THE WESTERLY LINE OF THE NORTHWEST 1/4 OF SAID
SECTION FOR 2388.66 FEET; TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF BURNT STORE ROAD
PER BSR2-106 PARCEL ORDER OF TAKING PER OR. 4419, PG. 1578 AND THE BEGINNING OF A NON-
TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1955.00 FEET, A DELTA ANGLE OF 05°30'48", A
CHORD BEARING OF N.17°56'59"E., AND A CHORD DISTANCE OF 188.05 FEET; THENCE ALONG THE
ARC OF SAID CURVE FOR 188.12 FEET TO A POINT ON THE NORTHERLY LINE OF THE NORTHWEST
1/4 OF SAID SECTION; THENCE N.88°40'21"E. ALONG SAID NORTHERLY LINE FOR 2551.90 FEET TO
THE NORTH 1/4 CORNER OF SAID SECTION; THENCE S.00°29'35"W. ALONG THE EASTERLY LINE OF
THE WEST 1/2 OF SAID SECTION FOR 5214.15 FEET TO THE SOUTH 1/4 CORNER OF SAID SECTION;
THENCE N.89°58'44"W. ALONG THE SOUTHERLY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION,
SAID LINE ALSO BEING THE NORTH LINE OF A 60 FEET WIDE PUBLIC ROAD RIGHT-OF-WAY, PER
DEED BOOK 48, PAGE 129, CHARLOTTE COUNTY PUBLIC RECORDS FOR 2661.94 FEET TO THE POINT
OF BEGINNING.

CONTAINS 314.19 ACRES, MORE OR LESS.

BANKS ENGINEERING
FLORIDA LICENSED BUSINESS NO. LB6690

SEPTEMBER 8, 2022

DIGITALLY SIGNED BY:
C. DREW BRANCH

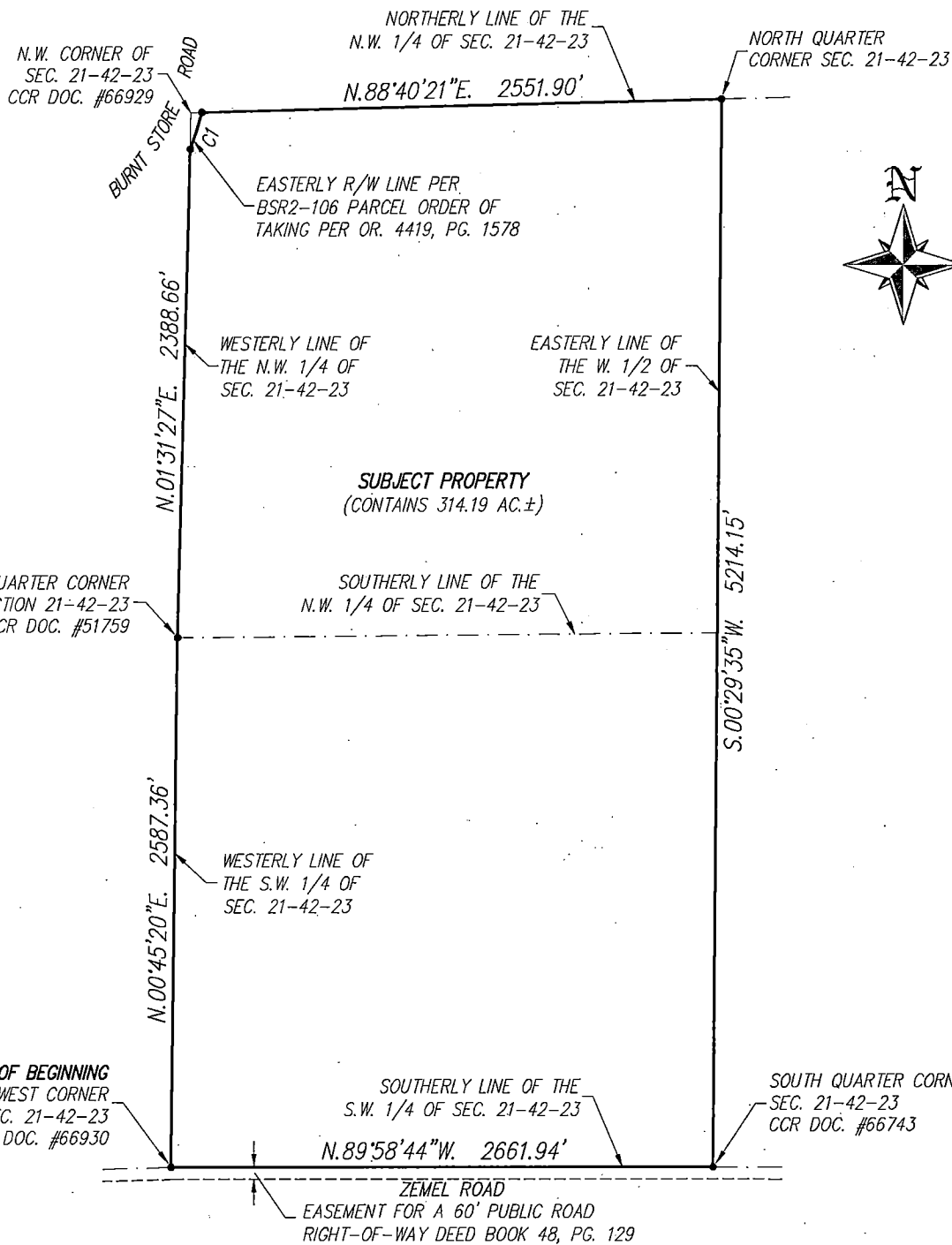


Date:
2022.09.08
12:49:23
-04'00'

C. DREW BRANCH, P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 5542

SHEET 1 OF 2

SERVING THE STATE OF FLORIDA



LEGEND

PG. PAGE
R/W RIGHT OF WAY
OR. OFFICIAL RECORD
AC. ACRES
± MORE OR LESS
C1 LINE 1 OF CURVE TABLE
SEC. SECTION
DOC. DOCUMENT
CCR CERTIFIED CORNER RECORD

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1955.00'	188.12'	188.05'	N.17°56'59"E.	5°30'48"

THIS IS NOT A BOUNDARY SURVEY

SKETCH TO ACCOMPANY DESCRIPTION

CDD AREA

CHARLOTTE COUNTY, FLORIDA

BANKS
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

4101 TANGAM TRAIL - BLDG 8 UNIT 501
PORT CHARLOTTE, FLORIDA 33682
PHONE: (941) 825-1125 FAX: (941) 825-1149
ENGINEERING LICENSE # 131 6463
SURVEY LICENSE # 131 6530
WWW.BANKSENG.COM

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-T-R)
8/30/22	4532	SK-OVERALL	JS	CDB	1"=800'	20F2	21-42-23

EXHIBIT 3

**Consent and Joinder of Landowner
to the Establishment of a Community Development District
[Proposed Eagle Creek Community Development District]**

The undersigned is the owner of certain lands more fully described on Exhibit A attached hereto and made a part hereof ("Property").

As an owner of lands that are intended to constitute all or a part of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, Petitioner is required to include the written consent to the establishment of the Community Development District of one hundred percent (100%) of the owners of the lands to be included within the Community Development District.

The undersigned hereby consents to the establishment of a Community Development District that will include the Property within the lands to be a part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the Community Development District. The undersigned acknowledges that the petitioner has the right by contract for the establishment of the Community Development District, and Jere Earlywine of KE Law Group, PLLC is hereby authorized to file and prosecute the petition to establish the Community Development District.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the officer executing this instrument.

The undersigned may revoke this consent prior to the establishment of the CDD immediately upon written notice to the petitioner by sending an email to jere@kewlawgroup.com.

[SIGNATURE PAGE TO FOLLOW]

Executed this 16th day of November, 2022.

Witnessed:

ZEMEL LAND PARTNERS, LLC
LANDOWNER

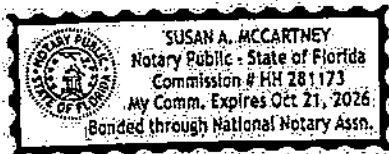
Monica Donley
Print Name: Monica Donley

D. David Goben
BY: D. David Goben
ITS: Manager

Kris Watts
Print Name: Kris Watts

STATE OF FLORIDA
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 16 day of November, 2022, by D. David Goben, who appeared before me this day in person, and who is either personally known to me, or produced as identification.



Susan A. McCartney
NOTARY PUBLIC, STATE OF FLORIDA

Name: Susan A. McCartney
(Name of Notary Public, Printed, Stamped or Typed
as Commissioned)

Exhibit A: Legal Description

Exhibit A:
Legal Description



Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND
LYING IN SECTION 21, T-42-S, R-23-E,
CHARLOTTE COUNTY, FLORIDA.

(CDD PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE,
LYING IN SECTION 21, TOWNSHIP 42 SOUTH, RANGE 23 EAST, AND BEING FURTHER BOUNDED AND
DESCRIBED AS FOLLOWS:

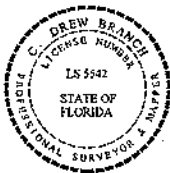
BEGINNING AT SOUTHWEST CORNER OF SAID SECTION 21, SAID POINT BEING RECORDED IN
CERTIFIED CORNER RECORD DOCUMENT #66930; THENCE N.00°45'20"E. (FOR A BASIS OF BEARINGS)
ALONG THE WESTERLY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION FOR 2587.36 FEET TO THE
WEST 1/4 CORNER OF SAID SECTION, AS RECORDED IN CERTIFIED CORNER RECORD DOCUMENT
#51759; THENCE N.01°31'27"E. ALONG THE WESTERLY LINE OF THE NORTHWEST 1/4 OF SAID
SECTION FOR 2388.66 FEET; TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF BURNT STORE ROAD
PER BSR2-106 PARCEL ORDER OF TAKING PER OR. 4419, PG. 1578 AND THE BEGINNING OF A NON-
TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1955.00 FEET, A DELTA ANGLE OF 05°30'48", A
CHORD BEARING OF N.17°56'59"E., AND A CHORD DISTANCE OF 188.05 FEET; THENCE ALONG THE
ARC OF SAID CURVE FOR 188.12 FEET TO A POINT ON THE NORTHERLY LINE OF THE NORTHWEST
1/4 OF SAID SECTION; THENCE N.88°40'21"E. ALONG SAID NORTHERLY LINE FOR 2551.90 FEET TO
THE NORTH 1/4 CORNER OF SAID SECTION; THENCE S.00°29'35"W. ALONG THE EASTERLY LINE OF
THE WEST 1/2 OF SAID SECTION FOR 5214.15 FEET TO THE SOUTH 1/4 CORNER OF SAID SECTION;
THENCE N.89°58'44"W. ALONG THE SOUTHERLY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION,
SAID LINE ALSO BEING THE NORTH LINE OF A 60 FEET WIDE PUBLIC ROAD RIGHT-OF-WAY, PER
DEED BOOK 48, PAGE 129, CHARLOTTE COUNTY PUBLIC RECORDS FOR 2661.94 FEET TO THE POINT
OF BEGINNING.

CONTAINS 314.19 ACRES, MORE OR LESS.

BANKS ENGINEERING
FLORIDA LICENSED BUSINESS NO. LB6690

SEPTEMBER 8, 2022

DIGITALLY SIGNED BY:
C. DREW BRANCH

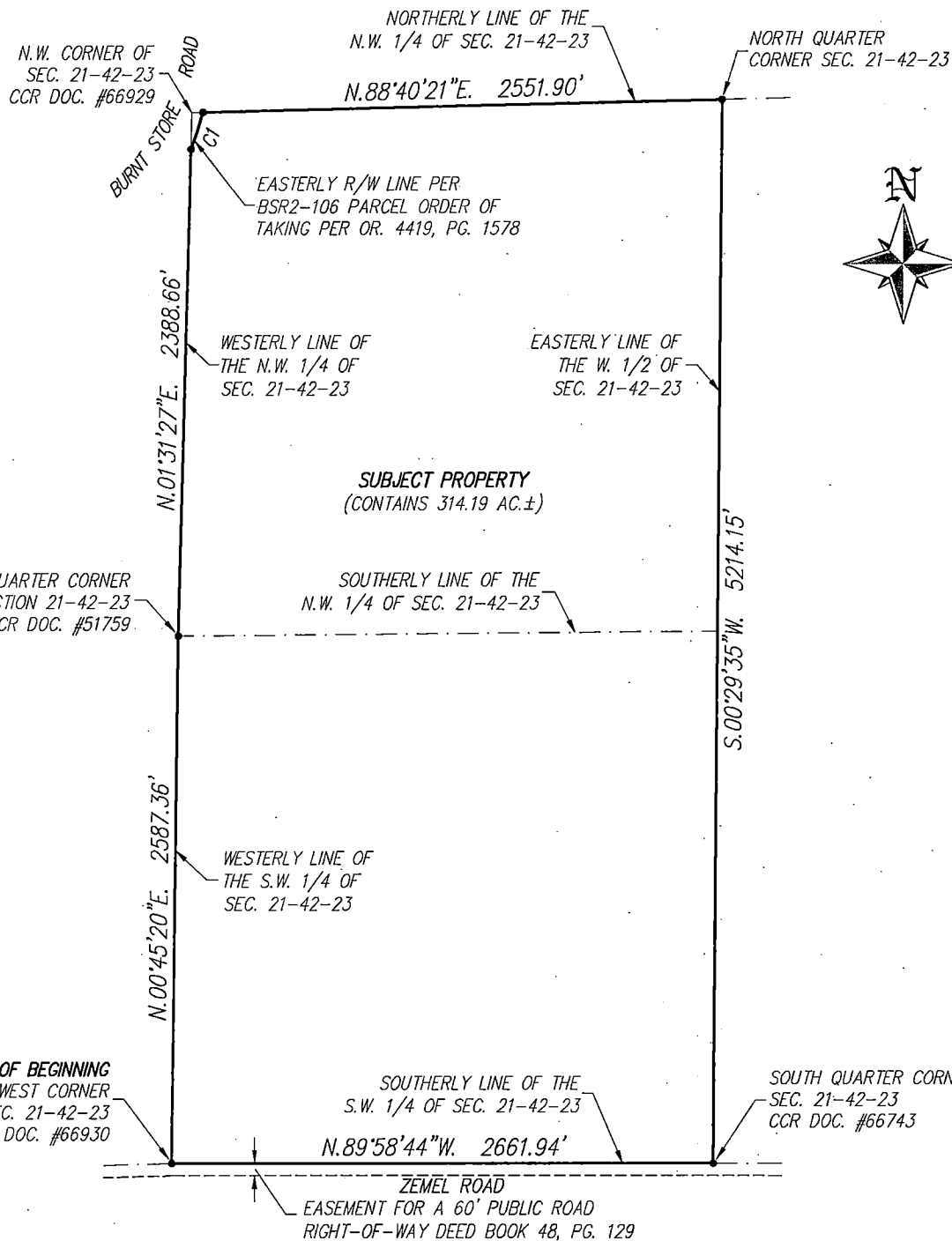


Date:
2022.09.08
12:49:23
-04'00'

