



Staff Report for: PAL-24-02 and PD-24-02

Meeting Date: July 8, 2024/September 10, 2024/February 25, 2025

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

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

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

Part 1 – General Information

Applicant: TAG Lakeside, LLC, 33241 Washington Loop Road, Punta Gorda, FL 33982

Agent: Attorney Robert H. Berntsson, 3195 S. Access Road, Englewood, FL, 34224

Owner: TAG Lakeside, LLC, 33241 Washington Loop Road, Punta Gorda, FL 33982

Request: A privately initiated request to:

- Amend the 2030 Future Land Use Map from Low Density Residential (LDR) (138.32± acres) and Commercial (COM) (1.56± acres) to Medium Density Residential (MDR) with an annotation to the 2030 Future Land Use Map 1) limiting the overall maximum density up to 1,188 units; increasing density from 135 units to 1,188 units, 2) requiring central water and sanitary sewer services to serve any residential development above 691 units, and 3) prohibiting an onsite package plant.
- Amend the Charlotte County Zoning Atlas from Planned Development (PD) (138.32± acres) and Commercial General (CG) (1.56± acres) to PD, and adopting its associated General PD Concept Plan, in order to allow for a residential multi-family development of up to 1,188 units; increasing density from 135 units to 1,188 units; requiring a transfer of 1,053 density units to reach the maximum of 1,188 units.

Location: **Commission District I:** The subject property is generally located north of Turbak Drive, south of Peace River Shores Boulevard, east of Cobalt Boulevard and west of Duncan Road (US 17), in the Punta Gorda area.

Area: The subject property contains a total of 139.88± acres.

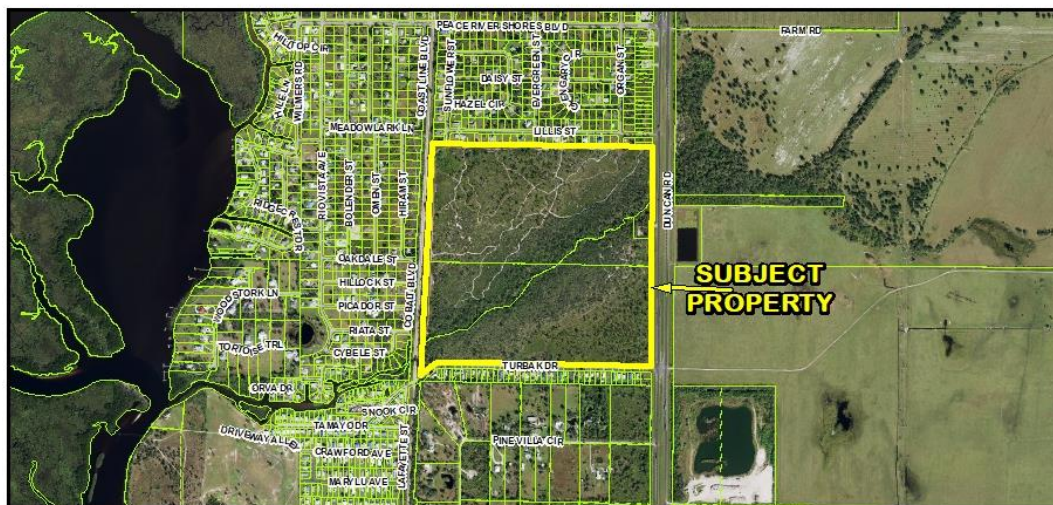
Public Notice: Public Notice has been given as required by Charlotte County Code, Section 3-9-10; subsections (d) Published Notice; (e) Mailed Notice (1,000-foot Mailed Notice Map); and (f) Posted Notice.

Part 2 – Analysis and Conclusion

Request

The applicant/property owner, TAG Lakeside, LLC, is requesting a large scale plan amendment to amend the subject property's Future Land Use Map designations from Low Density Residential (LDR)(138.32± acres) and Commercial (COM)(1.56± acres) to Medium Density Residential (MDR) with an annotation to the 2030 Future Land Use Map limiting the overall maximum density up to 1,188 units. The applicant is also concurrently applying for a Planned Development (PD) rezoning in order to have a residential development up to 1,188 residential dwelling units.

The subject property is located to the west side of Duncan Road (US 17), in the Punta Gorda area and within the East County area, and it contains approximately 139.88 acres. It is also located within the boundary of the US 17 Area Plan, which was approved by the Board of County Commissioners (Board) in 2010 in order to guide future development in that area.



PAL-24-02 and PD-24-02 Area Image

Current Status

On July 8, 2024, this large scale plan amendment to Medium Density Residential (MDR) and the associated rezoning to Planned Development (PD) for the subject property were presented to the Planning and Zoning Board for their consideration. The Planning and Zoning Board recommended approval of the large scale plan amendment and approval of its rezoning with conditions by a unanimous vote.

Subsequently, on September 10, 2024, the Board of County Commissioners (Board) approved this large scale plan amendment application (PAL-24-02) for transmittal to the Florida Department of Commerce and other State review agencies for review and comment via the State Coordinated Review process.

On November 6, 2024, the **Florida Department of Commerce** issued a letter stating that *“Florida Commerce has completed its review of the proposed comprehensive plan amendment for Charlotte County (Amendment No. 24-03DRI), which was received on September 11, 2024. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S. **FloridaCommerce does not identify any objections or comments to the proposed amendment and this letter serves as the Objections, Recommendations and Comments Report. Review comments received by the Department from the appropriate reviewing agencies, if any, are enclosed.**”*

On October 11, 2024, the **Florida Fish and Wildlife Conservation Commission** issued a letter stating that *“Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the above-referenced comprehensive plan amendment package and provides the following comments and recommendations for consideration in accordance with Chapter 163.3184, Florida Statutes: **“While there are no objections to the amendment, the following technical assistance information is provided to assist the Florida Commerce, the County, and any applicants during the amendment review and future project planning.”**”*

“Gopher Tortoise”

“Due to the documented presence of gopher tortoises on site, FWC staff recommends that the applicant refer to the Gopher Tortoise Permitting Guidelines (revised April 2023) (<https://www.myfwc.com/license/wildlife/gopher-tortoise--permits/>) for survey methodology and permitting guidance. Burrow surveys should cover a minimum of 15 percent of potential gopher tortoise habitat to be impacted by development activities including staging areas (refer to Appendix 4 in the Guidelines for additional information). Specifically, the permitting guidelines include methods for avoiding impacts (such as preservation of occupied habitat) as well as options and state requirements for minimizing, mitigating, and permitting potential impacts of the proposed activities. Any commensal species observed during burrow excavation should be handled in accordance with Appendix 9 of the Guidelines. For questions regarding gopher tortoise permitting, contact Lisa Esposito by phone at (863) 648-3856 or at LisaAnne.Esposito@MyFWC.com.”

“Florida Pine Snake”

*“Florida pine snakes have historically occurred in this area, and suitable habitat may also occur on the project site. Florida pine snakes are naturally secretive in nature and can spend up to 80 percent of their time in underground refuges like stump holes, gopher tortoise burrows, and the burrows of nine-banded armadillos and mice. This species is often associated with southeastern pocket gophers (*Geomys pinetis*); however, they can persist and thrive in areas without this species. Florida pine snakes are active from March through October but show the greatest activity in May, June, July, and October when they move more frequently and travel farther distances. Florida pine snakes are sensitive to habitat fragmentation and often negatively impacted by roadways. Additional information can be found in the Species Conservation Measures and Permitting Guidelines for the Florida Pine Snake (<https://www.mvfwc.com/media/25003/floridapinesnakeg1.pdf>). If a Florida pine snake is observed during construction, FWC staff recommends that work activities cease and the snake be allowed to leave on its own accord, or that the snake is relocated following criteria included in the Guidelines. It would also contribute to FWC's research efforts if sighting could be reported to the staff member at the close of this letter, preferably with a photograph and GPS coordinates.”*

“Southeastern American Kestrel”

“Suitable habitat for southeastern American kestrels may be found within the proposed project area. FWC staff recommends that kestrel surveys be conducted from April to August within potentially suitable foraging habitat

according to the methodology outlined in the Species Conservation Measures and Permitting Guidelines for (Southeastern American Kestrel (<https://myfwc.com/media/24482/seamkestrelgl.pdf>))

Surveys from May to July are ideal to avoid confusion with the migratory subspecies of American kestrel (*Falco sparverius sparverius*). Surveys may be completed outside of the April to August survey season when necessary, with any kestrels observed assumed to be southeastern American kestrels. Surveys are valid until the beginning of the following breeding season (March). If surveys encounter active nest cavities, FWC staff recommends avoiding project activities within 490 feet (150 meters) of the nest during the breeding season (March through July) to avoid disturbance. If nesting is discovered after construction has begun, or if maintaining the recommended buffer is not possible, the applicant should contact FWC staff identified below to discuss potential permitting needs. In areas of suitable kestrel habitat, the Guidelines also recommend retaining snags whenever possible.”

“Wading Birds”

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

“Lakes and Ponds”

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

“Wildlife Crossings”

“FWC staff recommends that wildlife crossings be considered in land use planning when significant areas of productive green space, including wetland and upland forests or small streams or riparian zones, are crossed by major roads. The overall purpose and need for the crossing is to maintain habitat connectivity within natural landscape linkages on the property, avoid habitat degradation, reduce wildlife roadkills, and public safety. Factors to consider when planning wildlife crossings include the total extent of habitat, type of natural systems crossed by the roadway, wildlife species that will potentially utilize the crossing, and an understanding and control of nearby or adjacent planned uses. There are numerous wildlife crossing designs which are suitable for target mammals, amphibians, and reptile species, including some designs that provide for both aquatic and terrestrial species movement as well as habitat and hydrological connectivity. Structure types may include bridges, box culverts, and large drainage pipes which can be designed and constructed at appropriate locations. While there are numerous resources to designing

wildlife underpasses, examples and guidelines for various wildlife underpasses in Florida can be obtained from the Florida Department of Transportation at

https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/environment/pubs/protected-species/wildlifecrossingguidelines_2023_final.pdf?sfvrsn=24352ec3_4 or from the U.S. Department of Transportation at

https://www.fhwa.dot.gov/environment/critter_crossings/main.cfm.

"Federal Species

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

On October 1, 2024, the **Southwest Florida Water Management District** issued a letter stating that *"The Southwest Florida Water Management District (District) has reviewed the proposed amendment package which includes a map amendment identified as No. PAL-24-02. We offer the following technical assistance comments for consideration:*

"Regional water Supply

- 1. The letter from the potable water utility supplier (CWSR-Florida) indicates it is waiting for a response from Charlotte County that it provides North Charlotte with water supplied by the Peace River Manasota Water Supply Authority through Charlotte County facilities and an interconnection provided by CSWR-Florida. The adopted amendment should include confirmation that potable water supply is available to serve the site.*
- 2. Considering the site is in the Southern Water Use Caution Area (SWUCA) and would allow additional residential development, the use of water conservation and reclaimed water (when available) should be maximized. Potential water conservation measures include, but are not limited to, Florida Water Star SM, Florida-Friendly Landscaping™ and distribution of water conservation literature to residents. Additional information on these programs is available at the following links:*

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

<https://www.swfwmd.state.fl.us/residents/florida-friendly-landscaping/florida-friendlylandscapingtm> <https://www.swfwmd.state.fl.us/resources/free-publications>

Floodplains and Floodprone Areas/Wetlands and Other Surface Waters

- 3. No comments.*

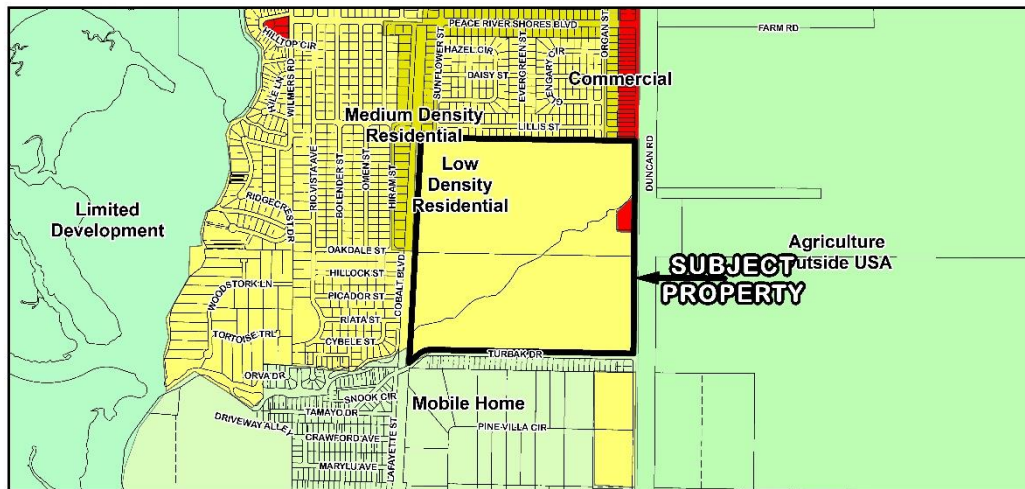
District Environmental Resource Permit (ERP) staff conducted an Environmental Resource Permit (ERP) preapplication meeting for the proposed development (Preapplication No. 400038). Continued coordination with District ERP staff is encouraged prior to any site work. For assistance or additional information concerning the District's ERP program, please contact Rob McDaniel, ERP evaluation manager, at (813) 985- 7481 or rob.mcdaniel@watermatters.org."

Staff's Response:

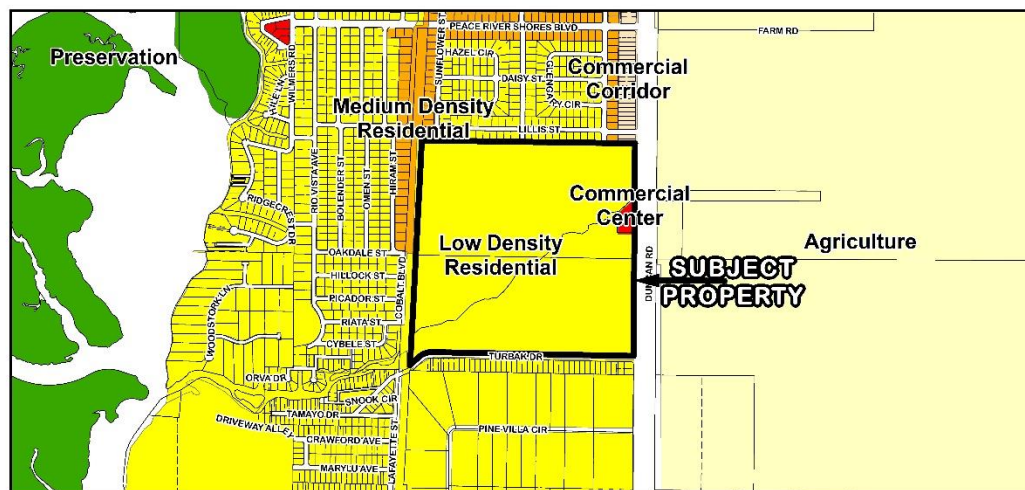
All State review agencies' comments have been forwarded to the applicant's agent for consideration. At this time, the applicant could not confirm that potable water supply is available to serve the site. The subject property has been designated as Low Density Residential (LDR) since 1988. The Low Density Residential Future Land Use Map designation allows for residential development up to five units per acre. In order to protect property rights and protect environmental resources on the subject property, the following annotation to the 2030 Future

Land Use Map is proposed to ensure that any residential development above five units per acre must have public water and sanitary sewer services to serve such development:

- Requiring central water and sanitary sewer services to serve any residential development above 691 units.
- Prohibiting an onsite package plant.



PAL-24-02 and PD-24-02 1988 FLUM Designations



PAL-24-02 and PD-24-02 1997-2010 FLUM Designations

Furthermore, the following Planned Development (PD) condition require the proposed residential development up to 1,188 units must be served by central water and sanitary sewer services:

The development must utilize potable water and sanitary sewer utilities. If the public water and sanitary sewer services are not available prior to submittal of Final Detail Site Plan application, a major modification to the PD which requires a PD rezoning is needed to address

provision of central water and sanitary sewer services. The potable water and sanitary sewer lines must be connected to the site before any certificates of occupancy shall be issued. The developer is authorized to extend reclaimed water utility lines along with the potable water and sanitary sewer lines throughout the development.

History of the Subject Property

On July 18, 2006, the Board of County Commissioners (Board) approved a rezoning from Agricultural Estates (AE) to Planned Development (PD) with conditions via Ordinance Number 2006-067 (Attachment 1), containing approximately 138.32 acres of the subject property, for a mixed-use development which included residential development of up to 351 dwelling units and neighborhood commercial uses for approximately 2.87 acres on the site.

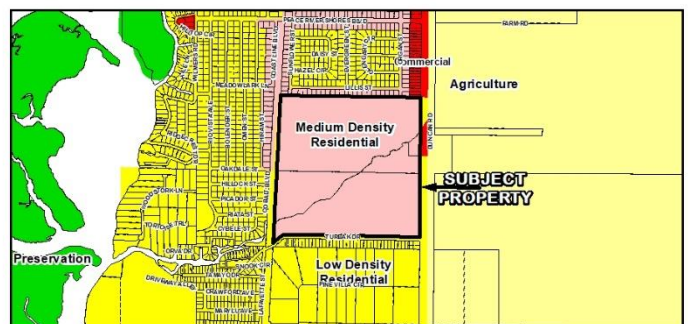
On May 27, 2014, the Board approved a PD rezoning via Ordinance Number 2014-018 (Attachment 2) for approximately 138.32 acres of the subject property, which was a major modification to the existing PD by:

- Reducing the maximum allowable residential density from 351 units to 303 units.
- Changing the housing type from a combination of attached single-family and detached conventional single-family homes to manufactured homes.
- Preserving a total of 25.35 acres for open habitat area including habitat utilized by Florida Scrub Jays.
- Providing a pedestrian crossing (single span bridge) and a vehicular crossing (single span bridge) over the creek and the Lee Branch, a historic flow-way.
- Using a portion of the property located at the southwest corner of the site, containing approximately two acres for outside storage uses.

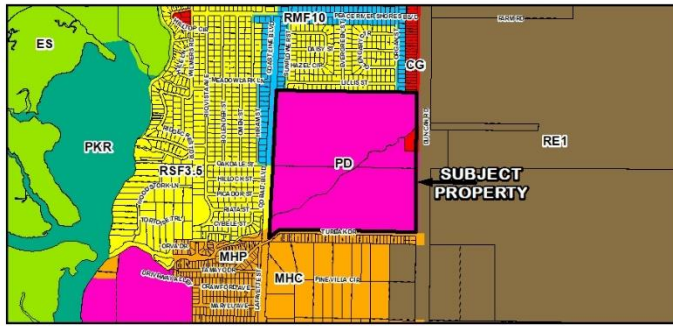
As of today, no Final Detail Site Plan or a Transfer of Density Units (TDU) application has been submitted since the 2014 PD rezoning. Now, the applicant/property owner has requested a large-scale land use change to Medium Density Residential with a companion rezoning to PD for the subject property, containing a total of approximately 139.88 acres, in order to have residential development up to 1,188 units.



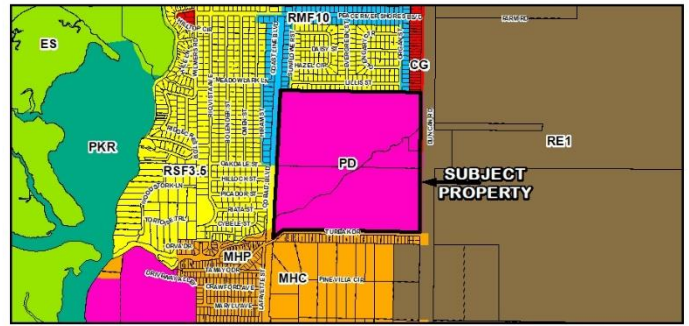
PAL-24-02 and PD-24-02 Existing FLUM Designations



PAL-24-02 and PD-24-02 Proposed FLUM Designations



PAL-24-02 and PD-24-02 Existing Zoning Designations



PAL-24-02 and PD-24-02 Proposed Zoning Designations

Consistency with the Comprehensive Plan

The subject site is designated as part of Maturing Neighborhood on the 2050 Framework Map (FLUM Map #2 2050 Framework). **Future Land Use (FLU) Policy 4.3.2: Neighborhood/Roadway Compatibility**, states that: *In Maturing Neighborhoods, the County shall discourage land uses which generate cut-through traffic on local streets in amounts that would adversely affect traffic flow, traffic control and public safety.* The proposed residential development will have direct access on both US 17 and Turbak Drive. It is staff's professional opinion that the proposed development is not contrary to this policy.