C. DREW BRANCH, P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 5542

SHEET 1 OF 2

SERVING THE STATE OF FLORIDA



BANKS
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

4161 TUDOR TRL. - BLDG 8 UNIT 501
PORT CHARLOTTE, FLORIDA 33682
PHONE: (941) 625-1165 FAX: (941) 625-1169
ENGINEERING LICENSE # 03 6459
SURVEY LICENSE # LR 0890
WWW.BANKSENG.COM

THIS IS NOT A BOUNDARY SURVEY

SKETCH TO ACCOMPANY DESCRIPTION

CDD AREA

CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-T-R)
8/30/22	4532	SK-OVERALL	JS	CDB	1"=800'	20F2	21-42-23

EXHIBIT 4



RIGHT-OF-WAY

20" SEWER FORCEMAIN
(UNDER CONSTRUCTION)

16" WATER
MAIN

EXISTING 35' EASEMENT

BURNT STORE ROAD

SUBJECT
SITE

ZEMEL ROAD

BANKS
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

4181 TAMMAM TRAIL -- BLDG 3 UNIT 501
PORT CHARLOTTE, FLORIDA 33682
PHONE: (941) 825-1183 FAX: (941) 825-1140
ENGINEERING LICENSE # EB 8459
SURVEY LICENSE # LS 6890
WWW.BANKSEND.COM

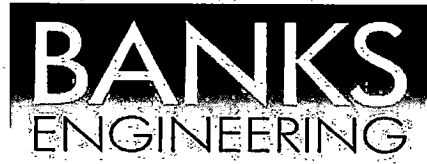
EXISTING WATER AND SEWER FACILITIES

EAGLE CREEK CDD

CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
8-12-22	4532CDD	SP	TRB	WA	TRB	NTS	1

EXHIBIT 5



EAGLE CREEK CDD			
Estimated Project Costs			
Improvement	Estimated Cost	Construction Entity	Final Owner
Stormwater Management System	\$ 8,500,000.00	CDD	CDD
Conservation Area	\$ 500,000.00	CDD	CDD
Public Roadways (Onsite)	\$ 8,100,000.00	CDD	CDD
Offsite Roadway	\$ 2,500,000.00	CDD	County
Water & Wastewater Systems	\$ 8,200,000.00	CDD	County
Hardscape/Landscape/Lighting and Irrigation	\$ 4,750,000.00	CDD	CDD
Amenities (Active & Passive)	\$ 9,500,000.00	CDD	CDD
Professional Services	\$ 2,100,000.00	CDD	CDD
10% Contingency	\$ 4,200,000.00	CDD	N/A
Total:	\$ 48,350,000.00		

As an alternative, the Developer may elect to finance any of the above-improvements and transfer them to a homeowner's association for ownership and operation.

EXHIBIT 6

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

FUTURE LAND USE MAP EAGLE CREEK CDD Charlotte County, Florida September 15, 2022



Legend: BSLD= Burnt Store Limited Development, COM= Commercial, PRES= Preservation, RC= Resource Conservation

EXHIBIT 7



STATEMENT OF ESTIMATED REGULATORY COSTS ACCOMPANYING THE PETITION TO ESTABLISH THE EAGLE CREEK COMMUNITY DEVELOPMENT DISTRICT

December 2022

Prepared for:

**Members of the County Commission,
Charlotte County, Florida**

Prepared on December 22, 2022

PFM Group Consulting LLC
3051 Quadrangle Boulevard, Ste 270
Orlando, FL 32817



STATEMENT OF ESTIMATED REGULATORY COSTS

Eagle Creek Community Development District

December 22, 2022

1.0 Introduction

1.1 Purpose

This statement of estimated regulatory costs ("SERC") serves as an exhibit to the petition ("Petition") to establish the proposed Eagle Creek Community Development District ("District"). The District, upon establishment, will include approximately 314.19+/- acres of land on which Zemel Lands Partners, LLC ("Petitioner") plans to develop its residential development ("Project"). The District is currently planned to include 1,000 residential units within the District.

The lands within the District are located within the boundaries of Charlotte County, Florida ("County"). The District proposes to provide community services to the land uses planned for the District, as described in more detail below.

1.2 Scope of the Analysis

The limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), Florida Statutes (governing Community Development District formation or alteration) as follows:

"That the process of establishing such a district pursuant to uniform general law be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant" (emphasis added).



1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S. defines the elements that a statement of estimated regulatory costs must contain:

- a) An economic analysis showing whether the rule directly or indirectly:
 - 1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;
 - 2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or
 - 3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.
- b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.
- c) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.
- d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.
- e) An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.
- f) Any additional information that the agency determines may be useful.
- g) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1) (a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.



2.0 An economic analysis showing whether the establishment of the proposed District directly or indirectly will have an adverse impact on economic growth, private job creation or employment, private sector investment, business competitiveness or regulatory costs

As outlined above, the proposed District will not have an adverse impact on economic growth, private job creation or employment, private sector investment, business competitiveness or regulatory costs. Rather, the District's establishment is likely to increase the overall economic development described herein. This is because the District will provide infrastructure improvements within and surrounding the District's boundaries, allowing for the development of the land within the District. This development is planned to include a diverse mix of uses which will require goods and services. This new demand created by the District's development will increase economic growth, private job creation and employment, private sector investment and business competitiveness in the areas surrounding the District.

The District will have the ability to assess its property owners to pay for the installation, operation and maintenance of its infrastructure improvements. However, such costs will not be in addition to, or unique to the District. The infrastructure improvements to be funded by the District would be required to support development of the mixed-use project regardless of the District's existence. Community development districts such as the proposed District can fund their infrastructure improvements with long-term bond financing that typically carries more favorable terms than other sources of funding. Thus, the costs related to the installation of the public infrastructure serving the planned new development will not be increased due to the existence of the District.

3.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the ordinance, together with a general description of the types of individuals likely to be affected by the ordinance

As outlined above, the proposed District is planned to include various types of commercial development with the potential for multiple property owners at build-out. It is the property owners within the District that will be served by, and therefore most affected by the District. All initial property owners within the District have consented to the formation of the District and those who choose to purchase property within the District will be aware of the District and will purchase property within the District on a voluntary basis.

The District will provide community services to the properties within its boundaries, as outlined in Table 1 below.



Table 1. Proposed Facilities and Services*

	<u>Ownership</u>	<u>Operation</u>	<u>Maintenance</u>
Stormwater Management System	District	District	District
Conservation Area	District	District	District
Public Roadways (Onsite)	District	District	District
Offsite Roadway	County	County	County
Water & Wastewater Systems	County	County	County
Hardscape/Landscape/Lighting and Irrigation	District	District	District
Amenities (Active & Passive)	District	District	District

Source: Banks Engineering *Preliminary (subject to change based on further discussion with local municipality)

All of the property owners within the District will be subject to District rules related to the services provided by, and the facilities owned or operated by, the District. District property owners will also be responsible for paying District assessments to install the public infrastructure improvements listed above and to fund the District's operations and maintenance expenses incurred thereafter on an ongoing basis. Of course, all of the undeveloped land owned by the petitioner and any other landowner within the District will also be under the jurisdiction of the District and subject to funding their share of the District's operations and maintenance expenses.

4.0 Good faith estimate of the cost to state and local government entities, of implementing and enforcing the proposed ordinance, and any anticipated effect on state and local revenues

4.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance

State Governmental Entities

The cost to State entities to review or enforce the proposed ordinance will be very modest. The District comprises less than 2,500 acres and is located within the boundaries of the County. Therefore, the County (and not the Florida Land and Water Adjudicatory Commission) will review and act upon the Petition to establish the District.

There are minimal additional ongoing costs to various State entities to implement and enforce the proposed ordinance. The District is a special purpose unit of local government, and is required to file various reports with the State of Florida, the Department of Economic Opportunity and other agencies of the State. The District's filing requirements are outlined in the attached Appendix. However, the additional costs to the State and its various departments to process the additional filings from the District are very low, since the State routinely processes filings from many other similar districts. Additionally, the District will pay an annual special district fee to the Department of Economic Opportunity which largely



offsets any such costs.

Charlotte County, Florida

The Petition to establish the District will require the County to review the Petition and its supporting exhibits. In addition, the County will hold a public hearing to discuss the Petition and consider any public input on the establishment of the District. These activities will require the time of County staff members and of the County Commission. However, these costs will be modest at most for the following reasons. First, the review of the Petition to establish the District does not include an analysis of the project itself. In fact, such a review of the project is prohibited by statute. Second, the Petition contains all the information necessary for the County's review. Third, no capital costs are involved in the review. Fourth, there are significant economies of scale as it relates to comprehensive knowledge of the Project gained via the relevant Land Use Approvals for the Project.

The County will incur negligible continuing costs if the Petition is approved. The District is an independent unit of local government, so the District is responsible for its own budget, reporting, and the full conduct of its powers within its boundaries. The District will provide the County with its budget each year for the County's review and comment, but no County action on the budget is required. Table 2 below outlines the Petitioner's current good faith estimate of the capital facilities or services the District is planning on providing to the properties within the District.

4.2 Impact on State and Local Revenues

Adoption of the proposed ordinance will have no negative impact on State or County revenues. The District is an independent unit of local government. The District is designed to provide community facilities and services to serve the Project.

Any non-ad valorem assessments levied by the District will not count against any millage caps imposed on other taxing authorities providing services to the lands within the District. It is also important to note that any debt obligations the District may incur are not debts of the State of Florida or any other unit of local government. By Florida State law, debts of the District are strictly its own responsibility.

5.0 **A good faith estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the ordinance**

The District may impose non-ad valorem assessments on the properties within its boundaries to fund the both the installation of its public infrastructure and for the ongoing operation and maintenance of this infrastructure. Community development districts are efficient providers of maintenance services as they are subject to government bidding requirements, professionally managed, and have the ability to place



non-ad valorem assessments on the County tax roll to fund these activities. A good faith estimate of the costs of the District's public infrastructure is found below in Table 2.

Table 2. Proposed District Capital Improvements Cost Estimates

<u>Improvement</u>	<u>Estimated Cost</u>
Stormwater Management System	\$ 8,500,000.00
Conservation Area	\$ 500,000.00
Public Roadways (Onsite)	\$ 8,100,000.00
Offsite Roadway	\$ 2,500,000.00
Water & Wastewater Systems	\$ 8,200,000.00
Hardscape/Landscape/Lighting and Irrigation	\$ 4,750,000.00
Amenities (Active & Passive)	\$ 9,500,000.00
Professional Services	\$ 2,100,000.00
10% Contingency	\$ 4,200,000.00
Total:	\$ 48,350,000.00

Source: Banks Engineering

The public improvements outlined above will likely be funded through the District's issuance of long-term bond debt. Repayment of the District's bond debt will be secured by assessments levied on all properties within the District in proportion to the relative benefit received by each property within the District. Thus, the properties located within the District will be the sole security for the repayment of any debt issued by the District.

It is important to note that the costs incurred by the District in providing its infrastructure and services are typical for development of the type contemplated here. In other words, there is nothing peculiar about the District's financing activities that would require additional funding over and above what would normally be needed. Therefore, these costs are not in addition to normal development costs. Thus, District-imposed assessments for operations and maintenance costs will be similar to what would be charged in any event by a property owners' association common to most master planned commercial developments.

Real estate markets are generally efficient, because property owners evaluate all of the costs and benefits associated with various alternative locations. The operations and maintenance charges for property within the Project must be in line with the competition. Furthermore, the decision by new property owners to locate within the District is completely voluntary. So, ultimately, all owners and users of the affected property choose to accept the District's costs in exchange for the benefits that the District provides.



6.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

There will be no impact on small businesses because of the formation of the proposed District. If anything, the impact may be positive. This is because the District must competitively bid certain of its contracts. This affords small businesses the opportunity to bid on District work.

The District is not located within a county with a population of less than 75,000 or within a City with a population of less than 10,000. Therefore, the proposed District is not located in either a county or City that is defined as "small" by Florida Statute § 120.52.