According to item 2 as established in **FLU Policy 4.1.1: 2050 Framework - Neighborhoods**, "Maturing" Neighborhoods. *These neighborhoods mostly contain lots that are substantially developed, generally 30 percent or greater, within which infill continues to occur based on neighborhood and home builder marketing. Even though the functionality of the neighborhood is limited by its mainly singular use, stable growth is occurring and the majority of that growth is residential development. These neighborhoods are generally served with central water and sewer services. The continued protection of the neighborhood is important and necessary. Formal plans for Maturing Neighborhoods are not considered necessary as the growth and development of these areas is fairly recent and continues without much need for changes of land use."* The proposed land use change to Medium Density Residential and its associated companion PD rezoning, if approved, will allow for residential development at approximately 8.5 units per acre compared to the existing single-family residential neighborhood located to the south, east and north of the subject property at five units per acres, based on the proposed General PD Concept Plan, the proposed multi-family buildings will be located to the south and southeast of the subject property and along US 17 and Turbak Drive. There are approximately 48.9 acres of the Scrub Jay preservation area located between the proposed multi-family buildings and the existing single-family homes and platted vacant residential lots. It is staff's professional opinion that the proposed changes are not contrary to this policy.

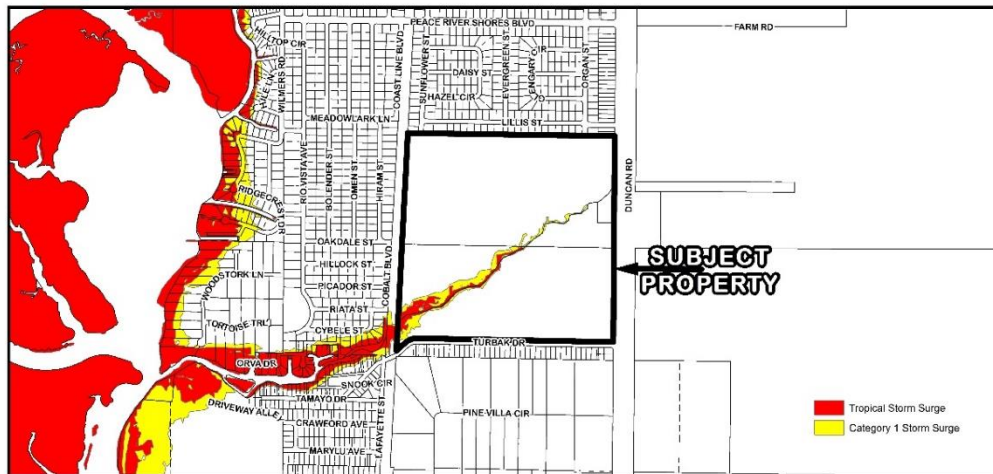
In addition, the subject property is also located within the US 17 Area Plan, where the County encourages developers/property owners to preserve and enhance the natural environment and to promote mixed use development. Although the proposed residential multi-family development is not a type of mixed-use development, the proposed development will preserve approximately

A map of the Maturing Neighborhood, which is highlighted in yellow. The neighborhood is bounded by Pease River Shores Blvd to the north, Duncanson Rd to the east, and a creek to the south. The subject property is a large, irregularly shaped lot located on the east side of the neighborhood, adjacent to Duncanson Rd. The map shows various streets including Pease River Shores Blvd, Duncanson Rd, Meadowdale Ln, Oakdale St, Heldick St, Picador St, Cybele St, and others. The subject property is labeled "SUBJECT PROPERTY" with an arrow pointing to it.

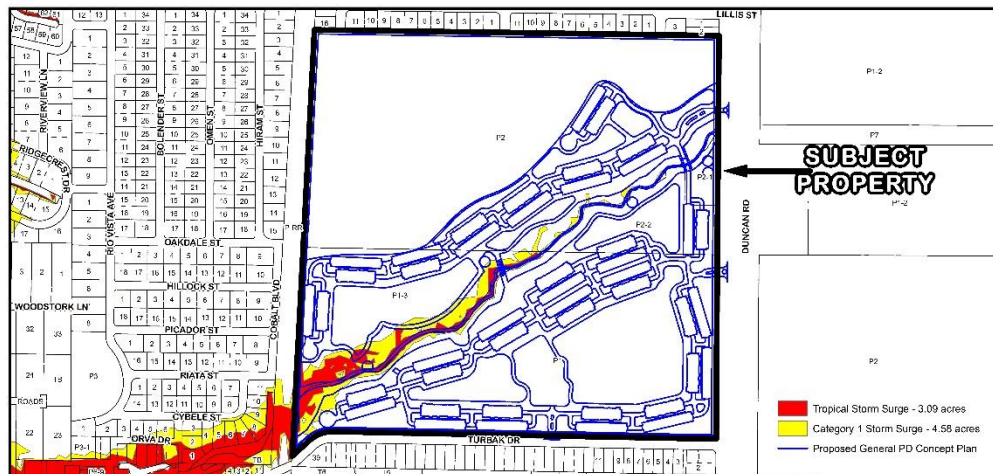
The Lee Branch identified as one of the historic flowways within the US 17 Area Plan runs through the subject property. In order to minimize impacts to this creek, the proposed residential development will include a bridge and an optional pedestrian bridge to cross the Lee Branch flowway. Therefore, the proposed PD rezoning, is consistent with **FLU Policy 6.3.11: Established Flowways**, which states that: *The County shall encourage the protection of historic flowways (SPAM Series Map #6) by designating them as environmentally sensitive and allowing density to be severed from these areas. Passive recreational uses may be incorporated into upland areas adjacent to restored flowways. Development along a flowway shall be encouraged to provide for public use by providing pedestrian paths and connections to adjacent properties. Public uses shall not include any activities that are detrimental to drainage, flood control, water conservation, erosion control or fish and wildlife habitat conservation and preservation. Proposed crossings of flowways shall include appropriately sized culverts or bridges to maintain surface water flows and wildlife underpasses where appropriate.* A Native Habitat Management Plan has been drafted as part of the PD rezoning in order to restore, preserve and protect the creek and its upland area.

File Number: PAL-24-02 and PD-24-02

within Category 1 Storm Surge zone) including the creek and its upland area which is located in the CHHA. However, the proposed residential buildings are located outside of the CHHA area, and all lands within the CHHA are proposed to be part of the “Creek Preserve Area” as shown on the proposed General PD Concept Plan. Therefore, the proposed development is not contrary to policies specifically related to development within the CHHA as established in the County’s Comprehensive Plan.



PAL-24-02 and PD-24-02 Coastal High Hazard Area



**PAL-24-02 and PD-24-02 Coastal High Hazard Area
& Proposed General PD Concept Plan**

Compatibility and Impacts on the Adjacent Residential Uses

There are vacant lands and some single-family residences located to the north of the subject property; this area has both Low Density Residential (LDR) and Medium Density Residential (MDR) FLUM designations with Residential Single-family 3.5 (RSF-3.5) and Residential Multi-family 10 (RMF-10) zoning. Further to the northeast, there are vacant lands designated as Commercial and MDR with Commercial General (CG) and RMF-10 zoning. Across US 17, to the east, there are vacant and agricultural lands; this area has an Agriculture (AG) FLUM designation with AE zoning, File Number: PAL-24-02 and PD-24-02

and this area is designated as “Rural Settlement Area” for future regional economic development uses. Across Turbak Road, to the south, there are mobile homes and single-family residences, which are designated as LDR FLUM designation with Mobile Home Conventional (MHC) zoning. The CSX Railroad right-of-way is located immediately to the west of the site. Further to the west, there are platted vacant residential lots with scattered single-family homes; this area is designated as LDR with RSF-3.5 zoning.

The proposed residential development will have approximately 8.5 units per acre, which contains higher density than the existing established residential neighborhoods at five units per acre located to the south, east, and north of the subject property. The subject property is located on US 17 which is one of the major thoroughfares in the East County area. This proposed PD rezoning will allow the County to place sufficient conditions to minimize the adverse impacts of the proposed residential development on neighboring property owners via:

- Limiting residential to no more than 1,188 units.
- Requiring a cohesive design for this development, including compliance with Section 3-5-508, Building Materials and Colors.
- Preserving approximately 48.9 acres for Scrub Jay Habitat and 11.77 acres of the Creek area and its associated uplands compared to the current required approximately 25.35 acres of preservation area under the existing PD for residential development, and requiring a Native Habitat Management Plan to restore, protect and preserve the creek preservation area.
- Requiring an enhanced buffer and landscaping, including at a minimum, a Type “C” Buffer with accent and canopy trees, and a perimeter hedge row instead of the Code-required Type “A” buffer between multi-family development and single-family homes; and a minimum a Type “A” Buffer with accent and canopy trees, and with a perimeter hedge row instead of the Code-required perimeter landscape and buffer along US 17.
- Addressing the traffic safety to require: *“At the Final Detail Site Plan submittal, the developer shall prepare an updated traffic impact study to include all turn lanes and a signal warrant at Turbak Drive at US 17. Before the project can receive any residential Certificates of Occupancy, and if the Traffic Impact Study shows that a signal meets the warrants at the intersection of Turbak Drive and US 17, the design, construction and installation requirements for a traffic signal at the intersection of Turbak Drive and US 17 shall be memorialized in a developer's agreement acceptable to the County.”*

With these additional requirements, it is staff’s professional opinion that the proposed Future Land Use Map (FLUM) amendment to Medium Density Residential and its associated PD rezoning are not contrary to the County’s Comprehensive Plan.

Base Density

The subject property for this unified application contains approximately 139.88 acres. As of today, the base density is 135 units. The transfer of 1,053 density units to the site is required to achieve the proposed maximum residential development of 1,188 dwelling units pursuant to the

County's Transfer of Density Units (TDU) program as established in the County's Comprehensive Plan and the County Code, Section 3-9-150, Transfer of Density Units.

Concurrency Issues

- **Water and Sewer:** The subject site is not currently provided with water and sanitary sewer services. It is located in an area serviced by CSWR-Florida Utility Operating Company, which addressed water and sewer in a letter dated December 14, 2023, stating the following:

"CSWR-Florida Utility Operating Company ("CSWR-Florida") was appointed as the Receiver for the North Charlotte Waterworks Inc. water and wastewater system in Charlotte County (Case No. 21000148CA). As Receiver, CSWR-Florida is responsible for providing water and wastewater services to meet the current and future demand of the North Charlotte service area. You recently asked that CSWR-Florida provide a letter indicating a willingness to provide water and wastewater services to a planned development called Lakeside Village.

With regard to water service, CSWR-Florida has recently contacted Charlotte County with a request that it provide North Charlotte with water supplied by Peace River Manasota Regional Water Supply Authority through Charlotte County facilities and an interconnection provided by CSWR-Florida. As part of that request, CSWR-Florida included not only its current demand for water but also the projected demand provided by you for Lakeside Village. To date, CSWR-Florida has not had a response back from Charlotte County. Assuming that Charlotte County indicates a willingness to provide a sufficient capacity of water service to North Charlotte to meet not only current demand, but also future demands, CSWR-Florida will happily provide regulated water service to the planned development at Lakeside Village.

With regard to wastewater service, the current wastewater treatment facility is located on land that is neither owned by nor leased to North Charlotte Waterworks. Given this, CSWR-Florida is attempting to procure land, either through a customer contribution or a long-term lease, on which it can construct a wastewater treatment facility. Assuming that CSWR-Florida is able to locate such land and is able to permit and construct a wastewater treatment facility, CSWR-Florida will also be willing to provide regulated wastewater service to the planned development at Lakeside Village.

Please note that, while CSWR-Florida indicates a willingness to serve, such service must be consistent with Public Service Commission approved rules, regulations and tariffs including the Commission's extension of main policy."

To address the water and sewer concurrency issue, the following PD condition is proposed:
The development must utilize potable water and sanitary sewer utilities. If the public water and sanitary sewer services are not available prior to submittal of Final Detail Site Plan application, a major modification to the PD is required to address the utilities. The potable water and sanitary sewer lines must be connected to the site before any certificates of

occupancy shall be issued. The developer is authorized to extend reclaimed water utility lines along with the potable water and sanitary sewer lines throughout the development.

- *Traffic:* After reviewing the “Traffic Impact Statement” report prepared by Kimley Horn, dated November 1, 2023, and submitted with the application, staff from the County Public Works Department does not have comments; however, in order to address the traffic concurrency issue and the potential safety concern, the following transportation condition is proposed:

At the Final Detail Site Plan submittal, the developer shall prepare an updated traffic impact study to include all turn lanes and a signal warrant at Turbak Drive at US 17. If the Traffic Impact Study shows that a signal meets the warrants at the intersection of Turbak Drive and US 17, the design, construction and installation requirements for a traffic signal at the intersection of Turbak Drive and US 17 shall be memorialized in a developer's agreement acceptable to the County. The updated traffic study must be completed before the project can receive any residential Certificates of Occupancy.

- *Schools:* The proposed plan amendment and rezoning will increase the maximum residential density on subject property from 135 units to 1,188 units, so student populations are expected to increase. It is premature at the plan amendment and rezoning stage to address the school concurrency issue. However, this unified application was emailed to Charlotte County Public Schools for the planning review. The following PD condition is proposed to address the school concurrency issue:

If the school concurrency process is still required under a valid interlocal agreement, prior to Final Detail Site Plan or Final Plat approval for any residential development for any Phases, the developer/property owner must obtain a School Concurrency Availability Determination Letter (SCADL) from Charlotte County Public Schools (CCPS) indicating that sufficient capacity exists or has been accounted for through a binding and enforceable agreement with CCPS to address school concurrency.

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

The Proposed Development - Not a Development of Regional Impact (DRI)

The proposed development “is at or above 100 percent of” (sec. 380.06(2)(b), F.S.) the applicable DRI threshold of be 1,000 units (rule 28-24.010, Florida Administrative Code). Therefore, the proposed development is subject to sec. 380.06(12)(a), F.S., which provides: *A proposed development that exceeds the statewide guidelines and standards specified in s. 380.0651 and **is not otherwise exempt pursuant to s. 380.0651 must be approved by a local government** pursuant to s. 163.3184(4) in lieu of proceeding in accordance with this section. However, **if the proposed development is consistent with the comprehensive plan as provided in s. 163.3194(3)(b), the development is not required to undergo review pursuant to s. 163.3184(4) or this section.***

The proposed development is not subject to State review for at least two reasons: (1) it is located in “a detailed specific area plan prepared and adopted pursuant to s. 163.3245, F.S.,” (see Sec. 380.0651, F.S.); and (2) staff’s professional opinion is that the development, as conditioned, is consistent with the Comprehensive Plan.

Because the proposed residential development is consistent with the Comprehensive Plan it may proceed with an appropriate PD rezoning.

Based on the above analysis, the proposed changes are consistent with the intent of the Maturing Neighborhood and the US 17 Area Plan as well as the proposed MDR FLUM designation as well as the development guidelines set forth in the County’s Comprehensive Plan.

General PD Concept Plan

The PD Concept Plan associated with this PD rezoning was submitted for Site Plan Review. The petition number is DRC-23-00229. A recommendation letter (Attachment 3) was issued on June 24, 2024.

Conclusion

It is staff’s professional opinion that this proposed large scale plan amendment and the companion PD rezoning with recommended conditions contained in Exhibit “A” attached is generally consistent with the County’s Comprehensive Plan, Section 163.3177, F.S., the intent of the US 17 Area Plan, and as conditioned, it should not create any detrimental impacts on the surrounding residential properties.

Part 3 – Summary and Recommendation

Staff Summary:

Based upon the analysis and conclusions set forth herein, in staff's professional opinion, the application (Application No. PAL-24-02) is generally consistent with Charlotte County’s Comprehensive Plan, Section 163.3177 Florida Statutes, the intent of the US 17 Area Plan, and Charlotte County's Code of Laws and Ordinances and other applicable guidelines.

Based upon the analysis and conclusions set forth herein, in staff's professional opinion, the application (Application No. PD-24-02) is generally consistent, as conditioned, with Charlotte County’s Comprehensive Plan, Charlotte County's Code of Laws and Ordinances and other applicable guidelines.

Planning and Zoning Board recommendation on July 8, 2024:

*Approve a motion to forward application PAL-24-02 to the Board of County Commissioners with a recommendation of **Approval with a unanimous vote** of transmittal of application PAL-24-02 to the Florida Department of Commerce and other State review agencies for review and comment, based on the findings and analysis in the staff report dated June 24, 2024, Charlotte County’s Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.*

*Approve a motion to forward application PD-24-02 to the Board of County Commissioners with a recommendation of **Approval with conditions “a” through “t” with a unanimous vote**, based*

on the findings and analysis in the staff report dated June 24, 2024, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.

Part 4: Research and Findings

1. **2050 Framework Map Designation:** Maturing Neighborhood (FLUM Map #2 - 2050 Framework)
2. **2030 Service Area Delineation:** In the Urban Service Area
3. **Existing Land Use on the Site:** The subject property is currently vacant. (See attached Site Image and Boundary Survey.)
4. **Existing Future Land Use and Zoning Designations:**
(See attached Future Land Use Map and Zoning Map)

FLUM:	Development Standards:
Low Density Residential (LDR)	<u>General Range of Uses.</u> Single-family residential, multi-family residential, manufactured residential dwelling units, recreational vehicle parks, sub-neighborhood commercial uses, recreational facilities in association with residential development, schools, and public services and facilities. <u>Maximum Density.</u> Residential densities shall not exceed five dwelling units per acre. If zoned Environmentally Sensitive, the density is one dwelling unit per ten acres. Maximum Intensity for Sub-neighborhood Commercial Uses • Range of acreage: 0.4 to 3 acres • Maximum building coverage of a site: 60% • Maximum floor area ratio: 0.6
Commercial (COM)	General Range of Uses This category provides for full range of sales and service activities. These uses may occur in self-contained centers, multi-story structures, campus parks, municipal central business districts, or along arterial highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and design will depend on location factors, particularly compatibility with adjacent uses, availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be located to protect adjacent residential use from such impacts as noise or traffic. In wellfield protection areas uses are prohibited that involve the use, handling, storage, generation or disposal of hazardous toxic material or substances, or waste or petroleum products. Maximum Intensity Maximum FAR shall not exceed 1.0. Development should be consistent with the applicable underlying zoning classification standards and land development regulations.

Zoning:	Development Standards:
Planned Development (PD)	The purpose and intent of this district is to provide flexibility and to encourage concentrated, energy-efficient land development, and to provide opportunities to impose conditions to ensure that the proposed development is consistent and compatible with the surrounding neighborhood. <u>Minimum lot and yard requirements.</u> Internal lot and yard requirements shall be established through the PD rezoning process. Unless otherwise approved by the BCC or provided in section 3-9-45.1, no structure shall be located closer to the peripheral property line of the PD than twenty-five (25) feet or as required by section 3-9-88, "Waterfront property," as the same may be amended, whichever is greater. <u>Maximum height of structures.</u> The maximum height for structures shall be established through the PD rezoning process. <u>Open space.</u> Unless otherwise approved by the BCC or as provided in section 3-9-45.1, a minimum of twenty (20) percent of the entire PD parcel or phase shall be retained as open space. <u>Internal circulation.</u> All streets shall be designed to provide safe, efficient and convenient access to land uses within the development and to roadways adjacent to the development. In addition to vehicular thoroughfares, functional pedestrian and bicycle-path systems are required in accordance with the county's land development regulations.
Commercial General (CG)	The purpose and intent of this district is to allow general commercial activity. • Minimum lot area is 12,000 square feet. • Minimum width is 100 feet. • Setbacks: ○ Front: 15 feet ○ Side (interior): 0 feet ○ Side (street): 10 feet ○ Rear (interior or street): 10 feet ○ Abutting water: 20 feet • Lot coverage of all buildings: 55% • Height: 60 feet

Table 1

5. Proposed Future Land Use and Zoning Designations:

(See attached Future Land Use Map and Zoning Map)

FLUM:	Development Standards:
Medium Density Residential (HDR)	<u>General Range of Uses.</u> Single-family residential, multi-family residential, manufactured residential dwelling units, recreational vehicle parks, sub-neighborhood commercial uses, recreational facilities in association with residential development, schools, and public services and facilities.

	<u>Maximum Density.</u> Residential densities shall not exceed ten dwelling units per acre. If zoned Environmentally Sensitive, the density is one dwelling unit per ten acres. Maximum Intensity for Sub-neighborhood Commercial Uses • Range of acreage: 0.4 to 3 acres • Maximum building coverage of a site: 60% • Maximum floor area ratio: 0.6
Zoning:	Development Standards:
Planned Development (PD)	The purpose and intent of this district is to provide flexibility and to encourage concentrated, energy-efficient land development, and to provide opportunities to impose conditions to ensure that the proposed development is consistent and compatible with the surrounding neighborhood. <u>Minimum lot and yard requirements.</u> Internal lot and yard requirements shall be established through the PD rezoning process. Unless otherwise approved by the BCC or provided in section 3-9-45.1, no structure shall be located closer to the peripheral property line of the PD than twenty-five (25) feet or as required by section 3-9-88, "Waterfront property," as the same may be amended, whichever is greater. <u>Maximum height of structures.</u> The maximum height for structures shall be established through the PD rezoning process. <u>Open space.</u> Unless otherwise approved by the BCC or as provided in section 3-9-45.1, a minimum of twenty (20) percent of the entire PD parcel or phase shall be retained as open space. <u>Internal circulation.</u> All streets shall be designed to provide safe, efficient and convenient access to land uses within the development and to roadways adjacent to the development. In addition to vehicular thoroughfares, functional pedestrian and bicycle-path systems are required in accordance with the county's land development regulations.

Table 2

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

Direction:	Existing Land Use:	FLUM Designation:	Zoning District Designation:
North	Vacant residential Single-family residences Vacant commercial	Low Density Residential (LDR) Medium Density Residential (MDR) Commercial (COM)	Residential Single-family-3.5 (RSF3.5) Residential Multi-family-10 (RMF10) Commercial General (CG)
East	Agricultural lands,	Agriculture (AG)	Agriculture Estates (AE) - 1 unit per 10 acres

South	Vacant residential Mobile homes	Low Density Residential (LDR)	Mobile Home Conventional (MHC)
West	Vacant multi-family lands Single-family residences Vacant residential, Mobile Homes	Medium Density Residential (MDR) Low Density Residential (LDR)	Residential Multi-family- 10 (RMF10), Residential Single-family- 3.5 (RSF3.5), Mobile Home Park (MHP)

Table 3

7. Buildout Calculations (square footage or density):

The proposed large scale FLUM amendment and a companion PD rezoning would allow a maximum residential development of up to 1,188 dwelling units. The base density of the subject property is 135 units. If the large-scale Plan Amendment and its companion PD rezoning are approved by the Board of County Commissioners, the applicant must transfer 1,053 units of residential density onto the site in order to achieve the residential development of up to 1,188 units.

The entire site is located within a designated Maturing Neighborhood. The subject property is qualified as a receiving zone based on the following:

- The site for residential development meets FLU Policy 1.2.10, TDU Receiving Zones, which states that Receiving Zones inside the Urban Service Area include lands within the following designations of FLUM Series Map #2: 2050 Framework: 2. Maturing Neighborhoods.
- FLU Policy 1.2.11. Prohibited Receiving Zones does not apply to the subject property because the subject property does not meet any criteria listed in FLU Policy 1.2.11. The policy states:

Density shall not be transferred into:

1. Lands within Managed Neighborhoods (FLUM Series Map #2).
2. Lands within the Resource Conservation and Preservation FLUM categories.
3. Land containing historical or archeological resources, or land deemed to contain environmentally sensitive resources; except that when a portion of a property contains these resources, that area deemed not to contain resources may receive density if it meets one of the criteria of a receiving zone, a conservation easement will be required over the resource along with an undeveloped buffer of at least 100 feet or may have the required 100-foot buffer reduced only if approved through an environmental resource permit or applicable State or Federal permit. Any development shall comply with Federal and State regulations as well as policies set forth in this Plan to protect environmentally sensitive resources. An historical or archaeological resource that is to be integrated into a development will not need to be buffered.
4. Lands within the Prime Aquifer Recharge Area (FLUM Series Map #6).

5. Lands within the one-half mile setback of the Watershed Overlay District and Tippen Bay and Long Island Marsh (FLUM Series Map #4).
 6. Land within a Public Water System Wellhead Protection Area (FLUM Series Map #7) unless public potable water and sanitary sewer services are available.
 7. Land on a barrier island, except that density may be transferred within Manasota Key or Sandpiper Key.
- 8. Is subject property in a Community, Special Planning Area or Overlay District?Yes**
The subject property is located within the boundary of the US 17 Area Plan which was approved by the Board of County Commissioners in 2010. (FLUM Maps #8, #9, #10 or #11)
- 9. Is subject property located adjacent to existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves?No**
The subject property is not located adjacent to any existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves. (SPAM Maps, #35, #74 and #75)
- 10. Is the proposed land use designation consistent with the provisions of the:**
- a. Charlotte Harbor Aquatic Preserves Management Plan? (SPAM Map #36)
The subject property is located outside the boundary of the Charlotte Harbor Aquatic Preserves.
 - b. Lemon Bay Aquatic Preserve Management Plan? (SPAM Map #36)
The subject property is located outside the boundary of the Lemon Bay Aquatic Preserve.
- 11. Does subject property contain archaeological or historic resources? (SPAM Map #3, #27 & #53)**

According to the Florida Master Site File, the subject site does not contain any historic structures nor is it designated as an archaeological site.
- 12. Are there wetlands on the property?Yes**, according to the submitted "Protected Species Assessment" report prepared by Ian Vincent & Associates, dated July 2023, the subject property contains approximately 1.74 acres of wetlands.
- a. Number of acres of Category I: 1.74
 - b. Number of acres of Category II:N/A
- 13. Natural Resources:**
- a. **Significant natural resources or critical habitat for endangered species:**
The submitted "Protected Species Assessment" report prepared by Ian Vincent & Associates, dated July 2023, states that *"Search of available online resources revealed that the subject property is located within an 18.6-mile radius designated as Core Foraging Area of several wood stork (Mycteria americana) nesting colonies. The closest of the documented colonies are greater than a half mile from the subject property. Under current regulations, the proximity of the off-site nesting colonies is not likely to affect the future development of the subject property."*

However, any impacts to suitable on-site wood stork foraging habitat (wetland and/or surface water habitat) may require systematic review and approval by the FWS prior to such impacts.

Search of available online resources revealed that the subject property is located within the Consultation Area of the crested caracara (*Caracara cheriway*). No evidence of nesting activity or utilization by the crested caracara was observed onsite. The crested caracara is not anticipated to be nesting within the subject property, and therefore, is not likely to affect the future development of the subject property. However, applicable environmental regulatory agencies may require a species-specific survey relative to the crested caracara prior to development of the property.

Search of available online resources revealed that the subject property is located within the Consultation Area of the red-cockaded woodpecker (*Picoides borealis*). The nearest documented red-cockaded woodpecker (RCW) sighting is greater than a mile from the subject property. In accordance with FWC survey guideline protocol, suitable pine trees were inspected for the presence of RCW nesting cavities. No evidence of nesting or utilization by the species was observed. The red-cockaded woodpecker is not anticipated to be utilizing the subject parcel, and therefore, is not likely to affect the future development of the property. However, applicable environmental regulatory agencies may require a species-specific survey relative to the red-cockaded woodpecker prior to development of the property.

Search of available online resources revealed that the subject property is located within the Consultation Area of the Florida scrub jay (*Aphelocoma coerulescens*). Review of the Charlotte County Natural Resources Department Florida Scrub Jay Territory Search Database revealed that the subject parcel is a scrub jay review area parcel. Mitigation fees in accordance with approved Habitat Conservation Plan (HCP) fee structure table will be required. Additionally, all clearing and tree removal will be prohibited during the scrub jay nesting season (March 1 – June 30).

Search of the Audubon Society Bald Eagle Nest Locator website revealed no nests within a quarter mile radius of the subject property. No eagles or nests were observed on or around the subject property. Bald eagle should therefore not likely affect the future development of the subject property.

The subject parcel is located within the FWS Consultation Area of the Florida bonneted bat (*Eumops floridanus*). No evidence of utilization by the Florida bonneted bat was observed onsite during the site inspection. The Florida bonneted bat is not anticipated to be utilizing the subject property, and therefore, is not likely to affect the future development of the property. However, applicable environmental regulatory agencies may require a species-specific survey relative to the Florida bonneted bat prior to development of the property.

Search of available online resources did not reveal documentation of any other listed wildlife species currently utilizing the subject property.

The subject site contains upland habitats which are being utilized by the gopher tortoise (*Gopherus polyphemus*). Two-hundred and fifty-four (254) potentially occupied gopher tortoise burrows were observed on the parcel. A 100% gopher tortoise survey and relocation permit from the Florida Fish and Wildlife Conservation Commission will be

required prior to development of the site if gopher tortoise burrows cannot be avoided during construction.

No other protected species or evidence of protected species utilization which would require permits from the FWC or FWS were observed onsite during the site inspection."

- b. Possible impacts to groundwater, surface water, wetlands or other significant natural resources: **No**
- c. Is subject property in the **Watershed Overlay District?** (FLUM Map #4)**No**
- d. Is subject property in the **Surface Water Protection Overlay District?** (FLUM Map #5)**No**
- e. Is subject property in the **Prime Aquifer Recharge Area?** (FLUM Map #6)**No**
- f. Is subject property in a **Wellhead Protection Area?** (FLUM Map #7).....**No**

14. Coastal Planning:

- a. Is the subject site within the **Coastal Planning Area?** (FLUM Map #13).....**No**
The subject property is located Zone 3 of the Coastal Planning Area.
- b. Could the proposed changes impact beach accessibility?**No**
- c. Could the proposed change affect other waterfront access?**No**
- d. Flood Zone: The subject site is in Flood Zone "X". Flood Zone "X" is an area in which areas determined to be outside the 0.2% annual floodplain. The creek area is located in Flood Zone "AE" (per FEMA Codes).
- e. Storm Surge Evacuation Zone: The site is located within both Evacuation Zones "B" and "C".
- f. Is the subject site within the Coastal High Hazard Area? (FLUM Map #14)**Yes**
Only a small portion of the property, including the creek and its upland are located within the Coastal High Hazard Area.
- g. Could the proposed changes impact evacuation times?**No**

15. Charlotte County Facilities and Services:

- a. Nearest Park:**South County Regional Park** (SPAM Map #74)
Address:.....670 Cooper Street, Punta Gorda
Distance:approximately 9.9 miles to the southwest of subject property
- b. Nearest Police Station:.....**District 4 Charlotte County Sheriff's Office** (SPAM Map #25)
Address:.....7474 Utilities Road, Punta Gorda
Distance:approximately 8.6 miles to the southwest of subject property
- c. Nearest Fire/EMS Station:**Charlotte County Fire Station No. 6** (SPAM Map #22)
Address:.....29400 Palm Shores Boulevard, Punta Gorda
Response Time:approximate response time is 4-6 minutes (SPAM Map #39)
- d. Nearest Library:.....**Punta Gorda Charlotte Library** (SPAM Map #73)
Address:.....401 Shreve Street, Punta Gorda

Distance:approximately 11 miles to the southwest of subject property

- e. Nearest Hospital:**ShorePoint Health Punta Gorda** (SPAM Map #24)
Address:.....809 E Marion Avenue, Punta Gorda
Distance:approximately 9.2 miles to the southwest of subject property
- f. Nearest Emergency Shelter: ..**Kingsway Elementary School** (SPAM Map #21)
Address:.....23300 Quasar Boulevard, Port Charlotte
Distance:approximately 8.9 miles to the northwest of subject property
- g. Public School Attendance Boundary:
 - 1. Elementary School:**East Elementary School** (SFAM Map #1)
Address:.....27050 Fairway Drive, Punta Gorda
Distance:approximately 7.4 miles to the southwest of subject property
 - 2. Middle School:**Punta Gorda Middle School** (SFAM Map #2)
Address:.....1001 Education Avenue, Punta Gorda
Distance:approximately 10.4 miles to the southwest of subject property
 - 3. High School:**Charlotte High School** (SFAM Map #3)
Address:.....1250 Cooper Steet, Punta Gorda
Distance:approximately 10.3 miles to the southwest of subject property

16. Concurrency:

- a. **Roads Level of Service:**.....After reviewing the “Traffic Impact Statement” report prepared by Kimley Horn, dated November 1, 2023, and submitted with the application, staff from the County Public Works Department does not have comments.
- b. **Potable Water Level of Service:**
 - 1. *Analysis:* The subject site is not currently provided with water and sanitary sewer services. It is located in an area serviced by CSWR-Florida Utility Operating Company. See excerpts above from the CSWR-Florida letter dated December 14, 2023, for additional information.
- c. **Sanitary Sewage Level of Service:**
 - 1. *Analysis:* The subject site is not currently provided with water and sanitary sewer services. It is located in an area serviced by CSWR-Florida Utility Operating Company. See excerpts above from the CSWR-Florida letter dated December 14, 2023, for additional information.
- d. **Park and Recreation Level of Service:**
 - 1. *Level of Service:*.....**Adopted Level of Service is 16 Park, Recreation & Open Space points (16 PROS points) per 1,000 population.**

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

e. **Schools:**.....School concurrency will be determined at Final Detail Site Plan I.

f. Solid Waste:

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

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

3. *Level of Service:* Zemel Road landfill currently has capacity to dispose of 4.6 million cubic yards of waste. The landfill has a projected remaining lifespan to the year 2027. An estimated 170 acres for future disposal cells will provide disposal capacity beyond the year 2050.

- Solid Waste (Landfill) 5.0 pounds per day per equivalent fulltime resident
- Solid Waste (Recycle) 2.2 pounds per day per equivalent fulltime resident

g. Drainage: *Level of Service:*

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

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

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

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

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

New development on existing platted lots (except single-family, duplex, and triplex dwellings):

on-site storm-water management for a 25-year, 24-hour rainfall.

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

17. Capital Improvements Program:

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

18. Intergovernmental Coordination:

Does this amendment require comments from, or coordination with adjacent governments or other governmental agencies?**Yes**

The large-scale plan amendment application will require comments from the State review agencies and the City of Punta Gorda for review and comment.

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

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

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

Part 5 – Approval Criteria

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

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

Finding: The subject property is currently designated as both Low Density Residential (LDR) and Commercial (Com). According to the proposed General PD Concept Plan and the application, the proposed development will include 48.9 acres of Scrub Jay habitat preservation area and the entirety of the flowway, a portion of the Lee Branch within the project boundary, will be placed into preservation. Furthermore, in order to minimize impacts to the creek, the project proposes a bridge and an optional pedestrian bridge to cross the Lee Branch flowway. Therefore, the proposed PD rezoning, if its associated large scale plan amendment is approved by the Board, is consistent with **FLU Policy 6.3.11: Established Flowways** and the proposed changes are consistent with various goals, objectives, and policies of the County's Comprehensive Plan and the intent of the US 17 Area Plan.

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

Finding: The subject site is located in the East County area and within the boundary of the US 17 Area Plan. There are vacant lands and some single-family residences located to the north of the subject property. Further to the northeast, there are vacant lands for both commercial and residential uses. Across US 17, to the east, there are vacant and agricultural lands targeted for future regional economic development uses. Across Turbak Road, to the south, there are mobile homes and single-family residences. The CSX Railroad right-of-way is located immediately to the west of the site. Further to the west, there are platted vacant residential lots with scattered single-family homes.

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

Finding: The proposed plan amendment and rezoning will increase the maximum residential density on subject property from 135 units to 1,188 units, so student populations are expected to increase. It is premature at the plan amendment and rezoning stage to address the school concurrency issue. However, this unified application was emailed to Charlotte County Public Schools for the planning review. The following PD condition is proposed to address the school concurrency issue:

If the school concurrency process is still required under a valid interlocal agreement, prior to Final Detail Site Plan or Final Plat approval for any residential

development for any Phases, the developer/property owner must obtain a School Concurrency Availability Determination Letter (SCADL) from Charlotte County Public Schools (CCPS) indicating that sufficient capacity exists or has been accounted for through a binding and enforceable agreement with CCPS to address school concurrency.

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

After reviewing the "Traffic Impact Statement" report prepared by Kimley Horn, dated November 1, 2023, and submitted with the application, staff from the County Public Works Department does not have comments.

The subject site is not currently provided with water and sanitary sewer services. It is located in an area serviced by CSWR-Florida Utility Operating Company. See excerpts above from the CSWR-Florida letter dated December 14, 2023, for additional information.

Therefore, in order to address the water and sewer concurrency issue, the following PD condition is proposed:

*The development must utilize potable water and sanitary sewer utilities. **If the public water and sanitary sewer services are not available prior to submittal of Final Detail Site Plan application, a major modification to the PD is required to address the utilities.** The potable water and sanitary sewer lines must be connected to the site before any certificates of occupancy shall be issued. The developer is authorized to extend reclaimed water utility lines along with the potable water and sanitary sewer lines throughout the development.*

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

Finding: The majority of the properties that are adjacent to the subject site are currently vacant with the exception of some mobile homes to the south and single-family residences to north and west of the subject property. The proposed PD requires a 25-foot setback with landscaping. In addition, 48.9± acres of open habitat space are proposed for Scrub Jay habitat, gopher tortoises, and approximately 11.77 acres the Creek preservation; a five-foot-wide sidewalk/pathway will be constructed along one side of the streets to create a walkable community. Enhanced landscaping and buffer requirements are proposed for this development. It is staff's professional opinion that the proposed development would not adversely influence living conditions in adjacent areas.

e. Would the proposed change affect public safety?

Finding: Public safety should not be affected by this proposed zoning change from PD and CG to PD. However, the following proposed PD condition will ensure that the traffic concurrency and safety will be met and addressed:

At the Final Detail Site Plan submittal, the developer shall prepare an updated traffic impact study to include all turn lanes and a signal warrant at Turbak Drive

at US 17. Before the project can receive any residential Certificates of Occupancy, and if the Traffic Impact Study shows that a signal meets the warrants at the intersection of Turbak Drive and US 17, the design, construction and installation requirements for a traffic signal at the intersection of Turbak Drive and US 17 shall be memorialized in a developer's agreement acceptable to the County.

Attachment 1

Ordinance Number 2006-067

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
OR BOOK 3009, PGS 1763-1772 10 pg(s)
INSTR # 1576514
Doc Type GOV, Recorded 07/28/2006 at 08:57 AM
Rec. Fee: \$86.50
Cashiered By: MARGEC Doc. #: 1

ORDINANCE
NUMBER 2006 - 067

AN ORDINANCE APPROVING AN AMENDMENT TO THE
CHARLOTTE COUNTY ZONING ATLAS FROM
AGRICULTURE ESTATES (AE) TO PLANNED
DEVELOPMENT (PD), FOR PROPERTY LOCATED NORTH
OF TURBAK DRIVE, SOUTH OF PEACE RIVER SHORES
BOULEVARD, EAST OF COBALT BOULEVARD AND WEST
OF DUNCAN ROAD (US 17), IN THE PUNTA GORDA AREA,
CONTAINING 138.32 ACRES MORE OR LESS; PETITION
Z-06-02-16-TDU; APPLICANT, KB HOME FORT MYERS
LLC.; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, July 18, 2006, the
Board of County Commissioners of Charlotte County ("Board") reviewed Petition
Z-06-02-16-TDU which requested a rezoning from Agriculture Estates (AE) to
Planned Development (PD) on 138.32 acres more or less of property ("Property")
owned by Tag Real Estate Corporation and Duncan/US 17 LLC ("Owners"),
whose addresses are 1133 Bal Harbor Boulevard, Suite 139, Punta Gorda,
Florida 33950, and 9696 Bonita Beach Road, Suite 120, Bonita Beach, Florida
34135, respectively, and such Property being described as located North of
Turbak Drive, South of Peace River Shores Boulevard, East of Cobalt Boulevard,
and West of Duncan Road (US 17), in the Punta Gorda area, Commission
District I, Charlotte County, Florida, more particularly described in Exhibit "A"
attached hereto and by this reference incorporated herein; and

WHEREAS, KB Home Fort Myers LLC. ("Applicant") seeks a
rezoning to Planned Development to increase the maximum allowable residential
density from 1 unit per acre to 2.6 units per acre, to allow for the development of



1 351 dwelling units, and to allow for a mixed use development including
2 residential and commercial uses on the subject site; and

3 WHEREAS, Petition Z-06-02-16-TDU has previously been heard by
4 the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on
5 the findings and analysis presented in the Planning and Zoning Division staff
6 report dated March 24, 2006, and the evidence presented to the P&Z Board, has
7 been recommended for approval with conditions; and

8 WHEREAS, after due consideration, based on the Planning &
9 Zoning Division staff report dated March 24, 2006, and the evidence presented to
10 it, the Board has found that approval of Petition Z-06-02-16-TDU is consistent
11 with the 1997-2010 Charlotte County Comprehensive Plan, and that it meets the
12 requirements for the granting of a rezoning, and;

13 WHEREAS, based on the above findings, the Board has
14 determined it to be in the best interests of the County to rezone the subject
15 property from Agriculture Estates (AE) to Planned Development (PD).