7.0 Any additional useful information.

It is useful to reflect upon the question of whether the proposed formation of the District is the best alternative for providing community facilities and services to the Project. As one alternative to the District, the County could approve an ad valorem assessment area for services. However, this alternative is inferior to the District. Unlike the District, it would require the County to continue to administer the project and its facilities and services. As a result, the costs for these services and facilities would not be fully sequestered to the land directly benefiting from them, as the case would be with the District.

Another alternative to the District would be for the developer to use a property owners association ("POA") for operations and maintenance of community facilities and services. A District is superior to a POA for a variety of reasons. First, unlike a POA, a District can impose and collect its assessments in the same manner as ad valorem property taxes. Therefore, the District is far more assured of obtaining its needed operational funds than is a POA. Second, the proposed District is a unit of local government. Therefore, unlike the POA the District must abide by all governmental rules and regulations, including government-in-the-sunshine requirements.

A District also is preferable to these alternatives from an accountability perspective. With a District as proposed, property owners within the District would have a focused unit of government under their direct control. The District can then be more responsive to property owner needs without disrupting other County responsibilities.

PFM Group Consulting LLC certifies that this SERC meets the requirements for a SERC as set out in Chapter 120.541, F.S.



PFM Group Consulting LLC (formerly Fishkind and Associates, Inc.) has developed over 100 SERCs for various clients. Below is a listing of some of the other community development district clients for which we have prepared SERCs.

- The Lake Nona "Family" of Community Development Districts in Orlando
- Urban Orlando (Baldwin Park) Community Development District in Orlando
- The Villages "Family" of Community Development Districts in Lake, Sumter, and Marion Counties
- Winter Garden Village at Fowler Groves Community Development District in Winter Garden
- Highlands Community Development District in Tampa
- The Tradition "Family" of Community Development Districts in Port St. Lucie



APPENDIX

LIST OF DISTRICT REPORTING REQUIREMENTS

REPORT	FLORIDA STATUTE SECTION	DATE
Annual Financial Audit	218.39	9 months after end of fiscal year
Annual Financial Report (AFR)	218.32	Within 45 days after delivery of audit
Financial Disclosure Form 1	112.3145	By July 1
Public Depositor	280.17	By November 30
Proposed Budget	190.008	By June 15
Adopted Budget	190.008	By October 1
Public Facilities Report	189.08	Initial report w/in 1 year of creation, Updates every 7 years
Public Meetings Schedule	189.015	Beginning of fiscal year
Notice of Bond Issuance	218.38	Within 120 days after delivery
Registered Agent	189.014	30 days after first Board Meeting
Notice of Establishment	190.0485	30 days after formation
Creation Documents	189.016	30 days after adoption
Notice of Public Finance	190.009	After financing

EXHIBIT 8

AUTHORIZATION OF AGENT

This letter shall serve as a designation of Jere Earlywine of KE Law Group, PLLC to act as agent for Petitioner, Zemel Land Partners, LLC, with regard to any and all matters pertaining to the Petition to the Board of County Commissioners of Charlotte County, Florida, to Establish the Eagle Creek Community Development District pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, *Florida Statutes*, Section 190.156(1), *Florida Statutes*. This authorization shall remain in effect until revoked in writing.

Witnessed:

ZEMEL LAND PARTNERS
PETITIONER

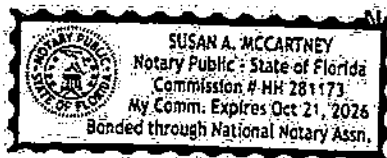
Monica Donley
Print Name: Monica Donley

Kris Watts
Print Name: Kris Watts

[Signature]
By: D. David Gohen
Its: Manager

STATE OF FLORIDA
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 16 day of November, 2022, by D. David Gohen as Manager of Zemel Land Partners, on its behalf. He ☒ is personally known to me or ☐ produced _____ as identification.



Susan A. McCartney
Notary Public, State of Florida



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

March 29, 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. 2023-012, which was filed in this office on March 29, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh

PAID ADVERTISEMENTS

Featured Events

Punta Gorda Garden Club Meeting

The Punta Gorda Garden Club will meet at 1:00 pm on Wednesday, March 15, 2023 at the Peace River Baptist Church, 478 Berry St., Punta Gorda. The speaker, Donna McGivern, CEO of the Naples Botanical Gardens, will discuss environmental issues and their effects on our local area. Light refreshments will be served, followed by the program and a short meeting. All are welcome. Info at www.pggc.org or 941-764-1177.

Punta Gorda Garden Club Offers Scholarships

Punta Gorda Garden Club will again offer Higher Education Scholarships to graduating high school seniors and current college students in Charlotte County. Applications forms are available at local high school Guidance Offices and the Club's website, www.pggc.org. Deadline for application: April 1, 2023. For more info contact PGGC Scholarship Chair Nancy Knous at 413-297-7187 or nancyknous@yahoo.com

MORE FEATURED EVENTS ON PAGE 68

LOVE
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NEWS

SUN
News Studio



Motorcyclist dies in DeSoto County crash

STAFF REPORT

DE SOTO COUNTY — A motorcyclist died after a collision on U.S. 17 Saturday, according to the Florida Highway Patrol.

The 78-year-old Arcadia man was traveling northbound in the

right lane on U.S. 17, just south of Hammock Road, shortly after 6 pm.

A van, heading in the same direction in the left lane, veered onto the right shoulder, re-entered the right lane and attempted to get into the left lane, striking the motorcyclist,

according to a report. The motorcyclist suffered critical injuries and was taken to a local hospital, where he was later pronounced deceased.

The crash is under investigation.

POLICE BEAT

Charlotte County Sheriff's Office reported the following arrests:

Marlon Ricardo Moulton, 30, West Palm Beach. Charge: out-of-county warrant. Bond: \$7,200.

Carl Herman Weiner, 35, 1200 block of Charleston Circle, Punta Gorda. Charge: possession of drug paraphernalia and violation of probation or community control. Bond: none.

Anna Marie Scott, 42, 500 block of West Cashew, Punta Gorda. Charge: violation of probation or community control. Bond: none.

Antonio Nicholas Dabsony, 20, 3350 block of Pinecrest Street, Port Charlotte. Charge:

Battery by intentional touch or strike. Bond: \$1,900.

Cesar Manuel Urbina-Almendarez, 39, 1400 block of River Beach Drive, Port Charlotte. Charge: operate motor vehicle without valid license. Bond: \$1,600.

Erik Rodrigo Duenas, 46, 2400 block of Beatriz Boulevard, Port Charlotte. Charge: grand theft property more than \$750 but less than \$5,000; tamper with or fabricate physical evidence. Bond: \$10,000.

Jose Adamy Ferrera Bontes, 23, 21000 block of Kenyon Avenue, Port Charlotte. Charge: failure to appear misdemeanor. Bond: none.

Omner Joel Reyes, 27,

21000 block of Kenyon Avenue, Port Charlotte. Charge: operate motor vehicle without valid license. Bond: \$500.

Karl Marie Jones, 29, 5300 block of Fremont Street, North Port. Charge: failure to appear. Bond: none.

Robert Samuel Hormilla, 58, 1100 block of Willington Boulevard, Englewood. Charge: violation of probation or community control. Bond: none.

Vikki Sue Kearns, 58, Cape Coral. Charge: out-of-county warrant. Bond: none.

Nakia Jefferson, 42, Rochester, N.Y. Charge: battery (second offense). Bond: \$10,000.

Brandi Danielle

Natash Ball, 35, 1500 block of White Pine Court, Punta Gorda. Charge: disorderly information, battery by intentional touch or strike, resisting officer without violence, criminal mischief under \$200 damage. Bond: \$7,500.

Jimmy Rae Taulbee, 43, 100 block of Bamboo Court, Port Charlotte. Charge: driving with an expired license. Bond: None.

Brandon Ray Thomassen, 33, homeless. Charge: possession of cocaine and drug paraphernalia. Bond: \$6,000.

Michelle Elizabeth Smith, 38, 13000 block of Keystone Boulevard, Port Charlotte. Charge: battery, two counts of possess a controlled substance without a prescription and drug paraphernalia. Bond: \$12,500.

Dylan Anthony Shawn Rodgers, 30 homeless. Charge: aggravated assault with deadly weapon without intent to kill. Bond: \$10,000.

Ashley Allyn Britto, 37, 21000 block of Edgewater Drive, Port Charlotte. Charge: possession of drug paraphernalia. Bond: \$2,500.

Christopher Blais Galtant, 26, 21000 block of Evenden Avenue, Port Charlotte. Charge: possession of drug paraphernalia, possession of controlled substance without a prescription. Bond: \$4,000.

Dominic Allen Johnston, 22, 2000 block of Pellam Boulevard, Port Charlotte. Charge: aggravated assault with deadly weapon without intent to kill. Bond: \$8,000.

Ronnie Eugene Clegg, 43, Little Rock, AR. Charge: fail to register motor vehicle, knowingly driving while license is suspended, possession of controlled substance without a prescription, possession of drug paraphernalia, failure to register as a convicted felon. Bond: \$10,500.

Michelle Vazquez Oliveras, 26, Port Myers. Charge: burglary of an unoccupied conveyance unarmed, grand theft more than \$500. Bond: \$10,000.

Jessica Lynn Prarty, 41, 2000 block of Buckskin Drive, Englewood. Charge: DUI alcohol or drugs, DUI with person under 18 in vehicle. Bond: \$3,000.

Jose Julian Palmerin Vazquez, 20, 1000 block of Airport Road, Arcadia. Charge: operate a motor vehicle without a valid license, false ID given to law enforcement. Bond: \$3,500.

Punta Gorda Police Department reported the following arrests:

Darrell Keith Thomas, 54, Lehigh Acres. Charge: possess controlled substance with prescription, possession of marijuana over 20 grams; possession of drug paraphernalia and out-of-county warrant. Bond: none.

Pamela Jayne Picha, 62, 500 block of Hunter Street, Port Charlotte. Charge: possess controlled substance without prescription, drug paraphernalia, smuggling contraband into a detention facility, out of state fugitive. Bond: \$15,000.

Compiled by Nancy J. Simon & Sue Erwin

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 THURSDAY, MARCH 16, 2023 AT 9:00 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 THE COMMISSION CHAMBERS, ROOM 118, FIRST FLOOR, BUILDING A, THE CHARLOTTE COUNTY ADMINISTRATION CENTER, 16000 MCADOCK 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 AGENDA AND PETITION PACKETS MAY BE REVIEWED AT THE FOLLOWING INTERNET ADDRESS: <http://www.charlottecountyfl.gov/boardsandcommittees/planning/boardsagenda.html>

ALL INTERESTED PARTIES 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 HEARING(S). PLEASE CALL 941-764-6393 AND MENTION THE PETITION NUMBER OF THE MATTER YOU WISH TO DISCUSS.

PETITIONS

LAND USE/CONSENT AGENDA

CSD-22-10

Quasi-Judicial

Commission District I

A Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for verification of pending zone located at 10960 Noyes Road, in the Port Charlotte area, within Commission District I, containing 26,000 square feet (0.6 acre), for the construction and use of a single-family detached residence, in accordance with the Comprehensive Land Use and Development Management, Chapter 9-3 Zoning, Article V Environmental Regulations and Other Requirements, Section 3-64-50 Transfer of Density Units (TDU), of the Code of Laws and Ordinances of Charlotte County, Florida, Petition No. CSD-22-10. Applicant: JES 916, LLC, providing an effective date.

TP-21-01-04

Quasi-Judicial

Commission District IV

On behalf of Forestar (CSA) Real Estate Group, Inc. (ARW), LLC is requesting a Bond Reduction and First Amendment to the Developer's Agreement to reduce the amount of the agreed-upon bond. The proposed reduction, consisting of 193 single-family lots and 14 lots with supporting utility, roadway, and stormwater infrastructure, is located at West Port Phase 1 and 2. The residential subdivision, consisting of 193 residential lots which include single-family attached and detached, was granted Final Plat approval by the Board of County Commissioners on May 14, 2021. This site is 34.49 acres at a 12.5:1 acre site that was planned, being constructed in three phases. The subdivision is generally located north of US Highway 90, south of Tanager Trail, east of Greenwood Highway and west of Powell Valley Drive, in the Port Charlotte area and in Commission District IV.

FP-23-09-14

Quasi-Judicial

Commission District I

Marjorie Holmes of Florida, Inc. is requesting Final Plat approval for a subdivision to be named Babcock Ranch Community Preserve Phase 1. They also seek approval of a Developer's Agreement and survey to cover the construction of the plat and infrastructure. The proposed subdivision, consisting of 193 single-family lots and 14 lots with supporting utility, roadway, and stormwater infrastructure, is located at West Port Phase 1 and 2. The residential subdivision, consisting of 193 residential lots which include single-family attached and detached, was granted Final Plat approval by the Board of County Commissioners on May 14, 2021. This site is 34.49 acres at a 12.5:1 acre site that was planned, being constructed in three phases. The subdivision is generally located north of US Highway 90, south of Tanager Trail, east of Greenwood Highway and west of Powell Valley Drive, in the Port Charlotte area and in Commission District I.

LAND USE/REGULAR AGENDA

FP-23-10-24

Quasi-Judicial

Commission District I

Babcock Ranch Holdings, LLC is requesting Preliminary Plat approval for a subdivision to be named Babcock Ranch Community Preserve Phase 1, being a replat of part of Tract E-35 and Tract F-73 and a replat of part of Tract E-36 of Babcock Ranch Community Preserve Road 525 & 625, as recorded in Plat Book 38, Page 2-A through 24. The subdivision is a replat of several tracts for residential development, including drainage, and open space. The site contains 31.0+ acres and is generally located south of the County line with Lee County, south of Cypress Highway, west of Nubly Grass Road, and east of SR 14, in the Port Charlotte area, within the boundaries of the Babcock Ranch Community Preserve of Regional Impact (DRI) Incentive 2, the East County area, and in Commission District I.