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

18 SECTION 1. The following petition for an amendment to the
19 Charlotte County Zoning Atlas is hereby approved subject to the conditions
20 contained in the attached Exhibit "B":

21 Petition Z-06-02-16-TDU requesting rezoning from
22 Agriculture Estates (AE) to Planned Development
23 (PD) for 138.32 acres more or less of property owned
24 by Tag Real Estate Corporation and Duncan/US 17
25 LLC, and described as located North of Turbak Drive,
26 South of Peace River Shores Boulevard, East of

1 Cobalt Boulevard and West of Duncan Road (US 17),
2 in the Punta Gorda area, Charlotte County, Florida,
3 and more particularly described in Exhibit "A"
4 attached hereto and incorporated herein by this
5 reference.

6
7 SECTION 2. That the zoning for this property shall run with the
8 property and shall apply to any subsequent owners, heirs and assigns.

9 SECTION 3. This ordinance shall take effect upon filing in the
10 Office of the Secretary of State, State of Florida.

11
12 PASSED AND DULY ADOPTED this 18 day of July, 2006.

13
14 BOARD OF COUNTY COMMISSIONERS
15 OF CHARLOTTE COUNTY, FLORIDA

16
17 By: Thomas G. Moore
18 Thomas G. Moore, Chairman
19
20

21 ATTEST:

22 Barbara T. Scott, Clerk of
23 Circuit Court and Ex-Officio
24 Clerk to the Board of County
25 Commissioners

26 By: Anne L. Pfahler
27 Deputy Clerk
28
29

30 APPROVED AS TO FORM
31 AND LEGAL SUFFICIENCY

32
33 By: Janette S. Knowlton by PB
34 Janette S. Knowlton, County Attorney
35
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Legal Description

(PROVIDED BY THE CLIENT)

PARCEL DESCRIBED IN O.R. 2161, PG. 1131:

PARTS OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 1, AND THE NORTH 1/2 OF THE NORTHEAST 1/2 OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 1; THENCE NORTH 89°07'22" WEST ALONG THE NORTH LIMIT OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 1, 52.29 FEET TO THE WEST LIMIT OF U.S. HIGHWAY 17 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL, THENCE NORTH 89°07'22" WEST ALONG THE NORTH LIMIT OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 1, 2,466.03 FEET, MORE OR LESS, TO THE EASTERLY LIMIT OF THE RIGHT-OF-WAY OF THE SEABOARD COASTLINE RAILROAD; THENCE SOUTH 03°02'35" WEST ALONG THE LAST MENTIONED LIMIT, 2,219.0 FEET, MORE OR LESS, TO THE CENTER LINE OF LEE'S BRANCH; THENCE NORTHEASTERLY ALONG SAID CENTER LINE OF LEE'S BRANCH, 3,108.0 FEET, MORE OR LESS TO THE WEST RIGHT-OF-WAY LIMIT OF U.S. HIGHWAY 17; THENCE NORTH 0°28'49" EAST ALONG THE LAST MENTIONED LIMIT 573.34 FEET, MORE OR LESS TO THE POINT OF BEGINNING. SUBJECT TO RESTRICTIONS, RESERVATIONS, AND EASEMENTS OF RECORD.

ALSO

PARCEL A

A PARCEL OF LAND LYING WITHIN SECTION 1, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS: FROM THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEAR NORTH 00 DEGREES 19' 45" EAST, ALONG THE EAST LINE OF SECTION 12, A DISTANCE OF 150.00 FEET; THENCE SOUTH 88 DEGREES 55' 19" WEST, A DISTANCE OF 50.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY 17, (STATE ROAD 35); THENCE NORTH 00 DEGREES 19' 45" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE 1174.68 FEET TO THE SOUTH LINE OF SECTION 1 AND TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEGREES 23' 02" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 300.00 FEET; THENCE NORTH 89 DEGREES 36' 58" WEST, A DISTANCE OF 200.00 FEET; THENCE NORTH 00 DEGREES 23' 02" EAST, TO A POINT IN THE CENTER OF LEE BRANCH CREEK, THENCE SOUTHWESTERLY, MEANDERING THE CENTER OF SAID CREEK, TO THE SOUTH LINE OF SAID SECTION 1; THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID SECTION 1 TO THE SAID WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 17 AND TO THE POINT OF BEGINNING.

AND

PARCEL B

A PARCEL OF LAND IN SECTIONS 1 AND 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, DESCRIBED AS FOLLOWS: COMMENCE AT THE S.E. CORNER OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 12; THENCE N 0 DEGREES 19' 45" EAST, ALONG THE EAST LINE OF SECTION 12, FOR A DISTANCE OF 150.00 FEET; THENCE S 88 DEGREES 55' 19" W, 50.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO-35 (U.S. HIGHWAY 17) FOR A POINT OF BEGINNING; THENCE N 0 DEGREES 19' 45" E, ALONG SAID RIGHT-OF-WAY LINE, 1174.68' TO THE NORTH LINE OF SAID SECTION 12; THENCE N 0 DEGREES 23' 02" E, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 35, FOR A DISTANCE OF 300.00'; THENCE LEAVING SAID RIGHT-OF-WAY LINE, N 89 DEGREES 36' 58" W, 200.00

EXHIBIT A

FEET; THENCE N 0 DEGREES 23' 02" E TO A POINT IN THE CENTERLINE OF LEE BRANCH; THENCE SOUTHWESTERLY MEANDERING SAID CENTERLINE OF LEE BRANCH TO THE WESTERLY BOUNDARY OF THE NE 1/4 OF SAID SECTION 12; THENCE SOUTHERLY ALONG SAID WESTERLY BOUNDARY OF NE 1/4 OF SECTION 12 FOR A DISTANCE OF 300 FEET MORE OR LESS TO THE SW CORNER OF THE NW 1/4 OF THE NE 1/4 OF SECTION 12; THENCE S 88 DEGREES 55' 19" E, ALONG THE SOUTH LINE OF SAID NW 1/4 OF THE NE 1/4 OF SECTION 12 TO THE SOUTHEASTERLY RIGHT-OF-WAY OF COUNTY ROAD (TURBAK ROAD - 60 FOOT RIGHT-OF-WAY); THENCE NORTHEASTERLY AND EASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID TURBAK ROAD TO THE WEST RIGHT-OF-WAY OF SAID STATE ROAD NO. 35 AND THE POINT OF BEGINNING.

LESS R/W FOR SEABOARD COASTLINE RAILROAD R/W IN THE NW 1/4 OF THE NE 1/4 OF SAID SECTION 12. LESS ALSO THE 60' R/W FOR TURBAK ROAD.

AND SUBJECT TO RESERVATION IN T.I.I.F. DEED IN SECTION 1 AND 12 ALONG THE EASTERLY 50' ALONG STATE ROAD NO 35. ALL LYING AND BEING IN SECTIONS 1 AND 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING PARCEL:

A PARCEL OF LAND LYING WITHIN SECTION 1, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS: FROM THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEAR NORTH 00 DEGREES 19' 45" EAST, ALONG THE EAST LINE OF SECTION 12, A DISTANCE OF 150.00 FEET; THENCE SOUTH 88 DEGREES 55' 19" WEST, A DISTANCE OF 50.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY 17, (STATE ROAD 35); THENCE NORTH 00 DEGREES 19' 45" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE 1174.68 FEET TO THE SOUTH LINE OF SECTION 1 AND TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEGREES 23' 02" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 300 FEET; THENCE NORTH 89 DEGREES 36' 58" WEST, A DISTANCE OF 200.00 FEET; THENCE NORTH 00 DEGREES 23' 02" EAST, TO A POINT IN THE CENTER OF LEE BRANCH CREEK, THENCE SOUTHWESTERLY, MEANDERING THE CENTER OF SAID CREEK; TO THE SOUTH LINE OF SAID SECTION 1; THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID SECTION 1 TO THE SAID WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 17 AND TO THE POINT OF BEGINNING.

PARCELS A AND B CAN ALSO BE DESCRIBED AS:

A PARCEL OF LAND IN SECTIONS 1 AND 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.E. CORNER OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 12: THENCE N 0 DEGREES 19' 45" EAST, ALONG THE EAST LINE OF SECTION 12, FOR A DISTANCE OF 150.00'; THENCE S 88 DEGREES 55' 19" W, 50.00' TO THE WEST R/W LINE OF STATE ROAD NO. 35 (U.S. 17) FOR A POINT OF BEGINNING; THENCE N 0 DEGREES 19' 45" E, ALONG SAID R/W, 1174.68' TO THE NORTH LINE OF SAID SECTION 12; THENCE N 0 DEGREES 23' 02" E, CONTINUING ALONG SAID WESTERLY R/W LINE OF STATE ROAD NO: 35, FOR A DISTANCE OF 300.00' THENCE LEAVING SAID R/W N 89 DEGREES 36' 58" W, 200.00'; THENCE N 0 DEGREES 23' 02" E TO A POINT IN THE CENTERLINE OF LEE BRANCH; THENCE SOUTHWESTERLY MEANDERING SAID CENTERLINE OF LEE BRANCH TO THE WESTERLY BOUNDARY OF THE NE 1/4 OF SAID SECTION 12; THENCE SOUTHERLY ALONG SAID WESTERLY BOUNDARY OF NE 1/4 OF SECTION 12 FOR A DISTANCE OF 300' MORE OR LESS TO THE SW CORNER OF THE NW 1/4 OF THE NE 1/4 OF SECTION 12; THENCE S 88 DEGREES 55' 19" E, ALONG THE SOUTH LINE OF SAID NW 1/4 OF THE NE 1/4 OF SECTION 12 TO THE SOUTHEASTERLY R/W OF COUNTY ROAD (TURBAK ROAD - 60' R/W); THENCE NORTHEASTERLY AND EASTERLY ALONG THE SOUTHERLY R/W OF SAID TURBAK ROAD TO THE WEST RAP OF SAID STATE ROAD NO. 35 AND THE POINT OF BEGINNING.

LESS R/W FOR SEABOARD COASTLINE RAILROAD R/W W IN THE NW 1/4 OF THE NE 1/4 OF SAID SECTION 12. LESS ALSO THE 60' R/W FOR TURBAK ROAD.

AND SUBJECT TO RESERVATION IN T.J.I.F. DEED IN SECTION 1 AND 12 ALONG THE EASTERLY 50' ALONG STATE ROAD NO 35. ALL LYING AND BEING IN SECTIONS 1 AND 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

CONDITIONS:

- a. Development on the subject property shall occur as generally illustrated in the PD Concept Plan submitted by the applicant, prepared by Banks Engineering, Inc, dated January 18, 2006, except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the DRC conditions of approval per the letter dated February 14, 2006, are required to be met. The total commercial area shall be 2.87± acres and the total residential/open space area shall be 135.45± acres. Areas indicated for single-family development will be developed as such. Residential development standards shall be as indicated on the PD Concept Plan submitted by the applicant, with minor modifications allowed to increase lot sizes.
- b. The subject property currently retains 135 units of density. The applicant is proposing to develop 351 units total. The subject property will require a total of 216 units of transferred density. The transfer of density units must be approved by the Board of County Commissioners prior to Preliminary Plat application or Final DRC application, whichever shall occur first.
- c. A release letter from U.S. Fish and Wildlife Service (FWS) regarding the scrub jay habitat mitigation must be submitted to the Community Development Department prior to Preliminary Plat application or Final DRC application, whichever shall occur first.
- d. No development shall occur prior to Final DRC approval.
- e. Within the commercial portion,
 - i. The permitted uses and structures, permitted accessory uses and structures, prohibited uses and structures, and special exceptions shall following those in the Commercial Neighborhood zoning district.
 - ii. Development standards shall meet those of the Commercial Neighborhood zoning district.
 - iii. At a minimum, two (2) vehicular entries to the commercial area are required. The main entry shall be located on the southern side; and the secondary entry shall be located on the western side.
 - iv. The commercial portion is subject to the provisions of Chapter 3-5, Article XXIV, Commercial Design Standards, of the Charlotte County Code. All buildings within this portion shall build to the same architectural style.
 - v. Exterior signage will consist of one landscaped, monument style sign. Lighting shall be from an external source. All other signage shall be in compliance with the existing County Sign Ordinance, Section 3-9-95.
 - vi. Commercial buildings shall face Duncan Road (U.S.17), and the parking area shall be in the front of the commercial buildings facing U.S.17.
 - vii. Landscaping around the buildings and parking lot shall meet the landscape requirements of Chapter 3-5, Article XVIII, Landscaping and Buffering, of the Charlotte County Code. At a minimum, a Type "C" buffer must be provided around the commercial site, except for clear areas necessitated by sight triangles for vehicles exiting and entering site. A wall at least 6 feet in height that shall be placed along the internal boundary of the western side of the commercial area to buffer the adjacent residential units. The developer or staff can request a modification of this buffer requirement, which will be considered a minor modification to this

EXHIBIT B

condition. Landscaping will be placed on the exterior and interior side of the wall with the majority of landscaping be placed on the exterior wall adjacent to the residential area.

- f. For the residential portion of the site,
 - i. Common areas shall have perimeter landscaping.
 - ii. A Type "C" buffer must be provided around the clubhouse and pool area as it considered to be similar to an "active use park".
 - iii. A Type "B" buffer with an opaque structure, such as a wall of at least 6 feet in height, is required along western side of the subject property bordering Seaboard Coastline Railroad.
 - iv. A Type "A" buffer is required along the northern and southern side of the property bordering the RSF3.5 and MHC zoned properties.
 - v. A Type "A" buffer with an opaque structure, such as a wall of at least 6 feet in height, is required along U.S. 17.
- g. Dumpsters must be contained within an opaque, gated enclosure which must be painted or otherwise decorated consistent with the coloration/decoration scheme of the parent structure.
- h. A development timeline and phasing plan for the entire PD shall be submitted prior to Final DRC approval.
- i. The maximum building height is 38 feet from the base flood elevation.
- j. All roads within the development area shall be constructed to Charlotte County Standards. Following Final DRC approval, the developer, and subsequently, the homeowner's association, of the PD is required to maintain all private roads within the development area. Any roads which will be public must be dedicated to the County.
- k. The developer shall minimize impervious surfaces within the development wherever practicable.
- l. The development must comply with Chapter 3-2, Article IX, Tree Requirements, of the Charlotte County Code. All heritage trees shall be preserved unless the applicant can provide substantial evidence that such preservation will cause the development of the site to be severely hindered. Should any heritage tree be removed, the applicant will plant a sufficient number of trees of the same species to equal the girth of the tree removed. These trees will not be counted as part of the points needed for development but in addition to those trees needed for points.
- m. The developer shall obtain an incidental take permit for gopher tortoise, but all gopher tortoises shall be relocated to areas of suitable habitat on the subject property, which areas shall be preserved through a Conservation Easement and no development allowed.
- n. All commonly owned land of the Planned Development site shall be developed with a unified landscaping theme.
- o. Only Florida Friendly plantings and/or xeriscaping shall be allowed for landscape plantings within the residential and commercial public accessible areas. The developer shall also make every effort to ensure that residential property owners within the development also utilize Florida Friendly plantings and xeriscape landscaping. Landscaping of areas accessible to the public must be done under a

unified theme for the entire Planned Development site. The developer is required to remove exotic/nuisance species from the subject property.

- p. All improved vegetation must be irrigated as necessary to ensure survival. The applicant shall plan for non-potable water utilization when extending water and sewer lines to the site and shall utilize the non-potable water for common area and private irrigation throughout the subject property when made available by the utility.
- q. Measures to limit pollution run-off into Lee Branch must be outlined by the applicant and submitted to the Comprehensive Planning Section of the Community Development Department for review and approval with the Final DRC application. All property owners must be made aware of the pollution control measures and those measures made a part of the homeowner's association by-laws or restrictive covenant.
- r. The developer shall obtain stormwater approval prior to final DRC approval. Applicable SWFWMD and Army Corp. permits must be obtained prior to the commencement of development. All stormwater facilities must be designed to protect groundwater and surface water resources.
- s. The developer shall outline steps to ensure the survival of wetlands on the subject property, scrub jay habitat, and reduce the impact to wetlands on adjacent parcels. These steps must be executed in concurrence with the development activities associated with the property. This outline is required prior to Final DRC approval and approval of these steps shall be part of the approval for Final DRC.
- t. The developer shall maintain hydrogeology to all of the wetlands. The project must comply with Chapter 3-5, Article XV, Upland Buffer Zone requirements of the County Code. A naturally vegetated upland buffer zone shall be preserved along the perimeter of all wetlands and natural surface waters to the edge of development. The buffer shall be average twenty-five (25) feet, but no less than fifteen (15) feet, in width as measured from the landward limit of the wetland or surface water.
- u. A Conservation Easement preserving all wetlands and associated uplands in perpetuity shall be dedicated to the County. A copy of the easement shall be sent to the County Attorney's office as well as the Comprehensive Planning Section of the Community Development Department for review and approval prior to being filed with the Clerk of the Circuit Court. The filing shall be completed prior to Preliminary Plat application or Final DRC application, whichever shall occur first.
- v. The applicant must comply with Chapter 3-5, Article XVIII, Landscaping and Buffer Requirements, of the County Code, by providing an eight-foot (8') wide perimeter landscaping strip along all County right-of-ways.
- w. The development must utilize potable water and sanitary sewer utilities. The water and sanitary sewer lines must be connected and capacity available to serve the site before any certificates of occupancy shall be issued.
- x. The developer is required to provide a sidewalk throughout the subject site, with a minimum width of five (5) feet along all internal roadways. If no sidewalk currently exists along U.S 17, an eight (8)-foot wide sidewalk is required along the main road from the main entrance of the site to the first intersection and along the front property line on Duncan Road (U.S.17), and this sidewalk may be constructed within the 25-foot setback. The developer shall coordinate with the Department of Public Works.
- y. There are two vehicle entrances located on U.S.17, one secondary vehicle entry located on Turbak Road, and one secondary vehicle entry located on Organic Road.

The vehicular entrances located on U.S.17 shall each be allowed a maximum of one (1) monument sign with the name of the development; the secondary entrances shall not contain signage.

- z. A detailed plan for the recreation areas shall be submitted for approval prior to Final DRC approval. According to the developer, both the .81± acre and 1.84± recreation areas will contain a clubhouse, swimming pool and tennis courts. 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.
- aa. The applicant shall work with the School Board to provide pick up and drop off for the community. Should the pick up and drop off point be located at the entrance of the development, the developer shall provide adequate means for traffic circulation at the entrance. A bicycle rack and a shelter for the children are required at the pick-up area(s). This addition must be shown on the Final DRC plan for approval.

Attachment 2

Ordinance Number 2014-018

ORDINANCE
NUMBER 2014 - 018

AN ORDINANCE APPROVING AN AMENDMENT TO THE CHARLOTTE COUNTY ZONING ATLAS FROM PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT (PD), WHICH IS A MAJOR MODIFICATION TO THE EXISTING PLANNED DEVELOPMENT (PD) TO REVISE THE SITE PLAN AND CONDITIONS OF APPROVAL, FOR PROPERTY LOCATED NORTH OF TURBAK DRIVE, SOUTH OF PEACE RIVER SHORES BOULEVARD, EAST OF COBALT BOULEVARD, AND WEST OF DUNCAN ROAD (US 17), CONTAINING 138.32 ACRES MORE OR LESS, IN THE PUNTA GORDA AREA, COMMISSION DISTRICT I, CHARLOTTE COUNTY, FLORIDA; PETITION Z-14-02-02; APPLICANT, TAG CONSULTANTS, LLC; PROVIDING AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3872, PGS 248-256 9 pg(s)
INSTR # 2269947
Doc Type GOV, Recorded 05/29/2014 at 12:38 PM
Rec. Fee: \$78.00
Cashiered By: VERONICA Doc. # 3

RECITALS

WHEREAS, in a public hearing held on July 18, 2006, the Board of County Commissioners of Charlotte County, Florida ("Board") adopted Ordinance Number 2006-067 approving Petition Z-06-02-16-TDU, submitted by the applicant, KB Home Fort Myers LLC, which requested an amendment to the Charlotte County Zoning Atlas from Agricultural Estates (AE) to Planned Development (PD) on 138.32 acres more or less of property owned at the time by Tag Real Estate Corporation and Duncan/US 17 LLC, described as property located North of Turbak Drive, South of Peace River Shores Boulevard, East of Cobalt Boulevard, and West of Duncan Road (US 17), in the Punta Gorda area ("Property"), Commission District I, Charlotte County, Florida, and more particularly described in Exhibit "A" attached hereto and by this reference provided herein; and

1 WHEREAS, the Property described above is now owned by TAG
2 Real Estate Corp and TECTO USA Corp ("Owners") and at this time, applicant
3 TAG Consultants, LLC ("Applicant") is seeking a major modification to the
4 Planned Development (PD) rezoning as described in Ordinance 2006-067, and
5 to revise the site plan and conditions of approval as provided in Ordinance
6 Number 2006-067, in order to allow for a mixed-use development which includes
7 the residential development of 303 residential units and neighborhood
8 commercial uses on the site; and

9 WHEREAS, pursuant to the requirements of Charlotte County's
10 Land Development Regulations, Section 3-9-49(d)(5)f.(2) Major Modification, in
11 order for Applicant to be allowed to revise a site plan and the conditions of
12 approval of the previously approved PD, Applicant must apply for a new PD
13 rezoning; and

14 WHEREAS, in a public hearing held on Tuesday, May 27, 2014, the
15 Board reviewed Petition Z-14-02-02, submitted by Applicant, which requested a
16 rezoning from Planned Development (PD) to Planned Development (PD) on the
17 Property as described above and more particularly described in Exhibit "A"; and

18 WHEREAS, Petition Z-14-02-02 has previously been heard by the
19 Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the
20 findings and analysis presented in the Planning and Zoning Division staff report
21 dated April 1, 2014, revised on April 14, 2014, and the evidence presented to the
22 P&Z Board, has been recommended for approval; and

1 WHEREAS, after due consideration, based on the Planning &
2 Zoning Division staff report dated April 1, 2014, revised on April 14, 2014, and
3 the evidence presented to it, the Board has found that approval of Petition
4 Z-14-02-02 is consistent with the Smart Charlotte 2050 Comprehensive Plan,
5 and that it meets the requirements for the granting of a rezoning; and

6 WHEREAS, based on the above findings, the Board has
7 determined it to be in the best interests of the County to approve the major
8 modification and to rezone the subject property from Planned Development (PD)
9 to Planned Development (PD).