CDD-23-01

Legislative

Commission District II

An Ordinance of the Board of County Commissioners of Charlotte County, Florida, pursuant to Chapter 190, Florida Statutes, amending Part IV, Municipal Service Benefit and Tinting Unit, Chapter 9-3 Zoning, Article V Environmental Regulations and Other Requirements, Section 3-64-50 Transfer of Density Units (TDU), of the Code of Laws and Ordinances of Charlotte County, Florida, by creating new Article XXVIII, Eagle Creek Community Development District (CDD) providing for new Section 4-3-5-230, Authorizing, providing for new Section 4-3-5-231, District Name; providing for new Section 4-3-5-232, District Name; providing for new Section 4-3-5-233, District Name; providing for new Section 4-3-5-234, District Name; providing for new Section 4-3-5-235, District Name; providing for new Section 4-3-5-236, District Name; providing for new Section 4-3-5-237, District Name; providing for new Section 4-3-5-238, District Name; providing for new Section 4-3-5-239, District Name; providing for new Section 4-3-5-240, District Name; providing for new Section 4-3-5-241, District Name; providing for new Section 4-3-5-242, District Name; providing for new Section 4-3-5-243, District Name; providing for new Section 4-3-5-244, District Name; providing for new Section 4-3-5-245, District Name; providing for new Section 4-3-5-246, District Name; providing for new Section 4-3-5-247, District Name; providing for new Section 4-3-5-248, District Name; providing for new Section 4-3-5-249, District Name; providing for new Section 4-3-5-250, District Name; providing for new Section 4-3-5-251, District Name; providing for new Section 4-3-5-252, District Name; providing for new Section 4-3-5-253, District Name; providing for new Section 4-3-5-254, District Name; providing for new Section 4-3-5-255, District Name; providing for new Section 4-3-5-256, District Name; providing for new Section 4-3-5-257, District Name; providing for new Section 4-3-5-258, District Name; providing for new Section 4-3-5-259, District Name; providing for new Section 4-3-5-260, District Name; providing for new Section 4-3-5-261, District Name; providing for new Section 4-3-5-262, District Name; providing for new Section 4-3-5-263, District Name; providing for new Section 4-3-5-264, District Name; providing for new Section 4-3-5-265, District Name; providing for new Section 4-3-5-266, District Name; providing for new Section 4-3-5-267, District Name; providing for new Section 4-3-5-268, District Name; providing for new Section 4-3-5-269, District Name; providing for new Section 4-3-5-270, District Name; providing for new Section 4-3-5-271, District Name; providing for new Section 4-3-5-272, District Name; providing for new Section 4-3-5-273, District Name; providing for new Section 4-3-5-274, District Name; providing for new Section 4-3-5-275, District Name; providing for new Section 4-3-5-276, District Name; providing for new Section 4-3-5-277, District Name; providing for new Section 4-3-5-278, District Name; providing for new Section 4-3-5-279, District Name; providing for new Section 4-3-5-280, District Name; 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providing for new Section 4-3-5-541, District Name; providing for new Section 4-3-5-542, District Name; providing for new Section 4-3-5-543, District Name; providing for new Section 4-3-5-544, District Name; providing for new Section 4-3-5-545, District Name; providing for new Section 4-3-5-546, District Name; providing for new Section 4-3-5-547, District Name; providing for new Section 4-3-5-548, District Name; providing for new Section 4-3-5-549, District Name; providing for new Section 4-3-5-550, District Name; providing for new Section 4-3-5-551, District Name; providing for new Section 4-3-5-552, District Name; providing for new Section 4-3-5-553, District Name; providing for new Section 4-3-5-554, District Name; providing for new Section 4-3-5-555, District Name; providing for new Section 4-3-5-556, District Name; providing for new Section 4-3-5-557, District Name; providing for new Section 4-3-5-558, District Name; providing for new Section 4-3-5-559, District Name; providing for new Section 4-3-5-560, District Name; 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providing for new Section 4-3-5-581, District Name; providing for new Section 4-3-5-582, District Name; providing for new Section 4-3-5-583, District Name; providing for new Section 4-3-5-584, District Name; providing for new Section 4-3-5-585, District Name; providing for new Section 4-3-5-586, District Name; providing for new Section 4-3-5-587, District Name; providing for new Section 4-3-5-588, District Name; providing for new Section 4-3-5-589, District Name; providing for new Section 4-3-5-59



Ticket# 3884780-1
03-28-23 Pg 1
AD ID# 3884782
5 x 14
Submitted by: Heather Bennett
Publish: 03/15/2023
163352 3884782

**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)

03/13/23

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

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

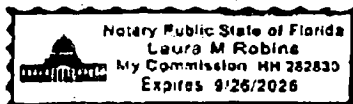
Melinda Prescott

(Signature of Affiant)

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

Laura M Robins

(Signature of Notary Public)



Personally known X OR Produced Identification

Attachment 2
Ordinance Number 2024-034

September 30, 2024

CHG
BEC

ORDINANCE
NUMBER 2024 034

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM RESIDENTIAL ESTATE 1 (RE-1) (47.85± ACRES) AND PLANNED DEVELOPMENT (PD) (96.99± ACRES) TO PD IN ORDER TO HAVE A RESIDENTIAL DEVELOPMENT UP TO 273 RESIDENTIAL UNITS (A REDUCTION OF 86 RESIDENTIAL UNITS); REQUIRING TRANSFER OF DENSITY UNITS FOR RESIDENTIAL DEVELOPMENT ABOVE THE BASE DENSITY OF 14 UNITS; ADOPTING A GENERAL PD CONCEPT PLAN FOR THE PROPERTY, INCLUDING MULTIPLE PARCELS, GENERALLY LOCATED NORTH AND EAST OF PRADA DRIVE, SOUTH OF ZEMEL ROAD, EAST OF BURNT STORE ROAD, AND WEST OF CHARLOTTE COUNTY LANDFILL AND WEIGH STATION, IN THE BOUNDARY OF THE BURNT STORE AREA PLAN AREA AND IN THE PUNTA GORDA AREA, CONTAINING 144.84± ACRES; CHARLOTTE COUNTY, FLORIDA; COMMISSION DISTRICT II; PETITION NO. PD-24-05; APPLICANT: ZEMEL LAND PARTNERS LLC; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, September 24, 2024, the Board of County Commissioners of Charlotte County, Florida ("Board") reviewed Petition PD-24-05 submitted by applicant, Zemel Land Partners LLC ("Applicant"), which requested a rezoning from Residential Estate 1 (RE-1) (47.85± acres) and Planned Development (PD) (96.99± acres) to PD in order to have a residential development up to 273 residential units (a reduction of 86 residential units); requiring transfer of density units for residential development above the base density of 14 units; adopting a General PD Concept Plan for the property, including multiple parcels, generally located north and east of Prada Drive, south of Zemel Road, east of Burnt Store Road, and west of Charlotte

MIN

County Landfill and Weigh Station, in the boundary of the Burnt Store Area Plan area and in the Punta Gorda area, containing 144.84± acres, Commission District II, and more particularly described in Exhibit "A" which is attached hereto and by this reference provided herein ("Property"); and

WHEREAS, Petition PD-24-05 was heard by the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings and analysis provided by County Staff and the evidence presented to the P&Z Board, the P&Z Board recommended approval on August 12, 2024; and

WHEREAS, after due consideration, based on the findings and analysis provided by County Staff and the evidence presented to it, the Board finds that approval of Petition PD-24-05 is consistent with the County's Comprehensive Plan and meets the requirements for the granting of a rezone; and

WHEREAS, the Board finds that approval of Petition PD-24-05 to rezone the subject property from RE-1 (47.85± acres) and Planned Development (PD) (96.99± acres) to PD to be in the best interests of the County.

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

SECTION 1. The following petition, made by applicant, Zemel Land Partners LLC ("Applicant"), for an amendment to the Charlotte County Zoning Atlas is hereby approved subject to the General PD Concept Plan and conditions contained in the attached Exhibit "B":

Petition PD-24-05 requesting a rezoning from Residential Estate 1 (RE-1) (47.85± acres) and

60 Planned Development (PD) (96.99± acres) to PD in
61 order to have a residential development up to 273
62 residential units (a reduction of 86 residential units);
63 requiring transfer of density units for residential
64 development above the base density of 14 units;
65 adopting a General PD Concept Plan for the property,
66 including multiple parcels, generally located north and
67 east of Prada Drive, south of Zemel Road, east of
68 Burnt Store Road, and west of Charlotte County
69 Landfill and Weigh Station, in the boundary of the
70 Burnt Store Area Plan area and in the Punta Gorda
71 area, containing 144.84± acres, Commission District
72 II, and more particularly described in Exhibit "A" which
73 is attached hereto and by this reference provided
74 herein.

75
76 SECTION 2. That the zoning for this property shall run with the
77 property and shall apply to any subsequent owners, heirs and assigns.

78 SECTION 3. This Ordinance's effective date shall be upon filing in
79 the Office of the Secretary of State, State of Florida.

80
81
82
83 [SIGNATURE PAGE FOLLOWS]
84
85
86
87
88
89
90
91

PASSED AND DULY ADOPTED this 24th day of September, 2024.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____

William C. Truex, Chairman

ATTEST:

Roger D. Eaton, Clerk of the 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

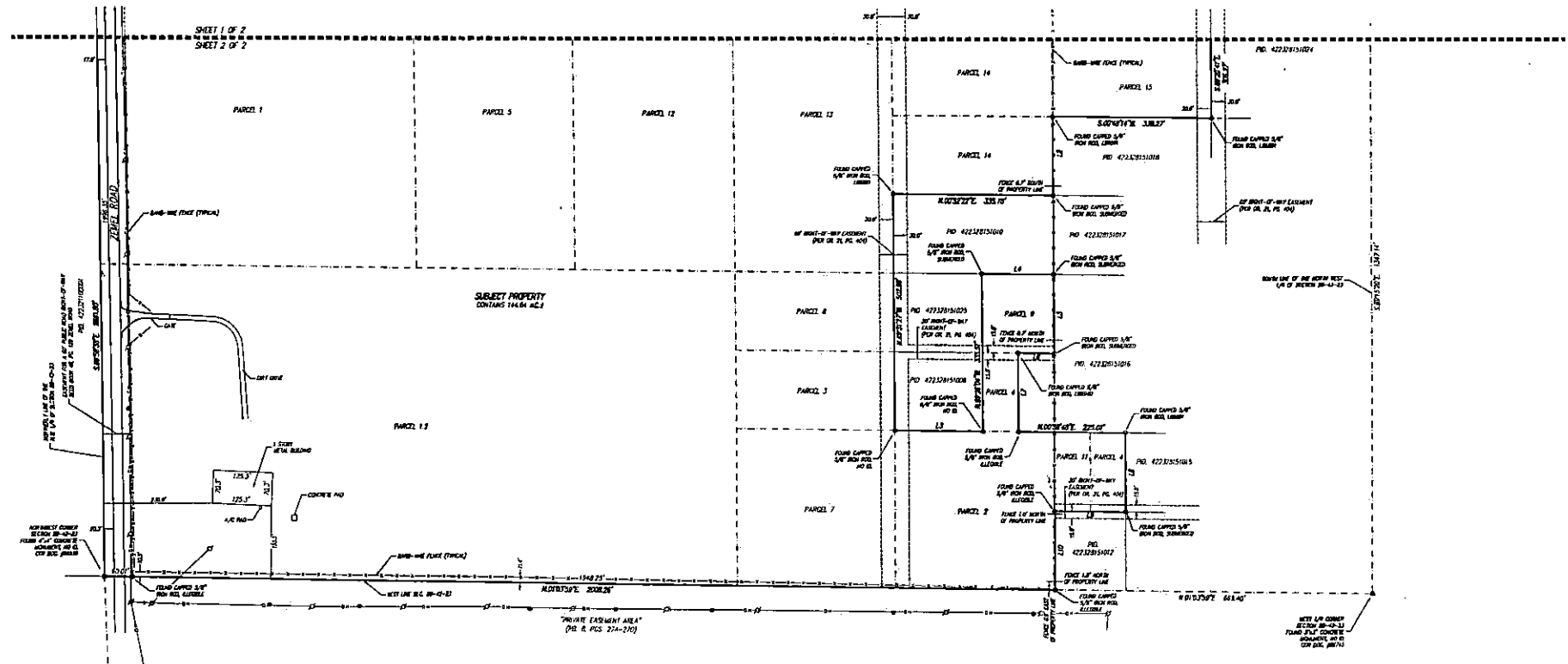
2024-0263



0 100' 200' 300'
GRAPHIC SCALE 1" = 100'

SURVEY PLAT

OF A PARCEL OF LAND LYING IN
SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST,
CHARLOTTE COUNTY, FLORIDA



- LEGEND**
- ① SET CORNER FROM OLD & NEW
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LINE	BEARING	DISTANCE
1	N 0° 00' 00" E	100.00
2	S 0° 00' 00" E	100.00
3	N 0° 00' 00" E	100.00
4	S 0° 00' 00" E	100.00
5	N 0° 00' 00" E	100.00
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9	N 0° 00' 00" E	100.00
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13	N 0° 00' 00" E	100.00
14	S 0° 00' 00" E	100.00
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18	S 0° 00' 00" E	100.00
19	N 0° 00' 00" E	100.00
20	S 0° 00' 00" E	100.00

25	3.5	REVISION
----	-----	----------

BANKS
ENGINEERING

ONE THUNDER ROAD, SUITE 100
FORT CHARLOTTE, FLORIDA 34649
PHONE: (941) 833-1800 FAX: (941) 833-1140
FLORENCE, FLORIDA 34649
BANKS ENGINEERING & SURVEYING, INC.
BANKS ENGINEERING

BOUNDARY SURVEY					
26001 & 26701 ZEMEL ROAD					
CHARLOTTE COUNTY, FLORIDA					
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED
9/28/23	4658	4658-SB		JS	CCR
SCALE					SHEET
1"=100'					2 of 2

PD Conditions for Application PD-24-05

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

- a. Development of the subject property shall occur as generally illustrated on the General PD Concept Plan (Attachment 1: Firelight South PD Concept Plan) submitted by the applicant, prepared by Banks Engineering, dated December 12, 2023, revised July 22, 2024, except such modifications as may be required to meet the conditions of the PD zoning district. The open space area shall be no less than 73.11± acres. The General PD Concept Plan includes 56.74± acres of wetlands and associated uplands, 16.37± acres of common open space area which shall not include any stormwater areas. In addition, the PD Concept Plan Site Plan Review (Petition No. DRC-23-00223) is subject to the comments and conditions contained in the letter dated April 12, 2024, and signed by Shaun Cullinan, Charlotte County Planning and Zoning Official. The General PD Concept Plan shall be valid until a Final Detail Site Plan is approved per Code Section 3-9-45.
- b. The base density for the subject property is 14 units. The proposal is to develop a total of 273 dwelling units. Any residential development above 14 units shall require transferred density units. The transfer of density units must be approved by the Board of County Commissioners subject to the County's Land Development Regulations 3-9-150: Transfer of Density Units, as may be amended, prior to Final Detail Site Plan or Preliminary Plat approval, whichever occurs first.
- c. Permitted uses and accessory uses.
 - i. Single-family homes attached or detached.
 - ii. Townhomes.
 - iii. Amenities such as clubhouse, community pool, tennis court or other similar non-commercial recreational uses and structures.
 - iv. Community garden.
 - v. Park, public or not-for-profit.
 - vi. Accessory uses and structures, which are uses and structures customarily accessory and clearly incidental to permitted uses and structures, including, but not limited to:
 - 1) Garages, carports and sheds.
 - 2) Fences or walls.
 - 3) Swimming pools, tennis court or other similar non-commercial recreational uses and structures.
- d. Special exceptions shall not be allowed.



- e. No development shall occur prior to Final Detail Site Plan approval. Final Detail Site Plan, when sufficient and acceptable to County, will be scheduled on the Board of County Commissioners land use consent agenda.
- f. A development timeline and phasing plan for the entire PD shall be submitted as part of the Final Detail Site Plan application.
- g. The maximum building height for single-family homes, townhomes, and amenity structures is 38 feet from the base flood elevation. Other development standards are listed on the PD Concept Plan(s).
- h. All roadways within the development shall be constructed to Charlotte County standards. All private roadways must be maintained in perpetuity by the developer, and subsequently, a homeowners' association or similar entity.
- i. The applicant/property owner shall provide a pedestrian/sidewalk system with a minimum width of five feet throughout the development, which shall be part of the Final Detail Site Plan. At a minimum, an eight feet sidewalk is required along Zemel Road for the subject property boundary.
- j. There shall be two entrances located on Zemel Road, and one optional pedestrian/vehicle access to the property located immediately to the east, which are shown on the General PD Concept Plan(s). The exact locations for these access points will be determined during Final Detail Site Plan review. County Transportation staff reserve the right to make additional comments regarding site related improvements and other matters at the time of Final Detail Site Plan review.
- k. Prior to Final Detail Site Plan approval, the applicant shall be required to meet concurrency per Article XIV, Concurrency Management. As to transportation concurrency, the applicant shall be required to account for project traffic and previously approved developments which have reserved capacity in the roadway level of service analysis. If the level of service (LOS) falls below the adopted minimum standard due to the proposed development traffic, a proportionate share analysis may be required to satisfy concurrency.
- l. At the Final Detail Site Plan for any phase of the development submittal, the developer shall prepare an updated traffic impact study to:
 - i. Include a signal warrant at one project entrance on Zemel Road. Before the project can receive any residential Certificates of Occupancy, and if the Traffic Impact Study shows that a signal meets the warrants, the design, construction and installation requirements for a traffic signal at the project entrance shall be memorialized in a developer's agreement acceptable to the County. The applicant has the option to build a roundabout at the project entrance on Zemel Road. The design, construction and installation requirements for such

roundabout shall be memorialized in a developer's agreement acceptable to the County.

- ii. Include a signal warrant at the intersection of Burnt Store Road and Zemel Road. If signal warrants are met at the intersection of Burnt Store Road and Zemel Road, and before any residential Certificates of Occupancy for any project phase can be issued, the traffic signal development shall be memorialized in a developer's agreement acceptable to the County.
- m. The development must use potable water and sanitary sewer utilities. The potable water and sanitary sewer lines must be connected to the site before any certificates of occupancy shall be issued. The developer may extend reclaimed water utility lines, if available at the time of construction.
- n. The 25-foot PD setback is required as shown on the PD Concept Plan. Access points such as roads and sidewalks, stormwater, landscaping and buffers may be located within the 25-foot PD setback. There are existing 60-foot and 30-foot rights-of-way as shown on the General PD Concept Plan(s).
- o. The site shall be developed with a unified landscaping theme. Landscaping and Buffers:
 - i. At a minimum, planting equivalent to Type "A" buffer for accent trees and canopy trees and perimeter hedge row which must be a minimum 36 inches in height upon planting (the minimum maintained height of 48 inches) to form a continuous, solid visual screen within one (1) year of planting shall be required within the 25-foot PD setback for the property boundary adjacent to Zemel Road except for entrances and wetlands.
 - ii. At a minimum, planting equivalent to Type "B" buffer for accent trees and canopy trees and perimeter hedge row which must be a minimum 36 inches in height upon planting (the minimum maintained height of 48 inches) to form a continuous, solid visual screen within one (1) year of planting shall be required within the 25-foot PD setback for the property boundary adjacent to Zemel Road and in front of single-family homes located within 50 feet of the property boundary. For all single-family homes located outside of the 50 feet of the property boundary, condition o.i. shall apply.
 - iii. At a minimum, planting equivalent to Type "B" buffer must be placed within the 25-foot PD setback along the southern, eastern, and western portion of the property boundary except for the entrance and wetlands.
 - iv. At a minimum, planting equivalent to Type "A" Buffer must be placed within the townhome development area which is adjacent to the internal single-family development.

- v. At a minimum, planting equivalent to Type "C" buffer is required for the amenity and recreational area.
 - vi. If Conditions o.i. through o.iv., regarding the location and type of buffers, creates any perceived ambiguity or confusion, the General PD Concept Plan (Attachment 1) shall control.
- p. The final design of the amenity area shall be determined at Final Detail Site Plan review.
- q. The Wetland Management Plan (Attachment 2: Wetland Management Plan) shall be implemented to ensure that onsite wetlands identified as "wetland area," on the General PD Concept Plan (Attachment 1) shall be restored and preserved in perpetuity. A minimum of 25-foot buffer along all wetlands is required. Signage shall be required to warn residents of the conservation status of the preserves and such signs shall be identified on the Final Detail Site Plan and placed along the perimeter of the preserves, particularly where the preserves abut development.
- r. If outdoor lighting is proposed in the amenity area, it must be shielded or directed in such a way that the light does not shine beyond the boundaries of the proposed amenity area. Pole or standing lights may not be taller than 10 feet. No outdoor lighting shall be allowed within 50 feet of the upland buffer of any wetland. Outdoor lighting shall be shielded so that no light shines into the buffer/wetland area.
- s. The proposed amenity area may contain a clubhouse, with a community pool, a tennis court, or other similar uses, and a parking area. If a clubhouse is constructed, it shall be built to the highest wind-bearing loads required by Charlotte County and will be made available for use as a post-storm hurricane refuge to the proposed neighborhood following a natural disaster. It is understood that the clubhouse will not be able to accommodate all residents of the community.
- t. Natural gas outdoor lanterns may be incorporated into Project signage to be approved as part of Final Detail Site Plan application approval.
- u. Regarding the school concurrency issues:
- i. If the school concurrency process is still required under a valid interlocal agreement, prior to Final Detail Site Plan or Final Plat approval for any residential development for any Phases, the applicant/property owner must obtain a School Concurrency Availability Determination Letter (SCADL) from Charlotte County Public Schools (CCPS) indicating that sufficient capacity exists or has been accounted for through a binding and enforceable agreement with CCPS to address school concurrency.

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

Attachment 1

Firelight South PD Concept Plan

पुस्तकालय सूची

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SITE INFORMATION

PREPARED FOR:
ZEMEL LAND PARTNERS, LLC
5800 LAKEWOOD RANCH BLVD.
SARASOTA, FL 34240
PHONE: (941) 328-1142

WATER:
CHARLOTTE COUNTY UTILITIES

SEWER:
CHARLOTTE COUNTY UTILITIES

ELECTRIC:
FLORIDA POWER AND LIGHT

PHONE: _____
CENTRAL/EXTENSION: _____

CABLE:
COMCAST

FIRE PROTECTION:
CHARLOTTE COUNTY FIRE/EMS

SOLID WASTE DISPOSAL:
WASTE MANAGEMENT

3100 LOVELAND BOULEVARD
PORT CHARLOTTE, FL 33960
PHONE: (941) 764-4300

3100 LOVELAND BOULEVARD
PONT CHARLOTTE FL 33980
PHONE: (941) 754-4300

2245 MURPHY CT,
NORTH PORT, FL 34269
PHONE: (800) 373-8490

4195 KINGS HIGHWAY
PORT CHARLOTTE FL 33980
PHONE: (941) 837-5141

22256 EDGEWATER DRIVE
PORT CHARLOTTE, FL 33980
PHONE: (800) 268-2278

26571 AIRPORT RD.
PUNTA CORDA, FL 33952
PUNTA CORDA, FL 33952

25515 OLD LANDFILL ROAD
PORT CHARLOTTE, FL 33980
PHONE: (941) 620-1105

PROJECT CONTACTS

CIVIL ENGINEER:
BANKS ENGINEERING
TODD R. KENOL, P.E. PROJECT MANAGER

SURVEYOR:
BANKS ENGINEERING
C. DREW BRANCH, P.S.M.

ENVIRONMENTAL:
KIMLEY HORN
IALEC

ARCHITECT:
N/A

LANDSCAPE ARCHITECT:
JOHN T. SWEN, P.A.

4181 TADDAW TRAIL - BLDG 5 UNIT 901
PORT CHARLOTTE, FLORIDA 33952
PHONE: (941) 625-1165

4161 TAMiami TRAIL - BLDG 5 UNIT 501
FORT CHARLOTTE, FLORIDA 33952
PHONE: (941) 625-1185

1777 MAIN STREET SUITE 200
SARASOTA, FL 34236
PHONE (841) 379-7600

P.O. BOX 494468
PORT CHARLOTTE, FL 33949
PHONE: (941) 628-7365

856 NORTH FRANKLIN STREET, SUITE 150
TAMPA, FL 33602
PHONE: (813) 670-1400

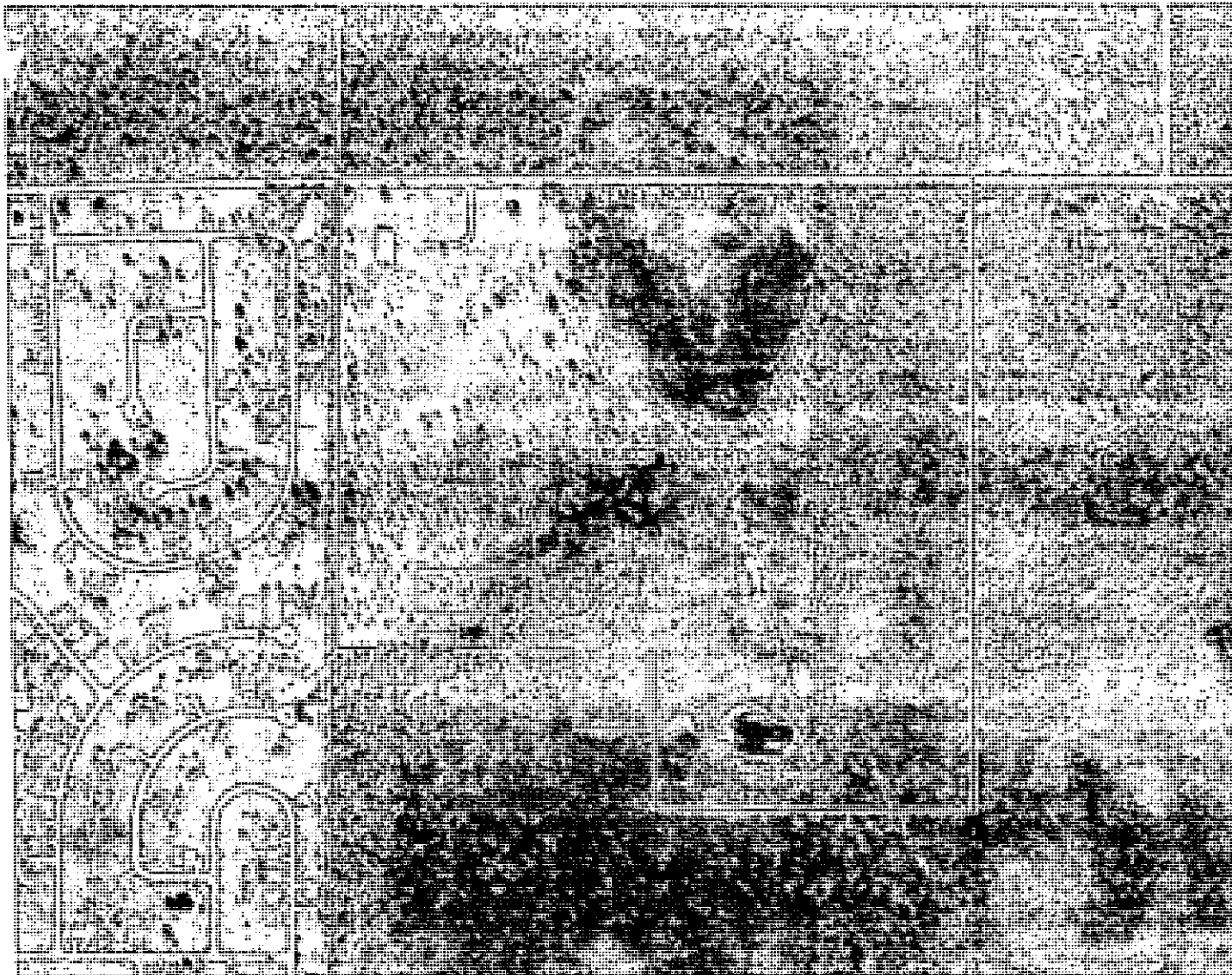
BANKS
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving SouthWest Florida