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

12 SECTION 1. The following petition for an amendment to the
13 Charlotte County Zoning Atlas is hereby approved subject to the conditions
14 contained in the attached Exhibit "B":

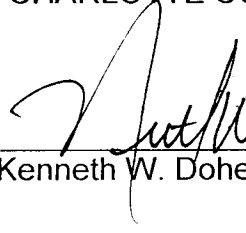
15 Petition Z-14-02-02 requesting a major modification
16 and rezoning from Planned Development (PD) to
17 Planned Development (PD) for 138.32 acres more or
18 less of property owned by TAG Real Estate Corp and
19 TECTO USA Corp, described as located North of
20 Turbak Drive, South of Peace River Shores
21 Boulevard, East of Cobalt Boulevard, and West of
22 Duncan Road (US 17), in the Punta Gorda area,
23 Commission District I, Charlotte County, Florida, and
24 more particularly described in Exhibit "A".
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27 SECTION 2. That the zoning for this property shall run with the
28 property and shall apply to any subsequent owners, heirs and assigns.

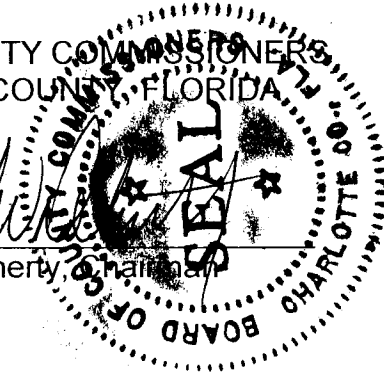
1 SECTION 3. This ordinance shall take effect upon filing in the
2 Office of the Secretary of State, State of Florida.

3
4 PASSED AND DULY ADOPTED this 27TH day of MAY, 2014.

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6
7 BOARD OF COUNTY COMMISSIONERS
8 OF CHARLOTTE COUNTY, FLORIDA

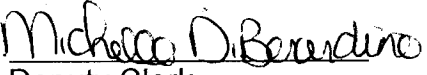
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10
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12 By: 

13 Kenneth W. Doherty, Chairman
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16



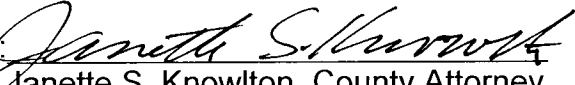
17 ATTEST:

18 Barbara T. Scott, Clerk of
19 Circuit Court and Ex-Officio
20 Clerk to the Board of County
21 Commissioners
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23
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25 By: 

26 Deputy Clerk
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30 APPROVED AS TO FORM
31 AND LEGAL SUFFICIENCY:
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33

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35 By: 

36 Janette S. Knowlton, County Attorney
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39 LR2014-2813
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DESCRIPTION

(PROVIDED BY THE CLIENT)

Exhibit "A"

PARCEL DESCRIBED IN O.R. 2162, PG. 1131:

PARTS OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 1, AND THE NORTH 1/2 OF THE NORTHEAST 1/2 OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 1; THENCE NORTH 89°07'22" WEST ALONG THE NORTH LIMIT OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 1, 52.29 FEET TO THE WEST LIMIT OF U.S. HIGHWAY 17 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL, THENCE NORTH 89°07'22" WEST ALONG THE NORTH LIMIT OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 1, 2,466.03 FEET, MORE OR LESS, TO THE EASTERLY LIMIT OF THE RIGHT-OF-WAY OF THE SEABOARD COASTLINE RAILROAD; THENCE SOUTH 03°02'35" WEST ALONG THE LAST MENTIONED LIMIT, 2,219.0 FEET, MORE OR LESS, TO THE CENTER LINE OF LEE'S BRANCH; THENCE NORTHEASTERLY ALONG SAID CENTER LINE OF LEE'S BRANCH, 3,108.0 FEET, MORE OR LESS TO THE WEST RIGHT-OF-WAY LIMIT OF U.S. HIGHWAY 17; THENCE NORTH 0°28'49" EAST ALONG THE LAST MENTIONED LIMIT 573.34 FEET, MORE OR LESS TO THE POINT OF BEGINNING. SUBJECT TO RESTRICTIONS, RESERVATIONS, AND EASEMENTS OF RECORD.

ALSO

PARCEL A

A PARCEL OF LAND LYING WITHIN SECTION 1, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS: FROM THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEAR NORTH 00 DEGREES 19' 45" EAST, ALONG THE EAST LINE OF SECTION 12, A DISTANCE OF 150.00 FEET; THENCE SOUTH 88 DEGREES 55' 19" WEST, A DISTANCE OF 50.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY 17, (STATE ROAD 35); THENCE NORTH 00 DEGREES 19' 45" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE 1174.68 FEET TO THE SOUTH LINE OF SECTION 1 AND TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEGREES 23' 02" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 300.00 FEET; THENCE NORTH 89 DEGREES 36' 58" WEST, A DISTANCE OF 200.00 FEET; THENCE NORTH 00 DEGREES 23' 02" EAST, TO A POINT IN THE CENTER OF LEE BRANCH CREEK, THENCE SOUTHWESTERLY, MEANDERING THE CENTER OF SAID CREEK, TO THE SOUTH LINE OF SAID SECTION 1; THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID SECTION 1 TO THE SAID WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 17 AND TO THE POINT OF BEGINNING.

AND

PARCEL B

A PARCEL OF LAND IN SECTIONS 1 AND 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, DESCRIBED AS FOLLOWS: COMMENCE AT THE S.E. CORNER OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 12: THENCE N 0 DEGREES 19' 45" EAST, ALONG THE EAST LINE OF SECTION 12, FOR A DISTANCE OF 150.00 FEET; THENCE S 88 DEGREES 55' 19" W, 50.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO-35 (U.S. HIGHWAY 17) FOR A POINT OF BEGINNING; THENCE N 0 DEGREES 19' 45" E, ALONG SAID RIGHT-OF-WAY LINE, 1174.68' TO THE NORTH LINE OF SAID SECTION 12; THENCE N 0 DEGREES 23' 02" E, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 35, FOR A DISTANCE OF 300.00'; THENCE LEAVING SAID RIGHT-OF-WAY LINE, N 89 DEGREES 36' 58" W, 200.00 FEET; THENCE N 0 DEGREES 23' 02" E TO A POINT IN THE CENTERLINE OF LEE BRANCH; THENCE SOUTHWESTERLY MEANDERING SAID CENTERLINE OF LEE BRANCH TO THE WESTERLY BOUNDARY OF THE NE 1/4 OF SAID SECTION 12; THENCE SOUTHERLY ALONG SAID WESTERLY BOUNDARY OF NE 1/4 OF SECTION 12 FOR A DISTANCE OF 300 FEET MORE OR LESS TO THE SW CORNER OF THE NW 1/4 OF THE NE 1/4 OF SECTION 12; THENCE S 88 DEGREES 55' 19" E, ALONG THE SOUTH LINE OF SAID NW 1/4 OF THE NE 1/4 OF SECTION 12 TO THE SOUTHEASTERLY RIGHT-OF-WAY OF COUNTY ROAD (TURBAK ROAD - 60 FOOT RIGHT-OF-WAY); THENCE NORTHEASTERLY AND EASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID TURBAK ROAD TO THE WEST RIGHT-OF-WAY OF SAID STATE ROAD NO. 35 AND THE POINT OF BEGINNING.

LESS R/W FOR SEABOARD COASTLINE RAILROAD R/W IN THE NW 1/4 OF THE NE 1/4 OF SAID SECTION 12. LESS ALSO THE 60' R/W FOR TURBAK ROAD.

AND SUBJECT TO RESERVATION IN T.I.I.F. DEED IN SECTION 1 AND 12 ALONG THE EASTERLY 50' ALONG STATE ROAD NO 35. ALL LYING AND BEING IN SECTIONS 1 AND 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING PARCEL:

A PARCEL OF LAND LYING WITHIN SECTION 1, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS: FROM THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEAR NORTH 00 DEGREES 19' 45" EAST, ALONG THE EAST LINE OF SECTION 12, A DISTANCE OF 150.00 FEET; THENCE SOUTH 88 DEGREES 55' 19" WEST, A DISTANCE OF 50.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY 17, (STATE ROAD 35); THENCE NORTH 00 DEGREES 19' 45" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE 1174.68 FEET TO THE SOUTH LINE OF SECTION 1 AND TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEGREES 23' 02" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 300 FEET; THENCE NORTH 89 DEGREES 36' 58" WEST, A DISTANCE OF 200.00 FEET; THENCE NORTH 00 DEGREES 23' 02" EAST, TO A POINT IN THE CENTER OF LEE BRANCH CREEK, THENCE SOUTHWESTERLY, MEANDERING THE CENTER OF SAID CREEK, TO THE SOUTH LINE OF SAID SECTION 1; THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID SECTION 1 TO THE SAID WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 17 AND TO THE POINT OF BEGINNING.

PARCELS A AND B CAN ALSO BE DESCRIBED AS:

A PARCEL OF LAND IN SECTIONS 1 AND 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.E. CORNER OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 12: THENCE N 0 DEGREES 19' 45" EAST, ALONG THE EAST LINE OF SECTION 12, FOR A DISTANCE OF 150.00'; THENCE S 88 DEGREES 55' 19" W, 50.00' TO THE WEST R/W LINE OF STATE ROAD NO. 35 (U.S. 17) FOR A POINT OF BEGINNING; THENCE N 0 DEGREES 19' 45" E, ALONG SAID R/W, 1174.68' TO THE NORTH LINE OF SAID SECTION 12; THENCE N 0 DEGREES 23' 02" E, CONTINUING ALONG SAID WESTERLY R/W LINE OF STATE ROAD NO: 35, FOR A DISTANCE OF 300.00' THENCE LEAVING SAID R/W N 89 DEGREES 36' 58" W, 200.00'; THENCE N 0 DEGREES 23' 02" E TO A POINT IN THE CENTERLINE OF LEE BRANCH; THENCE SOUTHWESTERLY MEANDERING SAID CENTERLINE OF LEE BRANCH TO THE WESTERLY BOUNDARY OF THE NE 1/4 OF SAID SECTION 12; THENCE SOUTHERLY ALONG SAID WESTERLY BOUNDARY OF NE 1/4 OF SECTION 12 FOR A DISTANCE OF 300' MORE OR LESS TO THE SW CORNER OF THE NW 1/4 OF THE NE 1/4 OF SECTION 12; THENCE S 88 DEGREES 55' 19" E, ALONG THE SOUTH LINE OF SAID NW 1/4 OF THE NE 1/4 OF SECTION 12 TO THE SOUTHEASTERLY R/W OF COUNTY ROAD (TURBAK ROAD - 60' R/W); THENCE NORTHEASTERLY AND EASTERLY ALONG THE SOUTHERLY R/W OF SAID TURBAK ROAD TO THE WEST RAP OF SAID STATE ROAD NO. 35 AND THE POINT OF BEGINNING.

LESS R/W FOR SEABOARD COASTLINE RAILROAD R/W W IN THE NW 1/4 OF THE NE 1/4 OF SAID SECTION 12. LESS ALSO THE 60' R/W FOR TURBAK ROAD.

AND SUBJECT TO RESERVATION IN T.I.I.F. DEED IN SECTION 1 AND 12 ALONG THE EASTERLY 50' ALONG STATE ROAD NO 35. ALL LYING AND BEING IN SECTIONS 1 AND 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

Exhibit "B"

Petition Z-14-02-02 Planned Development (PD) Conditions:

- a. Development on the subject property shall occur as generally illustrated in the PD Concept Plan submitted by the applicant, prepared by Banks Engineering, Inc., dated January 28, 2014, revised on April 1, 2014, except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the Site Plan Review (Petition Number DRC-PD-14-01) conditions of approval per the letter dated February 10, 2014, are required to be met. The total commercial area shall be 2.87± acres and the total residential/open space area shall be 135.45± acres. Areas indicated for single-family development will be developed as such. Residential development standards shall be as indicated on the PD Concept Plan submitted by the applicant, with minor modifications allowed to increase lot sizes.
- b. The subject property currently retains 135 units of density. The applicant is proposing to develop 303 units total. The subject property will require a total of 168 units of transferred density. The transfer of density units must be approved by the Board of County Commissioners prior to Preliminary Plat application or Final Detail Site Plan application, whichever shall occur first.
- c. Approval of the proposed development by the U.S. Fish and Wildlife Service (FWS) regarding the Florida Scrub Jay habitat mitigation must be submitted to the Community Development Department prior to the commencement of development activities on site.
- d. No development shall occur prior to Final Detail Site Plan approval.
- e. Within the commercial portion:
 - i. The permitted uses and structures, permitted accessory uses and structures, prohibited uses and structures, and special exceptions shall follow those in the Commercial Neighborhood zoning district.
 - ii. Development standards shall meet those of the Commercial Neighborhood zoning district.
 - iii. At a minimum, two (2) vehicular entries to the commercial area are required. The main entry shall be located on the southern side; and the secondary entry shall be located on the western side.
 - iv. The commercial portion is subject to the provisions of Chapter 3-5, Article XXIV, Commercial Design Standards, of the Charlotte County Code. All buildings within this portion of the site shall be designed and constructed in a uniform architectural style.
 - v. Exterior signage will consist of one landscaped, monument style sign. Lighting shall be from an external source. All other signage shall be in compliance with the existing County Sign Ordinance, Section 3-9-95.
 - vi. Commercial buildings shall face Duncan Road (U.S.17), and the parking area shall be in the front of the commercial buildings facing U.S.17.
 - vii. Landscaping around the buildings and parking lot shall meet the landscape requirements of Chapter 3-5, Article XVIII, Landscaping and Buffering, of the Charlotte County Code. At a minimum, a Type "C" buffer must be provided

around the commercial site, except for clear areas necessitated by sight triangles for vehicles exiting and entering site.

- f. For the residential portion of the site:
 - i. Common areas shall have perimeter landscaping.
 - ii. A Type "C" buffer must be provided around the clubhouse and pool area along the west boundary only as is considered to be similar to an "active use park". These uses shall be located within an Amenity Area shown on the Concept Plan.
 - iii. A Type "B" buffer is required along the northern, southern and western side of the property bordering the RSF3.5 and MHC zoned properties except where a 200 foot preserve is provided.
 - iv. A Type "B" buffer is required along U.S. 17.
 - v. A Type "D" buffer must be provided around the outside storage area, containing two acres, shown on the Concept Plan, except for the perimeters facing north and west towards the area designated for preservation.
- g. Dumpsters must be contained within an opaque, gated enclosure which must be painted or otherwise decorated consistent with the coloration/decoration scheme of the parent structure.
- h. A development timeline and phasing plan for the entire PD shall be submitted with the Final Detail Site Plan application.
- i. The maximum building height is 38 feet from the base flood elevation.
- j. All roads within the development area shall be constructed to Charlotte County Standards. Following Final Detail Site Plan approval, the developer, and subsequently, the homeowner's association, of the PD is required to maintain all private roads within the development area. Any roads which will be public must be dedicated to the County.
- k. A 5-foot wide pathway will be constructed along one side of the main looped streets, excluding the cul-de-sacs, by extending the pavement width of the streets, dividing the street from the pathway with a painted yellow stripe and periodically marking the pathway as "Walkway Only."
- l. The developer shall minimize impervious surfaces within the development wherever feasible.
- m. The development must comply with Chapter 3-2, Article IX, Tree Requirements, of the Charlotte County Code. All heritage trees shall be preserved unless the applicant can provide substantial evidence that such preservation will cause the development of the site to be severely hindered. Should it be necessary, for any heritage tree to be removed, the applicant shall plant a sufficient number of trees of the same species to equal the caliper inches of the tree removed. These trees will not be counted as part of the points needed for development but in addition to those trees needed for points. If the terms of this condition conflict with any conditions set by the U.S. Fish and Wildlife Service (FWS), the FWS conditions shall prevail.

- n. The developer shall pursue onsite relocation for gopher tortoises in the relocation area up to the maximum density allowed by the Florida Fish and Wildlife Conservation Commission guidelines prior to pursuit of an off-site relocation permit.
- o. All commonly owned land of the Planned Development site shall be developed with a unified landscaping theme.
- p. Only Florida Friendly plantings shall be allowed in landscaping within the residential and commercial publicly accessible areas. The developer shall also make every effort to ensure that residential property owners within the development also utilize Florida Friendly plantings and landscaping. Landscaping of areas accessible to the public must be done under a unified theme for the entire Planned Development site.
- q. All improved vegetation must be irrigated as necessary to ensure survival. The applicant shall plan for non-potable water utilization when extending water and sewer lines to the site and shall utilize the non-potable water for common area and private irrigation throughout the subject property when made available by the utility provider.
- r. The developer shall outline steps to ensure the survival and preservation of scrub jay habitat on the subject property. These steps must be executed in concurrence with the development activities associated with the property. This outline is required prior to Final Detail Site Plan approval and approval of these steps shall be part of the approval for Final Detail Site Plan. Approval by the U.S. Fish and Wildlife Service of a Habitat Conservation Plan for the onsite preserve area shall satisfy this condition.
- s. The developer shall maintain pre-development hydrology to all wetlands. The project must comply with Chapter 3-5, Article XV, Upland Buffer Zone requirements of the County Code. A naturally vegetated upland buffer zone shall be preserved along the perimeter of all wetlands and natural surface waters to the edge of development. The buffer shall be an average of twenty-five (25) feet, but no less than fifteen (15) feet, in width as measured from the landward limit of the wetland or surface water.
- t. The management of the scrub jay preservation area shall be pursuant to the conditions of a Habitat Conservation Plan as approved by the U.S. Fish and Wildlife Service. If a Conservation Easement over the Scrub Jay preservation area is granted to the County, the easement must grant management authority of the preservation areas to the County along with a right of ingress and egress for management purposes and a copy of the easement shall be sent to the County Attorney's Office as well as the Zoning and Planning Section of the Community Development Department for review and approval prior to being recorded with the Clerk of the Circuit Court. The recording shall be completed prior to Preliminary Plat application or Final Detail Site Plan application, whichever shall occur first. The developer shall provide notice to homeowners that prescribed burning may occur within the County's easement. If the terms of this condition conflict with any conditions of a U.S. Fish and Wildlife Service permit addressing the same area, the conditions of the Fish and Wildlife Service permit shall prevail.
- u. A conservation easement over all wetlands and associated upland buffers located within the preservation areas shown on the Concept Plan shall be granted to Charlotte

County. A copy of the easement shall be sent to the County Attorney's Office as well as the Zoning and Planning Section of the Community Development Department for review and approval prior to being recorded with the Clerk of the Circuit Court. The recording shall be completed prior to Preliminary Plat application or Final Detail Site Plan application, whichever shall occur first. If the terms of this condition conflict with any conditions of a Southwest Florida Water Management District permit addressing the same area, the conditions of the Southwest Florida Water Management District permit shall prevail.

v. The development must utilize potable water and sanitary sewer utilities. The water and sanitary sewer lines must be connected and capacity available to serve the site before any certificates of occupancy shall be issued.

w. If no sidewalk currently exists along U.S 17, an eight (8)-foot wide sidewalk is required along the main road from the main entrance of the site to the first intersection and along the front property line on Duncan Road (U.S.17), and this sidewalk may be constructed within the 25-foot setback. The sidewalk shall be constructed at or before such time as connecting sidewalks are installed by adjacent property owners or by the County. The developer shall coordinate with the Department of Public Works.

x. There is one primary vehicle entrance located on U.S.17, one secondary vehicle entry located on Turbak Road, and one secondary vehicle entrance located on Lillis Street. The vehicular entrance located on U.S.17 shall each be allowed a maximum of one (1) monument sign with the name of the development; the secondary entrances shall not contain signage.

y. A detailed plan for the recreation/amenity area shall be submitted for approval with the Final Site Plan approval. According to the developer, the 4.36 acres recreation/amenity area may contain a clubhouse, swimming pool and tennis courts. 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.

z. If applicable, the applicant shall work with the School Board to provide pick-up and drop-off for the community. Should the pickup and drop off point be located at the entrance of the development, the developer shall provide adequate means for traffic circulation at the entrance. A bicycle rack and a shelter for the children are required at the pick-up area(s). This addition must be shown on the Final Detail Site plan for approval.

aa. The proposed residential development shall be a 55 years old or older community.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 28, 2014

Ms. Barbara T. Scott
Clerk of the Circuit Court
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948

Attention: Ms. Michelle L. DiBerardino, Deputy Clerk Commission Minutes

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2014-018, which was filed in this office on May 28, 2014.

Sincerely,

Liz Cloud
Program Administrator

LC/mrh



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

Before the undersigned authority personally appeared Holly Vinacco, who on oath says that she is legal clerk of the Charlotte Sun and Englewood Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Public Hearing, was published in said newspaper in the issues of:

May 14, 2014

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.

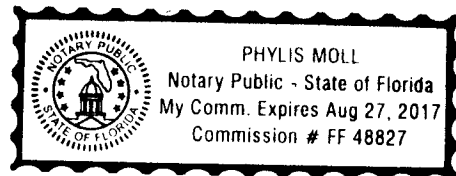
Holly Vinacco
(Signature of Affiant)

157.50

Sworn and subscribed before me this 14th day of May, 2014

Phyllis Moll
(Signature of Notary Public)

Phyllis Moll
(Print Name of Notary Public)



Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

NOTICE OF PUBLIC 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, PRELIMINARY PLATS, STREET AND PLAT VACATIONS

A PUBLIC HEARING ON PROPOSALS AND PETITIONS AS DESCRIBED BELOW WILL BE CONDUCTED BY THE BOARD OF COUNTY COMMISSIONERS AT A REGULAR LAND USE MEETING ON TUESDAY, MAY 27, 2014, AT 2:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD DURING THE COURSE OF ACTION. THE HEARING WILL BE HELD IN COMMISSION CHAMBERS, ROOM 179, FIRST FLOOR, BUILDING A, THE CHARLOTTE COUNTY ADMINISTRATION CENTER, 18300 MURDOCK CIRCLE, PORT CHARLOTTE, FLORIDA. THE PLANNING AND ZONING BOARD IS NOT BOUND TO CONSIDER THE PETITIONS IN THE ORDER LISTED IN THIS NOTICE. ANY OF THE PETITIONS MAY BE CONSIDERED AS SOON AS THE MEETING COMMENCES.

COPIES OF SAID PETITIONS WITH COMPLETE LEGAL DESCRIPTIONS AND SUBSEQUENT STATE REPORTS WILL BE AVAILABLE FOR REVIEW AT THE CHARLOTTE COUNTY BUILDING AND GROWTH MANAGEMENT DEPARTMENT, ROOM 205, AND AT THE CHARLOTTE COUNTY PUBLIC LIBRARIES. APPROXIMATE DOCUMENT FORMATS FOR PETITIONS OF ALL PETITION PATIENTS AND AN ADDRESS WITHIN PLAT WITH THE FOLLOWING INTERNET ADDRESS: <http://www.charlottecountyfl.gov/Pages/BCC-meeting-agenda.aspx>

ALL INTERESTED PERSONS ARE URGED TO ATTEND THESE PUBLIC HEARINGS. THE PUBLIC IS WELCOME TO SPEAK. THERE WILL BE A FIVE-MINUTE TIME LIMIT FOR EACH CITIZEN'S PRESENTATION ON AN AGENDA ITEM. IF YOU HAVE SPECIFIC QUESTIONS OR COMMENTS, YOU ARE ENCOURAGED TO CONTACT A STAFF PERSON AT ANY TIME IN ADVANCE OF THE PUBLIC HEARING. PLEASE CALL 941-764-4963 AND MENTION THE PETITION NUMBER OF THE MATTER YOU WISH TO DISCUSS.

PETITIONS

PA-13-10-12-LS

Legislative

Commission District 1

Pursuant to Section 163.14(4)(3), Florida Statutes, adopting a Large Scale Plan Amendment to Charlotte County Future Land Use Map to change Future Land Use from DRI Mixed-Use District to Dense Residential (DR) applying an amendment to the 2010 Future Land Use Map showing a maximum of 24 residential dwelling units on one of the property located at 12000 and 12001 Boulevard and 24051 Sycamore Boulevard in the Port Charlotte area, containing 50 acres, Commission District 1, Petition No. PA-13-10-12-LS, Applicant, Charlotte County Board of County Commissioners, providing an effective date.

Z-14-01-01

Quasi-Judicial

Commission District 111

An Ordinance pursuant to Section 225.06, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PUD) Residential Medium Density (RM25) to property located South of San Cam Drive and East of Pasado Road (CR 775) in the Unincorporated area, containing 100 acres, Commission District 111, Petition No. Z-14-01-01, Applicant, Pasado Holdings, LLC, providing an effective date.

Z-14-02-02

Quasi-Judicial

Commission District 1

A Ordinance pursuant to Section 225.06, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PUD) this is a single residential unit (R1) to property located at 12000 and 12001 Boulevard and 24051 Sycamore Boulevard in the Port Charlotte area, containing 50 acres, Commission District 1, Petition No. Z-14-02-02, Applicant, Charlotte County Board of County Commissioners, providing an effective date.

PA-13-12-14

Legislative

Countywide

Pursuant to Sections 163.31(7)(b), 163.318(4), and 163.319(6)(c), Florida Statutes, adopting a resolution to amend the Capital Improvements Plan, the Comprehensive Capital Improvements Plan, and the School Board Five Year Working Plan, Petition No. PA-13-12-14, Applicant, Charlotte County Board of County Commissioners, providing an effective date.

SHOULD ANY AGENCY OR PERSON DECIDE TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER, A CONSIDERED AT SUCH MEETING, A RECORD OF THE PROCEEDING AND FOR SUCH PURPOSE, A VERBAL 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 race, sex, or ethnicity in its programs and activities. If you are a person with a disability and need a reasonable accommodation to participate in any of the County's programs and activities, please contact the County's Disability Services Office at 941-764-4963, ext. 205, or at the County's Disability Services Office at 18300 Murdock Circle, Port Charlotte, FL 33948. The County's Disability Services Office is located at 18300 Murdock Circle, Port Charlotte, FL 33948. The County's Disability Services Office is located at 18300 Murdock Circle, Port Charlotte, FL 33948. The County's Disability Services Office is located at 18300 Murdock Circle, Port Charlotte, FL 33948.



Publish: May 15, 2014

4/26/14

Attachment 3

DRC Recommendation Letter



June 21, 2024

Banks Engineering
Attn: Heather Polito
4161 Tamiami Trl Bldg 5 Unit 501
Port Charlotte FL 33952

Re: DRC-23-00229 Lakeside Village – General PD Concept Plan
January 11, 2024 Site Plan Review agenda

County staff has reviewed the General PD Concept plan for Lakeside Village. The project consists of twenty-two buildings with 1,188 multi-family dwelling units, and an amenity area. This project site is 139.88± acres and is located at 401, 475, 551, and 601 Duncan Rd and 402312201001, Punta Gorda, FL.

It is the decision of the Zoning Official to forward DRC-23-00229 to the Board of County Commissioners with a recommendation of approval. The comments are as follows:

1. Will need unit numbers labeled on site plan come time for submittal of building permit. Unit numbers must be labeled numerically.
2. Please be aware of Accessibility and Fair Housing Act regulations.
3. Any development in floodways will require no-impact certification.
4. Not in the CCU service area. Contact US Water Services @ 888-228-2134 for availability of services.
5. The proposed General PD Concept Plan may be required to be amended as part of the PD rezoning.
6. Coordinate with FDOT for the entrance on US 17.
7. Perform Turn Lane Analysis at project entrances.
8. Perform Turn lane Analysis at Turbak Dr and US 17 and Perform signal warrant analysis at US 17 and Turbak Dr.
9. Must adhere to the native habitat management plan.
10. Fire hydrant required to within 300' of each building.

11. If the building(s) is required to have a fire sprinkler system then the FDC (Fire Dept. Connection) shall be within 100' of the fire hydrant.
12. Per Charlotte County Ordinance 3-3-4 (5) Fire hydrants shall be installed as may be necessary so that the distance between hydrants does not exceed 800 feet. The minimum flow from any hydrant shall be such that it is designed to deliver 1250 G.P.M. at 20 pounds P.S.I. residual pressure for a minimum of two hours.
13. FDC shall be a 5" storz connection with a height of 30" above finish grade and at a 30-degree angle.
14. Roadways shall be at least 20' wide of clear space for fire department access.
15. Gates/access arms shall be installed with an EVAC System for emergency operation use.
16. Must show proof of approved utilities (sewer and water) availability.
17. No information has been provided regarding proposed PD conditions for the site. Landscaping, buffers, and tree requirements must be consistent with the conditions established in the PD rezoning and meet all applicable regulations of Section 3-9-100: Buffers, Landscaping, and Tree Requirements.
18. A full landscape plan will be required for review at the time of Final PD Detail.
19. Additional review will be required as part of PD Final Detail.
20. Preliminary not well defined, boundary needs boundary survey.
21. As long as there will be no encroachment in the northern portion of the northern parcel, Real Estate Services has no objections.
22. Please be advised that the subject project will require Stormwater Plan Approval per Charlotte County Stormwater Management Ordinance No. 89-37 / County Code 3-5-111 to 3-5-123. Please call 941-575-3650 with any questions. The following link provides the Stormwater Plan Approval submittal procedures & requirements, and a downloadable Stormwater Plan Approval Application:
<https://www.charlottecountyfl.gov/departments/community-development/building-construction/permits/stormwater-plan-approval.stml>
23. Must rezone PD-PD.
24. SCADL approval letter is needed for Final Detail Site Plan.
25. Color Renderings are needed for Final Detail Site Plan for the amenity building.
26. Parking is 1.5 per unit and 1 per 150 for amenity area. If parking cannot be met a parking variance is needed.
27. May need to transfer density.

Exhibit “A”

Proposed PD Conditions

PD Conditions for Application PD-24-02

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

- a. Development on the subject property shall occur as generally illustrated in the General PD Concept Plan (Attachment 1: PD Concept Plan Lakeside Village) submitted by the applicant, prepared by Banks Engineering and signed December 19, 2023, revised May 14, 2024, except for such modifications as may be required to meet the conditions of the PD zoning district. In addition, the conditions/comments indicated in the Site Plan Review (DRC-23-229) letter dated June 24, 2024, shall be met. Such General PD Concept Plan shall be valid until a Final Detail Site Plan is approval per Section 3-9-45, Planned Development (PD).
- b. Permitted uses:
 - i. Residential multi-family development up to 1,188 dwelling units, including 22 buildings.
 - ii. Clubhouse, community center, recreational facilities, or similar uses on the same parcel as the residential development or within the same residential development.
 - iii. A kayak launch may be permitted.
- c. The base density of subject property is 135 units. The proposal is to develop a total of 1,188 dwelling units. Any residential development above 135 units shall require a transfer of 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.
- d. Special exceptions shall not be allowed.
- e. The maximum height for all multi-family buildings is 60 feet. The maximum height for all other structures is 38 feet.
- f. All areas designated as "Scrub Jay Preservation Area" containing 48.9± acres (Attachment 2: Sketch and Description), on the General PD Concept Plan (Attachment 1) shall be preserved per the FWS approved Scrub-jay Conservation Easement, which shall be granted to the County. Such easement must comply with the County's Habitat Conservation Plan or to the terms of an incidental take permit issued by the US Fish and Wildlife Service. A copy of the easement shall be sent to the County Attorney's Office, the Community Service Department and the Community Development Department for review and approval prior to being recorded with the Clerk of the Circuit Court. The recording shall be completed prior to Preliminary Plat application or Final Detail Site Plan application, whichever shall occur first.
- g. The applicant/property owner shall comply with the Endangered Species Act either by receiving an incidental take permit for the Florida Scrub Jay or by opting into the Charlotte County Scrub Jay Habitat Conservation Plan (HCP). If the applicant/owner elects to opt into the HCP, the fee in the amount of \$868,320 (for year 2024 only) shall be paid to Charlotte County no later than 30 days after the date the Board of County Commissioners approves this PD rezoning application and its associated large scale plan amendment Application Number PAL-24-02. The PD rezoning shall not be effective until after the companion plan amendment, PAL-24-02, becomes effective, the ordinance is filed in the Office of the Secretary of State, State of Florida, and the applicant/property owner pays the HCP fee.
- h. All areas designated as "Creek Preserve Area", containing 11.77 acres (Attachment 3: Sketch and Description), on the General PD Concept Plan, shall be preserved per Habitat Management Plan (Attachment 4: Native Habitat Management Plan and Wetland Classification). A minimum of 15-foot, and an average of 25-foot buffer is required along all wetlands.

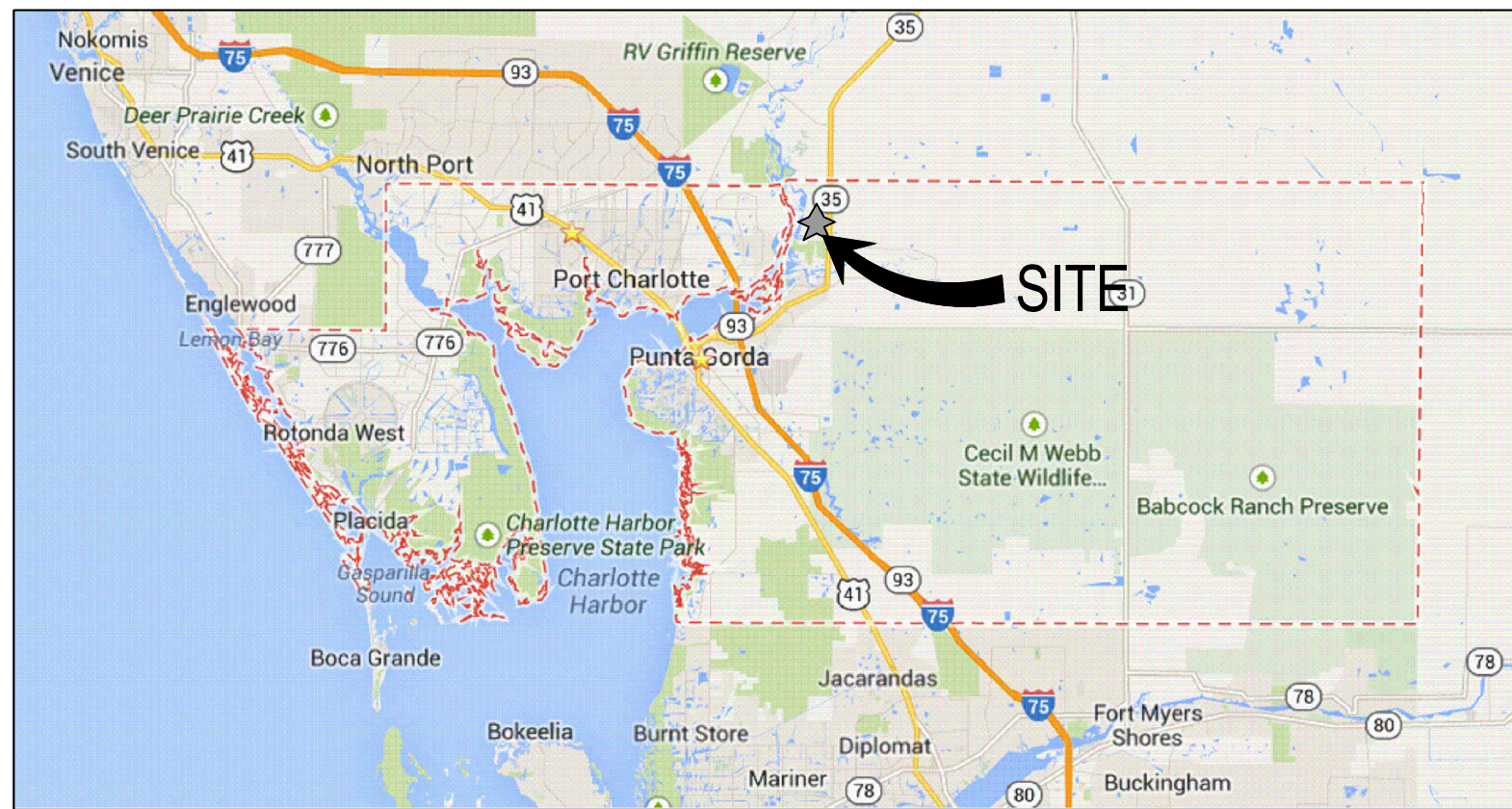
- i. The site shall be developed with a unified landscaping theme.
- j. The Planned Development setback requirement of 25 feet shall be required along the property boundary. Roads, sidewalks, and parking as shown on the proposed General PD Concept Plan, stormwater ponds, preservation areas, landscaping, and buffers may be located within the 25-foot PD setback.
- k. Landscaping and Buffer requirements:
 - i. Amenity areas shall have perimeter landscaping. At a minimum a Type "C" buffer must be provided around the clubhouse and pool area.
 - ii. At a minimum a 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 which is along Duncan Road (US 17).
 - iii. At a minimum, a Type "C" Buffer for accent trees and canopy trees and a perimeter hedge row which must be a minimum 36 inches in height upon planting (the minimum maintained height of 48 inches) to form a continuous, solid visual screen within one (1) year of planting shall be required within the 25-foot PD setback and along Turbak Drive.
 - iv. At a minimum a Type "C" Buffer for accent trees and canopy trees and a perimeter hedge row which must be a minimum 36 inches in height upon planting (the minimum maintained height of 48 inches) to form a continuous, solid visual screen within one (1) year of planting shall be required within the 25-foot PD setback and along the western property boundary except for areas designated as "Scrub Jay Preservation Area" as shown on the General PD Concept Plan (Attachment 1).
 - v. If Conditions i.i. through i.iv, regarding the location and type of buffers, creates any perceived ambiguity or confusion, the General PD Concept Plan (Attachment 1) shall control.
- l. No development shall occur prior to any phases of Final Detail Site Plan Review. Final Detail Site Plan, when sufficient and acceptable to County, will be scheduled on the Board of County Commissioners land use consent agenda.
- m. The development must utilize potable water and sanitary sewer utilities. If the public water and sanitary sewer services are not available prior to submittal of Final Detail Site Plan application, a major modification to the PD which requires a rezoning is needed to address provision of central water and sanitary sewer services. The potable water and sanitary sewer lines must be connected to the site before any certificates of occupancy shall be issued. The developer is authorized to extend reclaimed water utility lines along with the potable water and sanitary sewer lines throughout the development.
- n. There shall be one full movement access on Turbak Drive, and two right-in/right-out entrances on Duncan Road (US 17) subject to the County and the Florida Department of Transportation approval. Only one monument sign shall be allowed on Duncan Road (US 17) and one monument sign shall be permitted on Turbak Drive.
- o. At the Final Detail Site Plan submittal, the developer shall prepare an updated traffic impact study to include all turn lanes and a signal warrant at Turbak Drive at US 17. Before the project can receive any residential Certificates of Occupancy, and if the Traffic Impact Study shows that a signal meets the warrants at the intersection of Turbak Drive and US 17, the design, construction and installation requirements for a traffic signal at the intersection of Turbak Drive and US 17 shall be memorialized in a developer's agreement acceptable to the County.
- p. Regarding the sidewalk requirements, the developer shall coordinate with the Department of Public Works:

- i. An eight (8)-foot wide sidewalk shall be constructed along the main road from the entrance of the site on Duncan Road (US 17) to the first intersection. Such sidewalk must be connected to the sidewalk on US 17.
 - ii. An eight (8)-foot wide sidewalk shall be constructed along the main road from the entrance of the site at Turbak Drive to the proposed amenity area.
 - iii. An eight (8)-foot sidewalk shall be constructed along Turbak Drive.
 - iv. The developer shall construct sidewalks throughout the subject site, with a minimum width of five (5) feet along at least one side of all internal roadways.
- q. All buildings shall have a cohesive design, including, but not limited to, heights, colors, materials, signs, and landscaping. Colors and materials shall comply with Section 3-5-508, Building Materials and Colors, as may be amended. All buildings within this development shall be designed and constructed in a uniform architectural style.
- r. All outdoor lighting will be shielded or directed in such a way that the light does not shine beyond the boundaries of subject property.
- s. q. The proposed amenity areas, including "Amenity Area" and "Optional Amenity Area" as shown on the General PD Concept Plan (Attachment 1) may contain a clubhouse, with a swimming pool, a tennis court, or similar uses, and a parking area. The exact location of the proposed amenity area shall be determined at the Final Detail Site Plan stage.
- t. 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 both agreements shall be incorporated into the Planned Development Final Detail Site Plan approval and shall not constitute a major modification.