4161 TAMiami TRAIL - BLDG 5 UNIT 501
PORT CHARLOTTE, FLORIDA 33952
PHONE: (941) 825-1165
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6590
WWW.BANKSENGFLA.COM


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

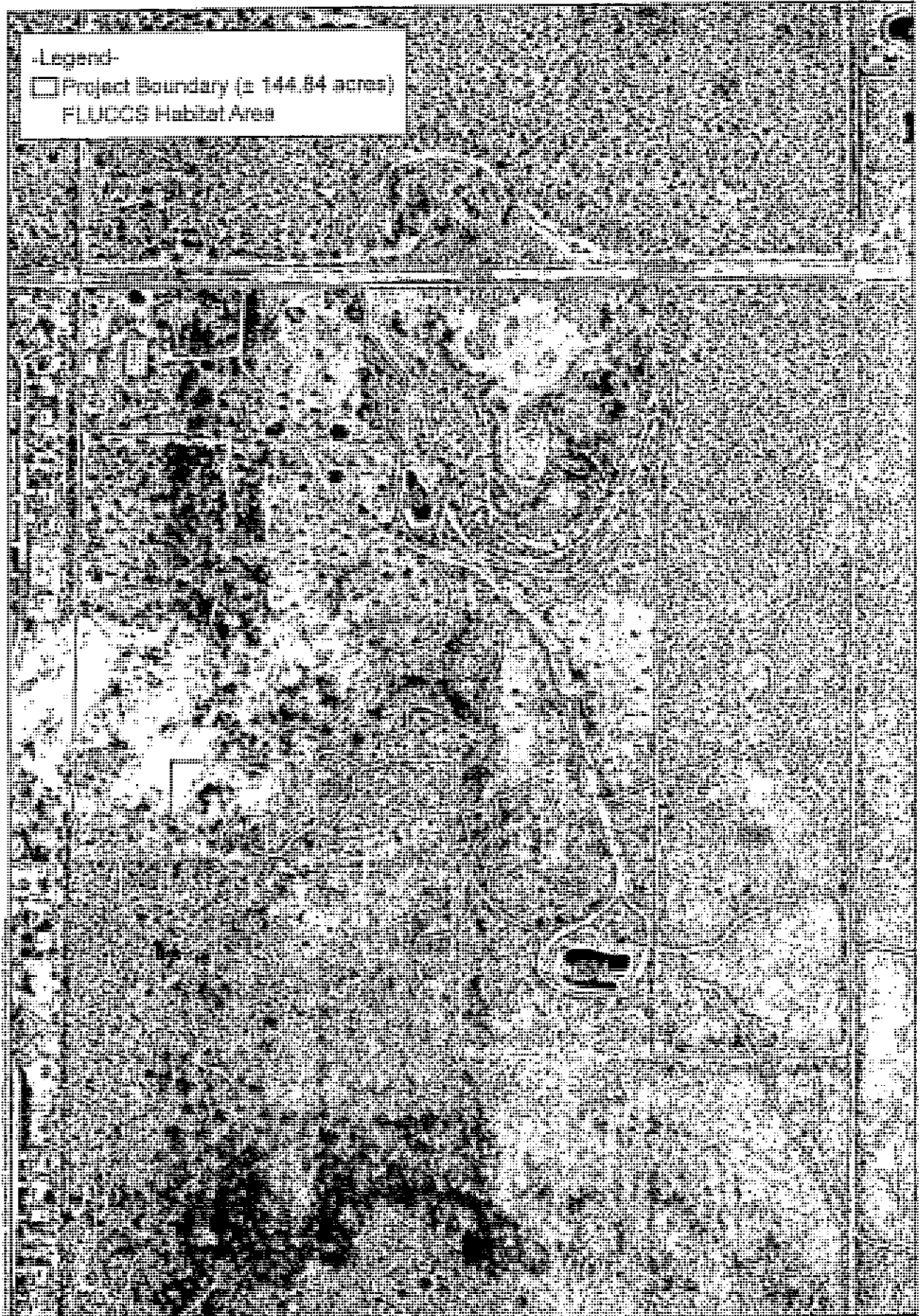
[illegible]



DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
7-22-74	4500	AIR	TRR	TBY	TRR	1"=200'	2

Legend-

-  Project Boundary (\pm 144.64 acres)
FLUCCS Habitat Area



Kimley-Horn

10-2004 Norcross, North Carolina
2004-2005 10-2005, Charlotte, NC 28203
www.kimley-horn.com

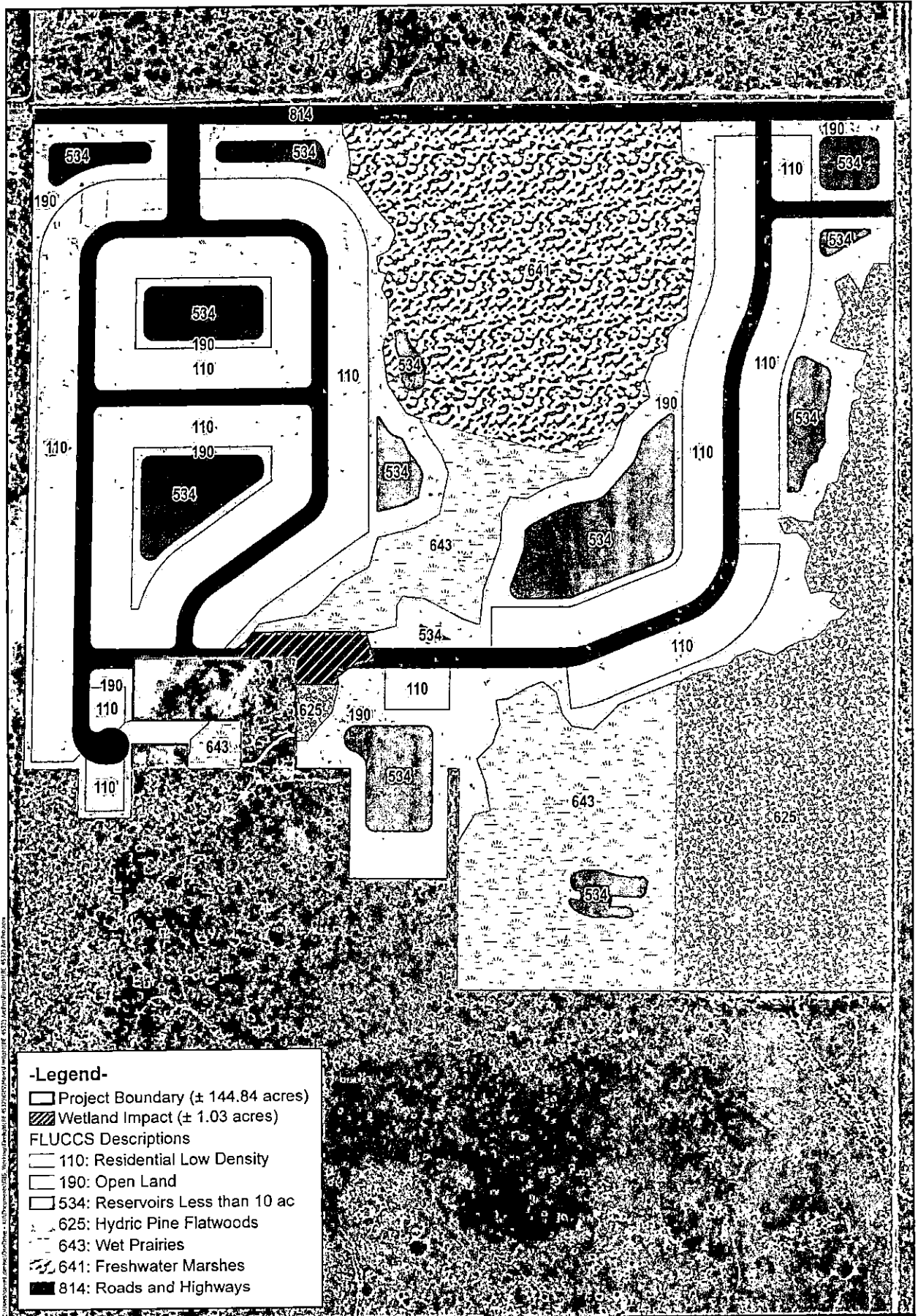
Client: West Construction Inc.
Project: Finalist South
Location: Charlotte County
SHP: 2004-2005 428 Pgs: 222
Title: FLUCCS Habitat Map
Source: Norcross WMS 2003

Drawn By: GD
Date: 10/20/04

SCALE 1" = 600'

0 300 600





-Legend-

Project Boundary (± 144.84 acres)

Wetland Impact (± 1.03 acres)

FLUCCS Descriptions

110: Residential Low Density

190: Open Land

534: Reservoirs Less than 10 ac

625: Hydric Pine Flatwoods

643: Wet Prairies

641: Freshwater Marshes

814: Roads and Highways

Kimley»Horn

© 2024 Kimley-Horn and Associates, Inc.
1800 2nd St Sarasota, FL 34236
Phone (941)-379-7600
www.kimley-horn.com

Client: Neal Communities Inc.
Project: Firelight South
Location: Charlotte County
STR:Sec: 28Twp: 42S Rng: 23E
Title: Post FLUCCS Map
Source: Nearmap WMS 2024

Drawn By: GD
Date: 8/1/2024

SCALE 1" = 300'

0 300 600 Feet



Attachment 2

Wetland Management Plan

Wetland Management Plan

Firelight South

August 2024

Introduction

The Firelight South project area is approximately 144.84 acres in size and is located south of Zemel Road in Section 20, Township 24S, and Range 23E, Charlotte County. The project area in its current state is comprised of improved pasture, pine flatwoods, hydric-excavated surface water ponds, freshwater marsh, wet prairie, and hydric pine flatwoods. Preservation areas within the project are limited to a wetland and buffers areas throughout the property.

I. Baseline Environmental Assessment

The wetland and upland habitats identified on this parcel are categorized using nomenclature found in the most recent edition of the Florida Department of Transportation's Florida Land Use Cover and Forms Classification System (FLUCCS) as depicted on the attached FLUCCS habitat maps.

II. Prohibited and Permissible Activities

Filling, dumping, construction of buildings, roads, billboards or other advertising, excavating, alternation, trimming, or removal of native vegetation within the preservation area will be prohibited except for restoration activities consistent with natural areas conservation management, the removal of dead trees and shrubs or leaning trees that could cause property damage, and activities conducted in accordance with a prescribed burn plan developed with the Florida Forest Service. For areas where the preserve abuts development, signage will be installed in the preserve stating no dumping, filling, etc.

III. Wildlife Protection

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

IV. Native Habitat Preservation and Management

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

V. Fortuitous Finds Policy

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

If evidence of the existence of historic resources is discovered or observed at development sites or during development activities after final approval, all work shall cease in the area of effect as determined by the Historical Advisory Committee. The developer, owner, contractor, or agent thereof shall notify the Historical Advisory immediately after finding any artifact of historical significance.



Examples of such evidence include human remains, whole or fragmentary stone tools, shell tools, aboriginal or historic pottery, historic glass, historic bottles, bone tools, historic building foundations, shell mounds, shell middens, or sand mounds. The Director shall assess the significance of the finds within three working days of notification and suggest methods to mitigate any adverse effects so as to minimize delays in development activities.

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

VI. Monitoring Plan

To ensure that the preservation areas meet the success criteria described above, a Time Zero Monitoring Event will be conducted within 45 days of the initial exotic removal event. Subsequent monitoring events will be conducted annually for a period of no less than 5 years. If, at the end of five years, the preservation areas have met or exceeded the success criteria described above, monitoring requirement for the preservation area shall be suspended. However, additional monitoring may be required if the success criteria of native or invasive/nuisance plant coverage has not been achieved.

If assessment of the preserve areas demonstrates that the success criteria have been achieved, the responsible party shall provide written certification by an Environmental Scientist that the maintenance efforts have met applicable success criteria. If certification of success is not submitted or is not approved by the county, then annual monitoring shall continue until the criteria has been met and deemed successful. The monitoring program and any corrective actions to maintain the preserve area shall be at the sole expense of the property owners or developer.