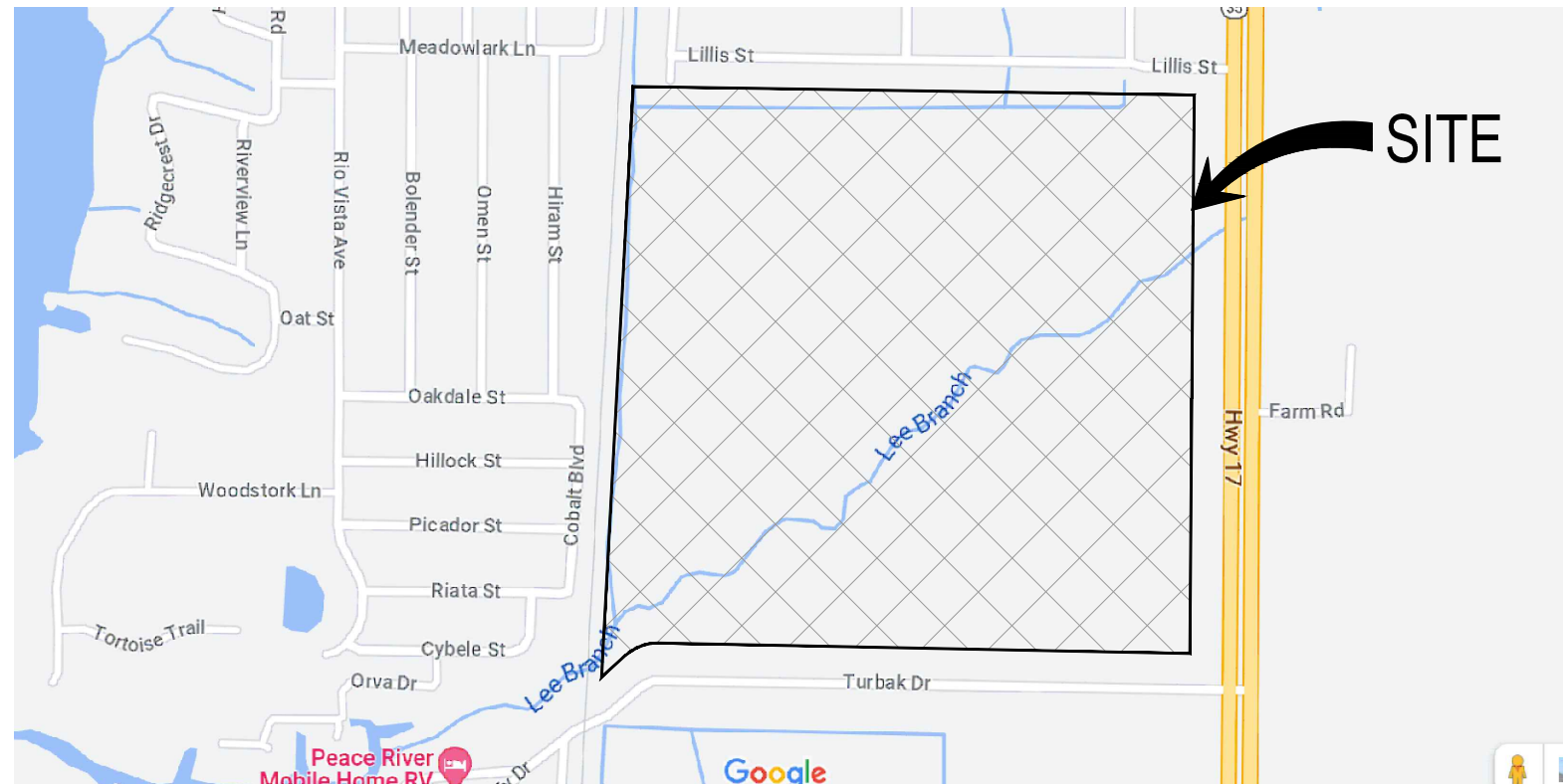
Attachment 1
PD Concept Plan Lakeside Village

LAKE SIDE VILLAGE

PD CONCEPT PLAN



GENERAL LOCATION MAP



LOCATION MAP
SECTION 1 & 12, TOWNSHIP 40 SOUTH, RANGE 23
EAST
CHARLOTTE COUNTY, FLORIDA

SITE INFORMATION

PROJECT AREA:	139.88 ACRES
PARCEL STRAP NO.:	402312226001 402301451001 402301476001 402301476002 402312201001
PARCEL ADDRESS:	601 DUNCAN ROAD PUNTA GORDA FL 33982
CURRENT ZONING:	PD & CG
PROPOSED USE:	MULTI-FAMILY

PREPARED FOR:

TAG LAKESIDE, LLC
33241 WASHINGTON LOOP ROAD
PUNTA GORDA, FL 33982
PHONE: (941) 916-7032

UTILITY SERVICE PROVIDERS

WATER: U.S. WATER SERVICES CORPORATION	5301 DR. MARTIN LUTHER KING JR. BLVD. FORT MYERS, FL 33905 PHONE: (239)
SEWER: U.S. WATER SERVICES CORPORATION	5301 DR. MARTIN LUTHER KING JR. BLVD. FORT MYERS, FL 33905 PHONE: (239)
ELECTRIC: FLORIDA POWER AND LIGHT	2245 MURPHY CT. NORTH PORT, FL 34289 PHONE: (800) 375-6490
PHONE: CENTURYLINK	4195 KINGS HIGHWAY PORT CHARLOTTE, FL 33980 PHONE: (941) 637-5141
CABLE: COMCAST	12600 WESTLINKS DRIVE, SUITE 4 FORT MYERS, FL 33913 PHONE: (239) 318-1575
FIRE PROTECTION: CHARLOTTE COUNTY FIRE/EMS	26571 AIRPORT RD. PUNTA GORDA, FL 33982 PHONE: (941) 833-5600
SOLID WASTE DISPOSAL: WASTE MANAGEMENT	25515 OLD LANDFILL ROAD PORT CHARLOTTE, FL 33980 PHONE: (941) 629-1106

PROJECT CONTACTS

CIVIL ENGINEER: BANKS ENGINEERING TODD R. REBOL, P.E. PROJECT MANAGER	4161 TAMiami TRAIL – BLDG 5 UNIT 501 PORT CHARLOTTE, FLORIDA 33952 PHONE: (941) 625-1165
SURVEYOR: BANKS ENGINEERING RICHARD M. RITZ, RLS	4161 TAMiami TRAIL – BLDG 5 UNIT 501 PORT CHARLOTTE, FLORIDA 33952 PHONE: (941) 625-1165
ENVIRONMENTAL: IAN VINCENT & ASSOCIATES IAN M. VINCENT	4050 ROCK CREEK DRIVE PORT CHARLOTTE, FL 33948 PHONE: (941) 457-6272
ARCHITECT: N/A	
LANDSCAPE ARCHITECT: JOHN T. SWEN, P.A.	P.O. BOX 494466 PORT CHARLOTTE, FL 33949 PHONE: (941) 626-7365
TRAFFIC ENGINEER: KIMLEY-HORN	200 N. FRANKLIN STREET – SUITE 1400 TAMPA, FL 33602 PHONE: (813) 620-1460

BANKS ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving SouthWest Florida

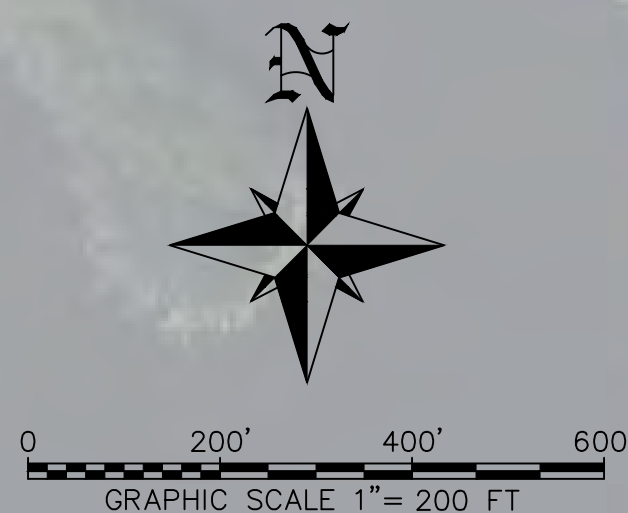
4161 TAMiami TRAIL – BLDG 5 UNIT 501
PORT CHARLOTTE, FLORIDA 33952
PHONE: (941) 625-1165
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

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

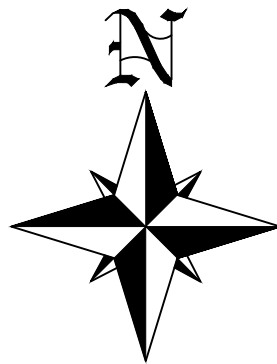
INDEX OF SHEETS

SHEET	TITLE
1	COVER SHEET
2	AERIAL
3	PD CONCEPT PLAN

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



DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
5-14-2024	3706	_AER	DSZ	TBV	TRR	1"=200'	2



0 150' 300' 450'
GRAPHIC SCALE 1"=150'

LEGEND

- PROPOSED 54 UNIT, 5 STORY BUILDING WITH PARKING UNDERNEATH
- PROPOSED PAVEMENT AREA
- STORMWATER MANAGEMENT AREA
- NORTH PRESERVE AREA
- CREEK PRESERVE AREA
- PROPOSED TYPE "C" BUFFER

HERITAGE TREE

PREPARED FOR:

TAG LAKESIDE, LLC
33241 WASHINGTON LOOP ROAD
PUNTA GORDA, FL 33982
PHONE: (941) 916-7032

NO. DATE REVISION DESCRIPTION BY

BANKS
ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving SouthWest Florida

4161 TAMAMI TRAIL - BLDG 5 UNIT 501
PORT CHARLOTTE, FLORIDA 33952
PHONE: (941) 625-1165
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

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

PD CONCEPT PLAN
LAKESIDE VILLAGE
CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
5-14-2024	3706	_PD PLAN	DSZ	TBV	TRR	1"=150'	3

SITE DATA TABLE:

PROPERTY (PD) AREA:	139.88 ACRES
CURRENT ZONING:	PD & CG
PROPOSED ZONING:	PLANNED DEVELOPMENT (PD)
PROPOSED USE:	MULTI-FAMILY

LAND USE BREKDOWN:

TOTAL PD LIMITS	139.88 AC	(100.0%)
BUILDING AREA:	10.79 AC	(7.7%)
PARKING / PAVEMENT AREA:	18.59 AC	(13.3%)
STORMWATER MANAGEMENT AREA:	23.64 AC	(16.9%)
COMMON OPEN AREA:	22.88 AC	(16.3%)
AMENITY AREA:	3.31 AC	(2.4%)
NORTH PRESERVE AREA:	48.90 AC	(35.0%)
CREEK PRESERVE AREA:	11.77 AC	(8.4%)

LANDSCAPING:

ALL LANDSCAPING REQUIREMENTS ARE PROPOSED TO BE CONSISTENT WITH CHARLOTTE COUNTY LAND DEVELOPMENT REGULATIONS SEC. 3-9-100 BUFFERS, LANDSCAPING AND TREE REQUIREMENTS.

FLOOD_ZONE:

ZONES: AE & X

PARKING REQUIREMENTS:

PROPOSED PARKING WILL BE PROVIDED AT TIME OF FINAL DETAIL SITE PLAN APPROVAL AND WILL MEET CHARLOTTE COUNTY LAND DEVELOPMENT REGULATIONS SECTION 3-9-79 REQUIREMENTS.

OPEN SPACE:

REQUIRED:
20% OF PROPERTY
20% X 139.88 AC = 27.98 AC

PROVIDED:
(NORTH PRESERVE AREA + CREEK PRESERVE AREA + COMMON OPEN AREA) / PROPERTY AREA
(48.90 AC + 11.77 + 22.88 AC) / 139.88 AC = 59.7%

OPEN HABITAT AREA:

REQUIRED:
5% OF PROPERTY AREA = (139.88 AC X 0.05) = 6.99 AC

PROVIDED:
(NORTH PRESERVE AREA + CREEK PRESERVE AREA) / PROPERTY AREA
(48.90 AC + 11.77 AC) / 139.88 AC = 43.4%

DENSITY:

PROPOSED MAXIMUM UNITS = 1188 UNITS

PROPOSED MAXIMUM DENSITY: 1188 UNITS / 139.88 ACRES = 8.49 UNITS / ACRE

PROPOSED DEVELOPMENT STANDARDS:

MINIMUM YARD REQUIREMENTS:

FRONT	30 FT.
SIDE (INTERIOR)	30 FT.
SIDE (STREET)	30 FT.
REAR (INTERIOR)	30 FT.
REAR (STREET)	30 FT.
SIDE OR REAR (ABUTTING WATER)	20 FT.*

BULK MAXIMUM:

LOT COVERAGE (BUILDING)	40 %
HEIGHT (FT.)	60 FT.

SETBACK PROPOSED TO SEASONAL HIGH WATER TABLE.

PD CONCEPT PLAN GENERAL NOTES:

1. PROPOSED PROJECT SHALL BE SERVICED BY CENTRAL WATER & SEWER.
2. PASSIVE PEDESTRIAN TRAILS ARE PROPOSED IN PRESERVE AREAS SUBJECT TO LOCAL, STATE AND FEDERAL PERMITS.

Attachment 2
Sketch and Description for 48.9± acres



DESCRIPTION OF A PARCEL OF LAND
LYING IN SECTIONS 1 AND 12, T-40-S, R-23-E,
CHARLOTTE COUNTY, FLORIDA.

(PRESERVE AREA #1)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTIONS 1 AND 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 1; THENCE N.89°07'15"W. (FOR A BASIS OF BEARINGS) ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 1 FOR 52.29 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 35 (aka US 17), SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE S.00°28'49"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 277.08 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1020.61 FEET, A DELTA ANGLE OF 14°03'30", A CHORD BEARING OF S.57°31'16"W. AND A CHORD DISTANCE OF 249.79 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 250.42 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 225.00 FEET, A DELTA ANGLE OF 71°53'25", A CHORD BEARING OF S.86°26'13"W. AND A CHORD DISTANCE OF 264.15 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 282.31 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 403.22 FEET, A DELTA ANGLE OF 20°50'52", A CHORD BEARING OF N.47°11'39"W. AND A CHORD DISTANCE OF 145.91 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 146.71 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 163.96 FEET, A DELTA ANGLE OF 39°28'17", A CHORD BEARING OF N.59°43'03"W. AND A CHORD DISTANCE OF 110.74 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 112.96 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 75.00 FEET, A DELTA ANGLE OF 62°13'03", A CHORD BEARING OF S.69°26'17"W. AND A CHORD DISTANCE OF 77.50 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 81.44 FEET; THENCE S.31°31'14"W. FOR 98.07 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1916.39 FEET, A DELTA ANGLE OF 17°30'43", A CHORD BEARING OF S.39°14'35"W. AND A CHORD DISTANCE OF 583.45 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 585.73 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 600.00 FEET, A DELTA ANGLE OF 22°58'37", A CHORD BEARING OF S.59°29'15"W. AND A CHORD DISTANCE OF 239.01 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 240.62 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 600.00 FEET, A DELTA ANGLE OF 27°09'11", A CHORD BEARING OF S.57°23'58"W. AND A CHORD DISTANCE OF 281.69 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 284.35 FEET; THENCE S.43°49'23"W. FOR 171.95 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 294.01 FEET, A DELTA ANGLE OF 08°54'44", A CHORD BEARING OF S.48°16'45"W. AND A CHORD DISTANCE OF 45.69 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 45.73 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 465.30 FEET, A DELTA ANGLE OF 25°55'20", A CHORD BEARING OF S.74°27'10"W., AND A CHORD DISTANCE OF 208.73 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 210.52 FEET; THENCE S.88°16'34"W. FOR 119.90 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1518.78

SHEET 1 OF 3

SERVING THE STATE OF FLORIDA

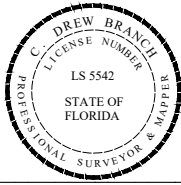
FEET, DELTA ANGLE OF 16°22'27", A CHORD BEARING OF S.85°09'00"W. AND A CHORD DISTANCE OF 432.56 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 434.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SEABOARD COASTLINE RAILROAD; THENCE N.03°03'24"E. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 1398.56 FEET TO THE SOUTHWEST CORNER OF PEACE RIVER SHORES, UNIT 7 SUBDIVISION, AS DEPICTED IN PLAT BOOK 6, PAGE 7-A, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE S.89°07'15"E. ALONG THE SOUTH LINE OF SAID PEACE RIVER SHORES, UNIT 7 FOR 2446.33 FEET TO THE POINT OF BEGINNING.

CONTAINS 48.90 ACRES, MORE OR LESS.

ATWELL, LLC
FLORIDA LICENSED BUSINESS NO. LB7832

JUNE 4, 2024

DIGITALLY SIGNED BY:
C. DREW BRANCH



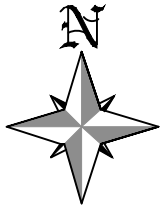
Date:
2024.06.04
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-04'00'

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

SHEET 2 OF 3

SERVING THE STATE OF FLORIDA

4161 Tamiami Trail – Building 5, Unit 501, Port Charlotte, FL 33952
(941) 625-1165 www.atwell-group.com



1" = 400'

400' 0 400' 800'

POINT OF COMMENCEMENT
N.E. CORNER OF THE S. 1/2
OF THE S.E. 1/4 OF SEC. 1

PEACE RIVER SHORES
UNIT 7 PB. 6, PG. 7-A

15
16

11 10 9 8 7 6 5 4 3 2 1

BLOCK M

11 10 9 8 7 6 5 4 3 2 1

BLOCK G

1

BLOCK B

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

SOUTHWEST
CORNER

S.89°07'15"E. 2446.33'

SOUTH LINE

POINT OF BEGINNING

SEABOARD COASTLINE RAILROAD

N.03°03'24"E. 1398.56'

EASTERLY R/W LINE OF
SEABOARD COASTLINE RAILROAD

PRESERVE AREA #1
(CONTAINS 48.90 AC.±)

WESTERLY R/W LINE

SOUTH LINE OF SEC. 1,
TWP. 40 S., RGE. 23 E.

NORTH LINE OF SEC. 12,
TWP. 40 S., RGE. 23 E.

S.E. CORNER
SEC. 1-40-23
N.E. CORNER
SEC. 12-40-23

S.R. 35 - U.S. 17

EAST LINE OF SEC. 1,
TWP. 40 S., RGE. 23 E.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N.89°07'15"W.	52.29'
L2	S.00°28'49"W.	277.08'
L3	S.31°31'14"W.	98.07'
L4	S.43°49'23"W.	171.95'
L5	S.88°16'34"W.	119.90'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1020.61'	250.42'	249.79'	S.57°31'16"W.	14°03'30"
C2	225.00'	282.31'	264.15'	S.86°26'13"W.	71°53'25"
C3	403.22'	146.71'	145.91'	N.47°11'39"W.	20°50'52"
C4	163.96'	112.96'	110.74'	N.59°43'03"W.	39°28'17"
C5	75.00'	81.44'	77.50'	S.69°26'17"W.	62°13'03"
C6	1916.39'	585.73'	583.45'	S.39°14'35"W.	17°30'43"
C7	600.00'	240.62'	239.01'	S.59°29'15"W.	22°58'37"
C8	600.00'	284.35'	281.69'	S.57°23'58"W.	27°09'11"
C9	294.01'	45.73'	45.69'	S.48°16'45"W.	8°54'44"
C10	465.30'	210.52'	208.73'	S.74°27'10"W.	25°55'20"
C11	1518.78'	434.04'	432.56'	S.85°09'00"W.	16°22'27"

LEGEND

SEC. SECTION
TWP. TOWNSHIP
RGE. RANGE
AC. ACRES
PB. PLAT BOOK
PG. PAGE
R/W RIGHT-OF-WAY
± PLUS OR MINUS
L1 LINE 1 OF LINE TABLE
C1 LINE 1 OF CURVE TABLE
LB LICENSED BUSINESS

NOTE: THIS NOT A BOUNDARY SURVEY



ATWELL

866.850.4200 www.atwell-group.com

4161 TAMIANI TRAIL, BLDG 5, UNIT 501
PORT CHARLOTTE, FL 33682
941.825.1105

SKETCH AND DESCRIPTION
PRESERVE AREA #1
CHARLOTTE COUNTY, FLORIDA

COMPLETION DATE:

8/03/24

PROJECT:

3706

DRAFTED BY:

JB

DESIGNED BY:

CD

REVIEWED BY:

CD

SHEET:

3 of 3

Attachment 3
Sketch and Description for 11.77± acres



DESCRIPTION OF A PARCEL OF LAND
LYING IN SECTION 1, T-40-S, R-23-E,
CHARLOTTE COUNTY, FLORIDA.