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

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

Monitoring reports will be provided to the County within 45 days of the monitoring inspection events, unless an extension by Charlotte County is granted.

If you have any questions, or if we can provide any additional information, please do not hesitate to contact me at 941-404-1639.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Kennedy", written over a horizontal line.

Chris Kennedy
Environmental Scientist



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 30, 2024

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

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. 2024-034, which was filed in this office on September 30, 2024.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/wlh



Ticket# 3938550-1
BCC Pg 2
5 x 9.5
Submitted by: Heather Bennett
Publish: 09/09/24
163352 3938552

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

Before the undersigned authority personally appeared Amber Douglas, 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)

09/09/24

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

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

(Signature of Affiant)

Sworn and subscribed before me this 9th day of
September, 2024

(Signature of Notary Public)



Personally known X OR Produced Identification

FISHERMEN'S FESTIVAL

Key Lime & Tropical Fest returns



Roots Almighty is one of the acts booked for the 11th annual Key Lime & Tropical Fest, set for Sept. 21 at Fishermen's Village in Punta Gorda.

11th annual event set for Sept. 21 in Punta Gorda

STAFF REPORT

PUNTA GORDA — Fishermen's Village announced its 11th annual Key Lime & Tropical Fest is set for Sept. 21 at the Punta Gorda shopping center, marina and resort.

The special event, set for noon to 9 p.m., will feature live bands, sales, special vendors until 6 p.m., and dozens of key lime food offerings.

- Bouncing Buddies Face Painting & Balloons, noon-6 p.m.
- Divas 'N Dolls Fairy Hair mobile boutique "Shelly," noon-6 p.m.
- The Kollections Band, noon-3 p.m., Center Court.
- Roots Almighty, 5-9 p.m., Center Court.
- Trop Rock Junkies, 5-9 p.m., Sunset Beach Club.

Key lime and tropical specialties will be available at Fishermen's Village restaurants, stores and from participating vendors on the promenade to include:

- Simply Sweet, key lime gelato, fudge, chocolate, popcorn, taffy, lime-aid, key lime pies and key lime pie-on-a-stick
- Kristi's Key Lime Cookies, cookies, brownies and chocolate bars
- Yum Yum's Dessert Shop, key lime, mango lime, guava lime cheesecakes and cheesecake bites
- Gigiguido Candy, freeze-dried key lime candy, key lime bread, key lime snacks
- Treats by Taylor, artisan sourdough

- breads, pretzel bites, key lime ricotta cookies
- Grammie's Cakes, key lime mini loaf cakes

- Kona Ice of Charlotte County, Lucky Lime & Coconut Limes snow cones
- Bella Balsamic, key lime balsamic, lime olive oil and other tropical flavors
- Harpoon Harry's, house-made key lime pie, grilled shrimp with key lime beurre blanc, jasmine rice, frozen key lime coladas, key lime pie margaritas with graham cracker rim

- Captain's Table house-made key lime pie, key lime martini, tropical shrimp bowl, samples of tartlets and key lime martinis
- Village Brewhouse, key lime martinis, pina rita, crusher, pina colada, cosmo, key lime pie

- Naples Soap Co., soap, bath bombs, shower bombs, discounts on coconut lime and key lime products

- Sand Pebbles, free gift with purchase while supplies last.

- Little N' Ninos, tropical ornaments to be personalized on-site, clothing specials
- Soly Paws, bobbing for balls and key limes for dogs, specials

- Spice & Tea Exchange, key lime sugar cookies, Tropical Explosion tea
- Admission and parking for the Key Lime & Tropical Fest is free and the public is encouraged to attend.

On-site accommodations are offered at The Suites on the second level of Fishermen's Village. Reservations may be made by calling 941-621-6046 or on line at www.fishermensvillage.com

REMEMBERING 9/11

Communities set up Patriot Day events

Ceremonies set to honor victims of 9/11 attacks

DANIEL FINTON
Staff Writer

Organizations are planning ceremonies in the area to commemorate the events of Sept. 11, 2001.

NORTH PORT

The North Port Police Department and North Port Fire Rescue will host the city's annual Patriot Day Service, beginning at 9 a.m. Wednesday, Sept. 11 in front of North Port City Hall, 4970 City Center Blvd.

The ceremony will honor people in the military, fire rescue, police and emergency medical services.

For more information, visit northportfl.gov/Event-Directory

ENGLEWOOD

The Englewood Chamber of Commerce will host a memorial ceremony from 9:30-10:30 a.m. Wednesday, Sept. 11, at Veteran's Plaza, 641 W. Dearborn St.

It will include speeches, a moment of silence and a display of remembrance. Jessica Meyers will sing "The Star-Spangled Banner." Danny Fusion will play taps.

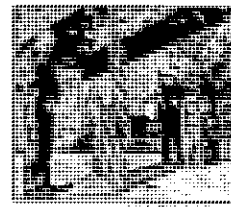
This event is open to the public. For more information, visit www.Englewoodchamber.com/events-news/

PUNTA GORDA

ShorePoint Health Punta Gorda hospital will host a 9/11 Remembrance ceremony from 8:30-9:30 a.m. Sept. 11.

The hospital's Punta Gorda chapel was involved in the aftermath of the attacks in New York and has been instrumental in putting together this service, which will involve ceremonial features and proclamations.

It's open to the public. Parking will be available on Booth Street between Marion and Olympia for those attending.



Englewood Fire Chief Kevin Easton, right, speaks about the events on Sept. 11, 2001 during a remembrance ceremony in Englewood in 2023.

DESOTO COUNTY

DeSoto County Fire Rescue has planned a 9/11 Remembrance Ceremony at 9 a.m. Wednesday, Sept. 11, on the DeSoto County Courthouse lawn.

It is open to the public. For more information, contact DeSoto County Fire Rescue Administration at 863-993-4842 or 122 N. Hillsborough Ave., Arcadia.

VENICE

The Venice 9/11 Remembrance Ceremony will be held at Patriots Park, 800 Venetia Bay Blvd. at 10 a.m. Wednesday, Sept. 11.

The event will include first responders with emergency vehicles; speeches and tributes; Venice Police and Fire Rescue presenting the colors; a proclamation; Venice Fire Rescue bell ringing for those lost; and music.

It is open to the public. Bring chairs and water.

NOKOMIS

The Sarasota County Fire Department is planning a remembrance ceremony at 9:30 a.m. Wednesday, Sept. 11 at Fire Station 23, 1930 N. Tamiami Trail, Nokomis.

The purpose of the ceremony is to honor those who served and those who were killed on Sept. 11, 2001.

Situation/from B1

financing," he said. "We financed it for 10 years."

On advice from their attorney, they have stopped making payments.

"It's been a really tough couple of years," he said. "Financially, the business is not doing nearly what it used to, ever since the hurricane."

It's also been difficult for the duo since they are the only ones who run Rojo's.

"We don't want to get slammed, but we still want customers to come in," Ally Biederman said. "We want to be able to take care of our customers."

Ally Biederman said it's almost like double-whammy since the house is attached to the nursery, meaning they could lose it all.

"He was expecting to die here," Ally Biederman said, motioning to her father. "This is everything to him — he has nothing besides this."

Roger Biederman has tried to negotiate with a family member of the previous owner, but she has no desire of letting go of the property, he said.

"When this first started, I remember I would wake up in the middle of the night just freaking out, thinking: 'She could die tomorrow, or right now,'" Roger Biederman said.

"Not only do we lose our home, we lose our livelihood."

With the life estate, the Biedermans cannot make the necessary repairs to their home and nursery from damage that occurred during Hurricane Ian nearly two years ago.

"We want to fix it up, but she could die any day," he said. "We could be evicted at any time."

While the Biedermans wait for a deposition, they're taking it day by day.

asking for the community to visit the nursery and trying to focus on the positive. "We just want to share our knowledge," Ally Biederman said. "We just have to give it to God, we have to just pray, because there's really nothing more that we can do except work our a--s off and try to get money, so we just started praying."

Visitors have been stopping by the nursery and dropping off monetary donations, or donating to a GoFundMe page to help with attorney fees.

To donate, visit <https://gofund.me/29f57fb>

"Our accounts are in the negative right now," Ally

Biederman said, choking up. "We know God is listening because of the people that help us, the people that care."

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, SEPTEMBER 24, 2024, AT 2:00 PM, 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 MURDOCK CIRCLE, FORT 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 AGENDA AND PETITION PACKETS MAY BE REVIEWED AT THE FOLLOWING INTERNET ADDRESS: <http://www.charlottecountyfl.gov/borand-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 HEARING(S). PLEASE CALL 941-764-4903 AND MENTION THE PETITION NUMBER OF THE MATTER YOU WISH TO DISCUSS.

PETITION LAND USE REGULAR AGENDA PD-24-05

Quasi-Judicial Commission District II
An Ordinance, pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Estate I (RE-I) (47.85+ acres) and Planned Development (PD) (96.99+ acres) to Planned Development (PD) in order to have a residential development up to 273 residential units (a reduction of 86 residential units); requiring transfer of density of units for residential development above the base density of 14 units; adopting a General PD Concept Plan for the property, including multiple parcels, generally located north and east of Prada Drive, south of Zemel Road, east of Burnt Store Road, and west of Charlotte County Landfill and Weigh Station, in the boundary of the Burnt Store Area Plan area and in the Punta Gorda area, containing 144.84+ acres; Commission District II; Petition No. PD-24-05; Applicant: Zemel Land Partners LLC; providing an effective date.

PD-24-07

Quasi-Judicial Commission District II
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 of the existing PD, Ordinance Numbers 2021-031 and 2007-037, by amending the adopted PD Concept Plan and its associated PD conditions to 1) allow residential and commercial development containing up to 999 dwelling units (no change) and 200,000 square feet of commercial uses (no change); allow a transfer of 268 density units for a maximum of 999 dwelling units; 2) memorialize the prior phase and other minor modifications, and 3) adopt the General PD Concept Plan; for property, including three parcels, two parcels located at 12300 and 13000 Burnt Store Road and one parcel located between these two parcels, in the Punta Gorda area and within the boundary of the Burnt Store Area Plan area; containing 306.51+ acres; Commission District II; Petition No. PD-24-07; Applicant: CC Burnt Store LLC; providing an effective date.

PD-24-06

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 of the existing PD, Ordinance Number 2022-037, by amending the adopted PD Concept Plan in order to remove internal sidewalks along all internal roadways except for the main corridor as depicted in the revised General PD Concept Plan; adopting the revised General PD Concept Plan; for property, which includes four parcels, three parcels located at 379 Horizon Road, 1 Horizon Road, and 102 Sydney Street, and one parcel generally located southeast of Riverside Drive and northwest of Duncan Road (U.S. 17), in the Punta Gorda area, containing 90.82+ acres; Commission District I; Petition No. PD-24-06; Applicant: Palm Breeze of Punta Gorda 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. FM Sound Enhancement Units for the Hearing Impaired are available at the First Security Desk, Building A of the Burdick Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941.764.6191, TDD/TTY 941.743.1234, or by email to David.Lyles@CharlotteCountyFL.gov

Published September 9th, 2024



CHARLOTTE COUNTY

Location Map for CDD-25-01



16, 20, 21, 28/42/23 South County



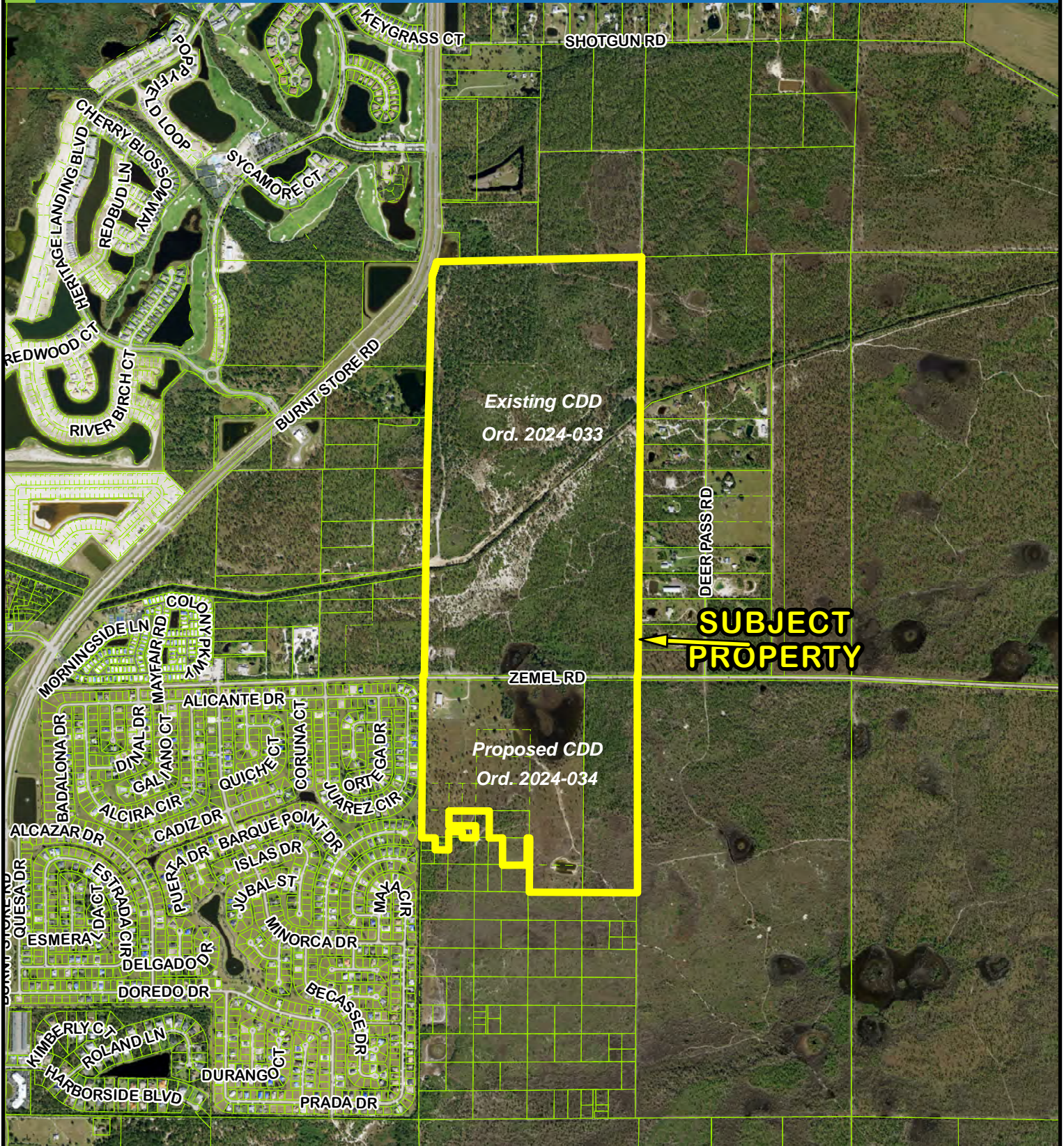
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CHARLOTTE COUNTY

Area Image for CDD-25-01



16, 20, 21, 28/42/23 South County



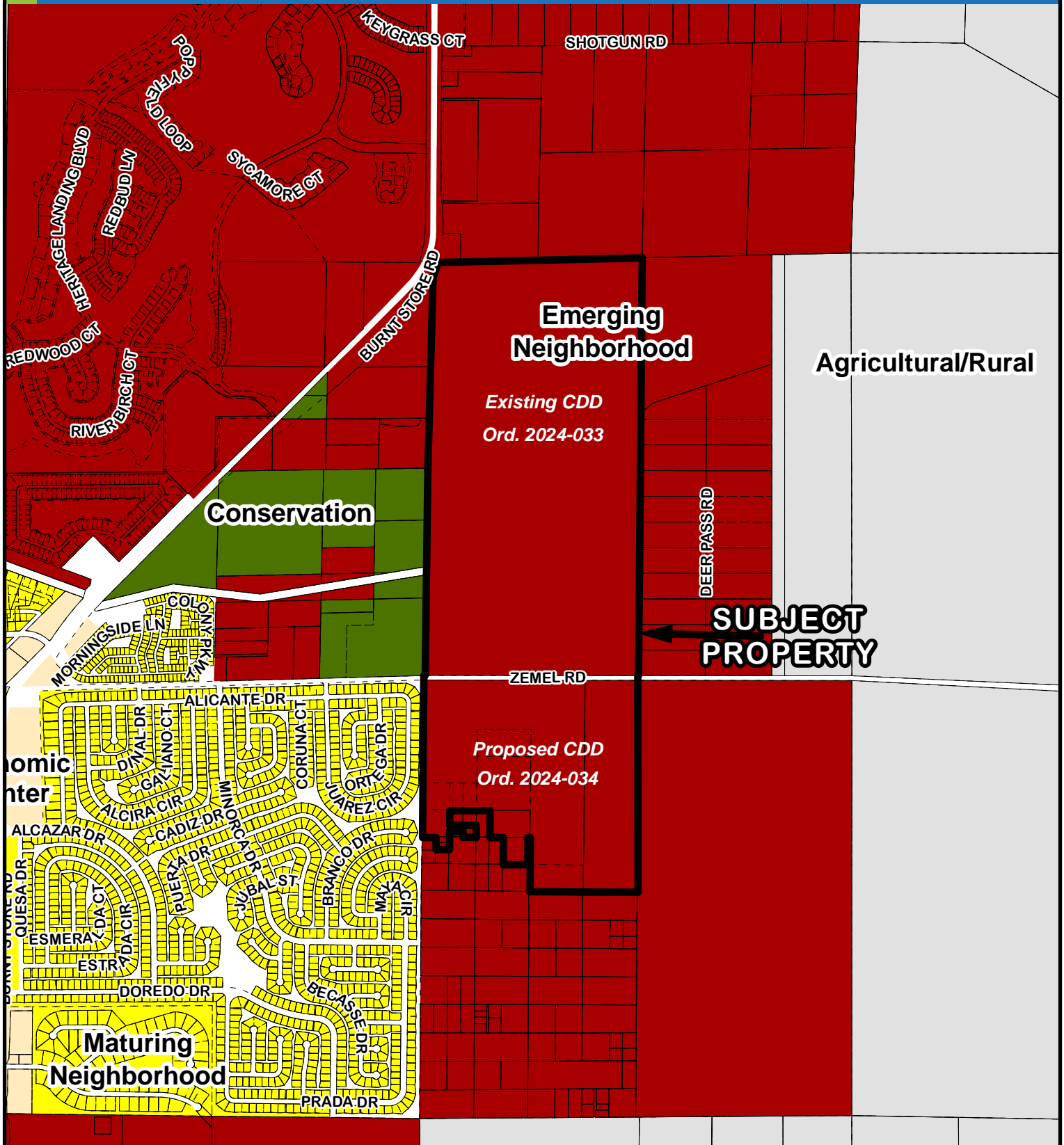
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CHARLOTTE COUNTY

Framework for CDD-25-01

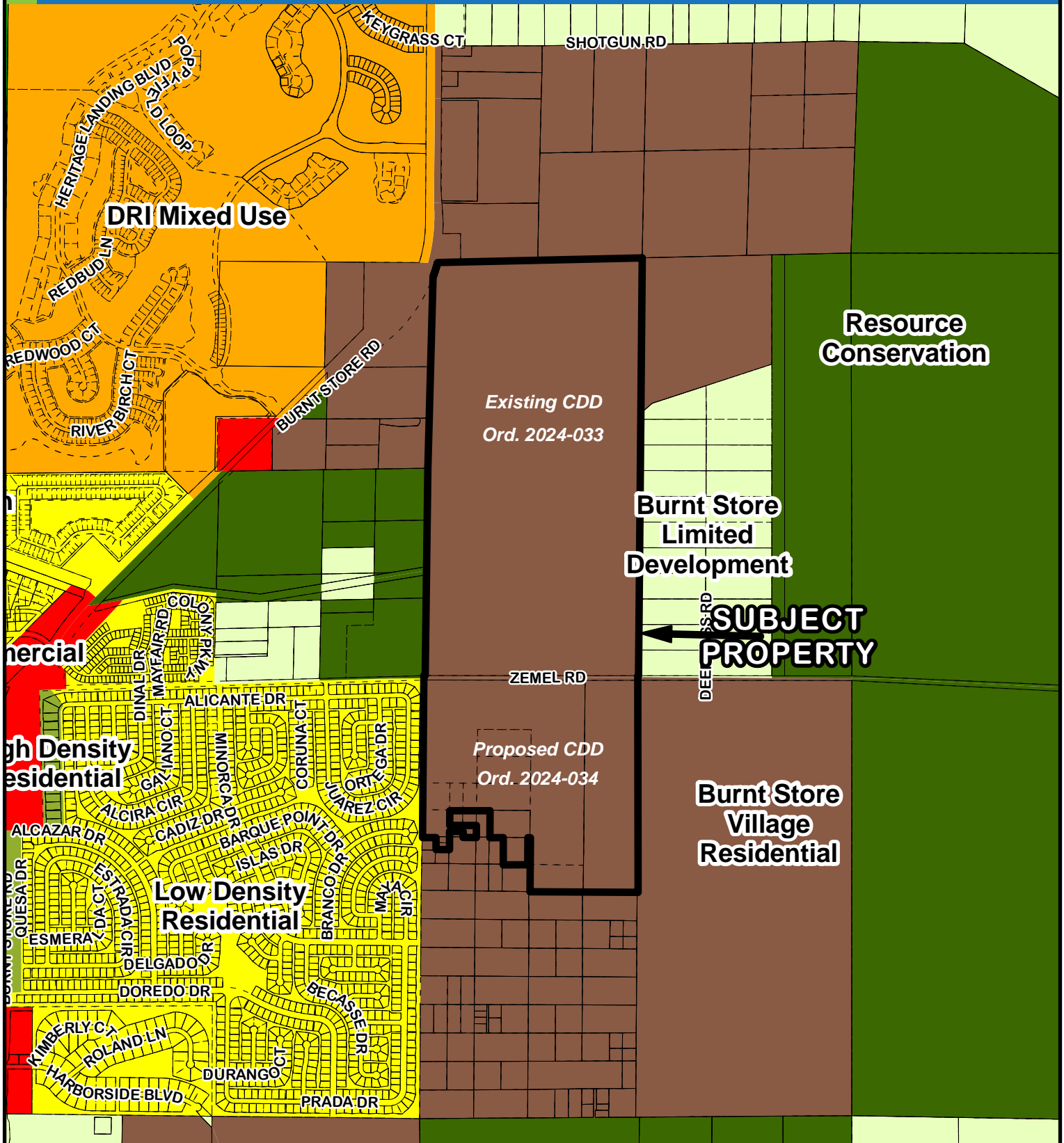


16, 20, 21, 28/42/23 South County



CHARLOTTE COUNTY

FLUM Designations for CDD-25-01



16, 20, 21, 28/42/23 South County



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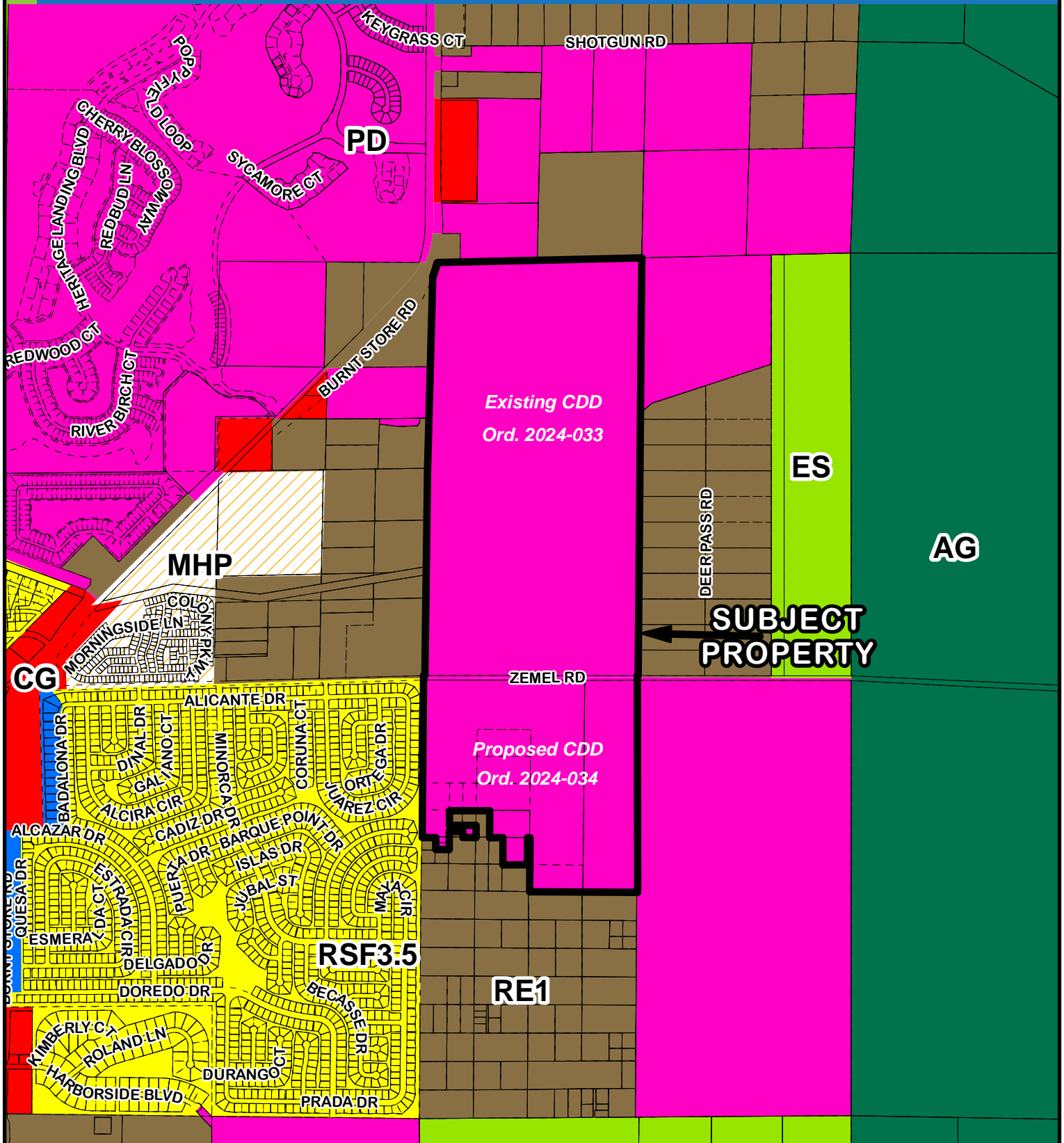
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CHARLOTTE COUNTY

Zoning Designations for CDD-25-01



16, 20, 21, 28/42/23 South County



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