(PRESERVE AREA #2)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 1, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

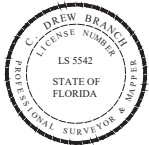
COMMENCING AT THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 1; THENCE N.89°07'15"W. (FOR A BASIS OF BEARINGS) ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 1 FOR 52.29 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 35 (aka US 17); THENCE S.00°28'49"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 500.87 TO THE POINT OF BEGINNING; THENCE CONTINUE S.00°28'49"W. ALONG SAID WESTERLY RIGHT-OF-WAY FOR 102.29 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 407.64 FEET, A DELTA ANGLE OF 35°00'07", A CHORD BEARING OF S.35°30'59"W. AND A CHORD DISTANCE OF 245.17 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 249.03 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A DELTA ANGLE OF 09°33'55", A CHORD BEARING OF S.57°48'01"W. AND A CHORD DISTANCE OF 16.68 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 16.69 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 184.00 FEET, A DELTA ANGLE OF 11°21'44", A CHORD BEARING OF N.15°41'39"W. AND A CHORD DISTANCE OF 36.43 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 36.49 FEET; THENCE N.21°22'31"W. FOR 102.09 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 184.00 FEET, A DELTA ANGLE OF 04°43'58", A CHORD BEARING OF N.23°44'30"W. AND A CHORD DISTANCE OF 15.19 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 15.20 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 151.75 FEET, A DELTA ANGLE OF 30°31'04", A CHORD BEARING OF N.38°41'26"E. AND A CHORD DISTANCE OF 79.88 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 80.83 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 60.25 FEET, A DELTA ANGLE OF 18°01'21", A CHORD BEARING OF N.32°26'35"E. AND A CHORD DISTANCE OF 18.87 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 18.95 FEET; THENCE N.41°27'15"E. FOR 31.14 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 34.25 FEET, A DELTA ANGLE OF 18°25'48", A CHORD BEARING OF N.50°40'09"E. AND A CHORD DISTANCE OF 10.97 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 11.02 FEET; THENCE N.59°53'03"E. FOR 113.08 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 10.25 FEET, A DELTA ANGLE OF 30°06'57", A CHORD BEARING OF N.74°56'31"E. AND A CHORD DISTANCE OF 5.32 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 5.39 FEET; THENCE N.90°00'00"E. FOR 18.47 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.81 ACRES, MORE OR LESS.

ATWELL, LLC
FLORIDA LICENSED BUSINESS NO. LB7832

JUNE 5, 2024

DIGITALLY SIGNED BY:
C. DREW BRANCH



Date:
2024.06.05
07:37:40
-04'00'

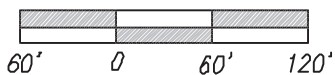
C. DREW BRANCH, P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 5542

SHEET 1 OF 2

SERVING THE STATE OF FLORIDA

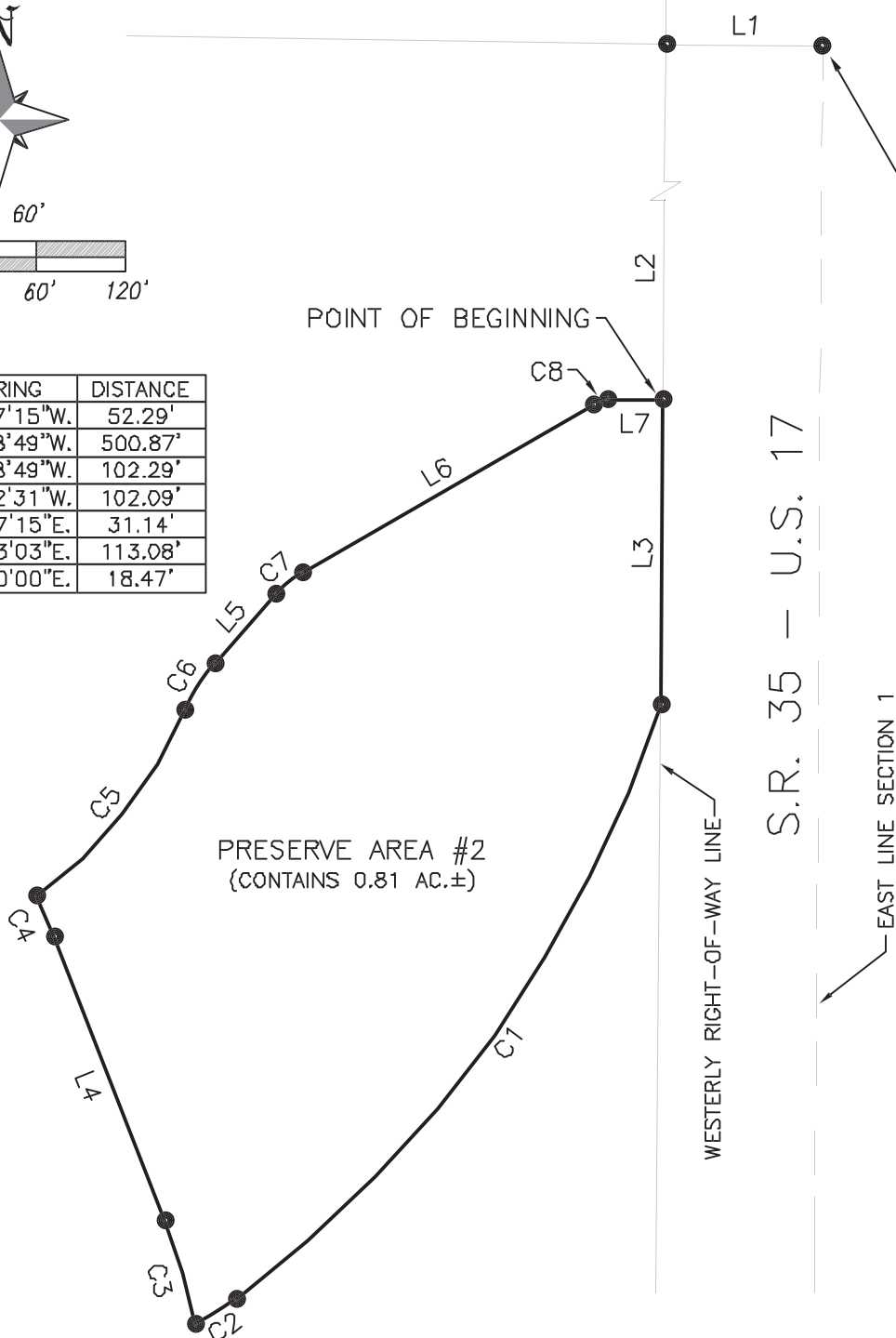


1" = 60'



LINE TABLE

LINE	BEARING	DISTANCE
L1	N.89°07'15"W.	52.29'
L2	S.00°28'49"W.	500.87'
L3	S.00°28'49"W.	102.29'
L4	N.21°22'31"W.	102.09'
L5	N.41°27'15"E.	31.14'
L6	N.59°53'03"E.	113.08'
L7	N.90°00'00"E.	18.47'



PRESERVE AREA #2
(CONTAINS 0.81 AC.±)

S.R. 35 - U.S. 17

EAST LINE SECTION 1

WESTERLY RIGHT-OF-WAY LINE

LEGEND

SEC. SECTION
TWP. TOWNSHIP
RGE. RANGE
AC. ACRES
PB. PLAT BOOK
PG. PAGE
R/W RIGHT-OF-WAY
± PLUS OR MINUS
L1 LINE 1 OF LINE TABLE
C1 LINE 1 OF CURVE TABLE
LB LICENSED BUSINESS

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	407.64'	249.03'	245.17'	S.35°30'59"W.	35°00'07"
C2	100.00'	16.69'	16.68'	S.57°48'01"W.	9°33'55"
C3	184.00'	36.49'	36.43'	N.15°41'39"W.	11°21'44"
C4	184.00'	15.20'	15.19'	N.23°44'30"W.	4°43'58"
C5	151.75'	80.83'	79.88'	N.38°41'26"E.	30°31'04"
C6	60.25'	18.95'	18.87'	N.32°26'35"E.	18°01'21"
C7	34.25'	11.02'	10.97'	N.50°40'09"E.	18°25'48"
C8	10.25'	5.39'	5.32'	N.74°56'31"E.	30°06'57"

NOTE: THIS NOT A BOUNDARY SURVEY



ATWELL

866.850.4200 www.atwell-group.com
4161 TAMIANI TRAIL, BLDG 5, UNIT 501
PORT CHARLOTTE, FL 33692
941.825.1105

SKETCH AND DESCRIPTION
PRESERVE AREA #2
CHARLOTTE COUNTY, FLORIDA

COMPLETION DATE:	PROJECT:	DRAFTED BY:	DESIGNED BY:	REVIEWED BY:	SHEET:
8/05/24	3706	JB		CDB	2 of 2



DESCRIPTION OF A PARCEL OF LAND
LYING IN SECTIONS 1 AND 12, T-40-S, R-23-E,
CHARLOTTE COUNTY, FLORIDA.

(PRESERVE AREA #3)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTIONS 1 AND 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 1; THENCE N.89°07'15"W. (FOR A BASIS OF BEARINGS) ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 1 FOR 52.29 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 35 (aka US 17); THENCE S.00°28'49"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR; 824.86 FEET; THENCE N.89°31'11"W. FOR 197.38 FEET TO THE POINT OF BEGINNING; THENCE S.82°50'50"W. FOR 25.09 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET, A DELTA ANGLE OF 44°33'38", A CHORD BEARING OF S.60°34'01"W. AND A CHORD DISTANCE OF 37.91 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 38.89 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 504.48 FEET, DELTA ANGLE OF 23°29'58", A CHORD BEARING OF S.50°02'10"W. AND A CHORD DISTANCE OF 205.46 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 206.91 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 500.00 FEET, A DELTA ANGLE OF 15°30'20", A CHORD BEARING OF S.54°01'59"W. AND A CHORD DISTANCE OF 134.90 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 135.31 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 118.99 FEET, A DELTA ANGLE OF 43°24'54", A CHORD BEARING OF S.67°02'45"W. AND A CHORD DISTANCE OF 88.02 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 90.16 FEET; THENCE N.75°51'15"W. FOR 44.99 FEET; THENCE N.80°13'22"W. FOR 56.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET, A DELTA ANGLE OF 56°28'58", A CHORD BEARING OF S.71°32'09"W. AND A CHORD DISTANCE OF 47.32 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 49.29 FEET; THENCE S.43°17'40"W. FOR 27.87 FEET; THENCE S.31°21'46"W. FOR 61.98 FEET; THENCE S.44°23'12"W. FOR 87.61 FEET; THENCE S.50°23'16"W. FOR 237.20 FEET; THENCE S.64°19'35"W. FOR 104.87 FEET; THENCE S.65°25'38"W. FOR 93.49 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 144.05 FEET, A DELTA ANGLE OF 22°14'04", A CHORD BEARING OF S.54°18'36"W. AND A CHORD DISTANCE OF 55.55 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 55.90 FEET; THENCE N.16°41'00"W. FOR 128.69 FEET; THENCE N.16°41'00"W. FOR 27.26 FEET; THENCE N.16°41'00"W. FOR 22.12 FEET; THENCE N.55°30'04"E. FOR 4.79 FEET; THENCE N.79°26'40"E. FOR 25.70 FEET; THENCE N.67°14'26"E. FOR 8.15 FEET; THENCE N.70°53'29"E. FOR 14.25 FEET; THENCE N.48°16'23"E. FOR 34.76 FEET; THENCE N.48°39'27"E. FOR 31.71 FEET; THENCE N.41°56'54"E. FOR 49.24 FEET; THENCE N.47°09'49"E. FOR 44.82 FEET; THENCE N.47°10'37"E. FOR 29.59 FEET; THENCE N.64°21'35"E. FOR 36.32 FEET; THENCE N.68°41'22"E. FOR 33.13 FEET; THENCE N.76°40'16"E. FOR 38.65 FEET; THENCE N.86°47'29"E. FOR 19.11 FEET; THENCE N.83°21'07"E. FOR 9.92 FEET; THENCE N.72°03'16"E. FOR 21.40 FEET; THENCE N.55°09'10"E. FOR 41.48 FEET; THENCE N.54°39'59"E. FOR 32.20 FEET; THENCE N.44°54'41"E. FOR 109.48 FEET; THENCE N.71°53'50"E. FOR 48.12 FEET; THENCE N.73°46'10"E. FOR 38.18 FEET; THENCE N.70°14'29"E. FOR 35.06 FEET; THENCE N.84°39'24"E. FOR 37.49 FEET; THENCE S.83°10'51"E. FOR 27.57 FEET; THENCE N.70°34'29"E. FOR 87.43 FEET; THENCE N.54°44'04"E. FOR 67.26 FEET; THENCE N.52°24'47"E. FOR 69.68 FEET; THENCE N.71°01'02"E. FOR 39.96 FEET; THENCE N.49°30'45"E. FOR 152.82 FEET; THENCE

SHEET 1 OF 3

SERVING THE STATE OF FLORIDA

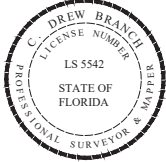
N.73°02'58"E. FOR 53.18 FEET; THENCE N.82°02'28"E. FOR 33.98 FEET; THENCE S.21°22'31"E. FOR 71.89 FEET TO THE BEGINNING OF CURVE TO THE RIGHT HAVING A RADIUS OF 140.00 FEET, A DELTA ANGLE OF 12°59'53", A CHORD BEARING OF S.14°52'35"E. AND A CHORD DISTANCE OF 31.69 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 31.76 FEET TO THE POINT OF BEGINNING.

CONTAINS 4.20 ACRES, MORE OR LESS.

ATWELL, LLC
FLORIDA LICENSED BUSINESS NO. LB7832

JUNE 4, 2024

DIGITALLY SIGNED BY:
C. DREW BRANCH



Date:
2024.06.04
11:21:00
-04'00'

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

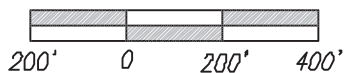
SHEET 2 OF 3

SERVING THE STATE OF FLORIDA

4161 Tamiami Trail – Building 5, Unit 501, Port Charlotte, FL 33952
(941) 625-1165 www.atwell-group.com



1" = 200'



LINE TABLE

LINE	BEARING	DISTANCE
L1	N.89°07'15"W.	52.29'
L2	N.89°31'11"W.	197.38'
L3	S.82°50'50"W.	25.09'
L4	N.75°51'15"W.	44.99'
L5	N.80°13'22"W.	56.64'
L6	S.43°17'40"W.	27.87'
L7	S.31°21'46"W.	61.98'
L8	S.44°23'12"W.	87.61'
L9	S.50°23'16"W.	237.20'
L10	S.64°19'35"W.	104.87'
L11	S.65°25'38"W.	93.49'
L12	N.16°41'00"W.	128.69'
L13	N.16°41'00"W.	27.26'
L14	N.16°41'00"W.	22.12'
L15	N.55°30'04"E.	4.79'
L16	N.79°26'40"E.	25.70'
L17	N.67°14'26"E.	8.15'
L18	N.70°53'29"E.	14.25'
L19	N.48°16'23"E.	34.76'
L20	N.48°39'27"E.	31.71'
L21	N.41°56'54"E.	49.24'

LINE TABLE (CONTINUED)

LINE	BEARING	DISTANCE
L22	N.47°09'49"E.	44.82'
L23	N.47°10'37"E.	29.59'
L24	N.64°21'35"E.	36.32'
L25	N.68°41'22"E.	33.13'
L26	N.76°40'16"E.	38.65'
L27	N.86°47'29"E.	19.11'
L28	N.83°21'07"E.	9.92'
L29	N.72°03'16"E.	21.40'
L30	N.55°09'10"E.	41.48'
L31	N.54°39'59"E.	32.20'
L32	N.44°54'41"E.	109.48'
L33	N.71°53'50"E.	48.12'
L34	N.73°46'10"E.	38.18'
L35	N.70°14'29"E.	35.06'
L36	N.84°39'24"E.	37.49'
L37	S.83°10'51"E.	27.57'
L38	N.70°34'29"E.	87.43'
L39	N.54°44'04"E.	67.26'
L40	N.52°24'47"E.	69.68'
L41	N.71°01'02"E.	39.96'
L42	N.49°30'45"E.	152.82'
L43	N.73°02'58"E.	53.18'
L44	N.82°02'28"E.	33.98'
L45	S.21°22'31"E.	71.89'

NORTH LINE OF THE SOUTH
1/2 OF THE SOUTHEAST 1/4
OF SECTION 12

POINT OF
COMMENCEMENT
N.E. CORNER OF
THE S. 1/2 OF THE
S.E. 1/4 OF SEC. 1

S.00°28'49"W. 824.86'

EAST LINE SECTION 1

S.R. 35 - U.S. 17

WESTERLY RIGHT-OF-WAY LINE

EAST LINE SECTION 12

POINT OF
BEGINNING

PRESERVE AREA #3
(CONTAINS 4.20 AC.±)

SECTION 1-40-23
SECTION 12-40-23

S.E. CORNER
SECTION 1-40-23
N.E. CORNER
SECTION 12-40-23

LEGEND

SEC. SECTION
TWP. TOWNSHIP
RGE. RANGE
AC. ACRES
PB. PLAT BOOK
PG. PAGE
R/W RIGHT-OF-WAY
± PLUS OR MINUS
L1 LINE 1 OF LINE TABLE
C1 LINE 1 OF CURVE TABLE
LB LICENSED BUSINESS

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	38.89'	37.91'	S.60°34'01"W.	44°33'38"
C2	504.48'	206.91'	205.46'	S.50°02'10"W.	23°29'58"
C3	500.00'	135.31'	134.90'	S.54°01'59"W.	15°30'20"
C4	118.99'	90.16'	88.02'	S.67°02'45"W.	43°24'54"
C5	50.00'	49.29'	47.32'	S.71°32'09"W.	56°28'58"
C6	144.05'	55.90'	55.55'	S.54°18'36"W.	22°14'04"
C7	140.00'	31.76'	31.69'	S.14°52'35"E.	12°59'53"

NOTE: THIS NOT A BOUNDARY SURVEY



SKETCH AND DESCRIPTION
PRESERVE AREA #3
CHARLOTTE COUNTY, FLORIDA

COMPLETION DATE:	PROJECT:	DRAFTED BY:	DESIGNED BY:	REVIEWED BY:	SHEET:
8/03/24	3706	JB		CDB	3 of 3



DESCRIPTION OF A PARCEL OF LAND
LYING IN SECTIONS 1 AND 12, T-40-S, R-23-E,
CHARLOTTE COUNTY, FLORIDA.

(PRESERVE AREA #4)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTIONS 12, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE N.88°57'54"W. ALONG THE NORTH LINE OF SAID SECTION 12, (FOR A BASIS OF BEARINGS) FOR 53.76 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 35 (aka US 17); THENCE S.00°23'23"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 204.87 FEET; THENCE N.89°36'37"W. FOR 1283.91 FEET TO THE POINT OF BEGINNING; THENCE S.13°30'55"W. FOR 55.51 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 114.58 FEET, A DELTA ANGLE OF 16°09'03", A CHORD BEARING OF S.21°35'26"W. AND A CHORD DISTANCE OF 32.19 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 32.30 FEET; THENCE S.61°30'02"W. FOR 19.96 FEET; THENCE S.65°38'26"W. FOR 22.50 FEET; THENCE S.68°12'15"W. FOR 34.72 FEET; THENCE S.46°48'08"W. FOR 84.82 FEET; THENCE S.34°09'34"W. FOR 58.35 FEET; THENCE S.40°35'43"W. FOR 49.32 FEET; THENCE S.08°42'20"E. FOR 58.21 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 32.19 FEET, A DELTA ANGLE OF 56°22'16", A CHORD BEARING OF S.25°50'46"W., AND A CHORD DISTANCE OF 30.41 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 31.67 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 53.25 FEET, A DELTA ANGLE OF 62°03'41", A CHORD BEARING OF S.87°27'59"W. AND A CHORD DISTANCE OF 54.90 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 57.68 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 69.61 FEET, A DELTA ANGLE OF 15°36'28", A CHORD BEARING OF N.72°36'54"W. AND A CHORD DISTANCE OF 18.90 FEET THENCE ALONG THE ARC OF SAID CURVE FOR 18.96 FEET; THENCE N.44°28'26"W. FOR 45.51 FEET; THENCE S.76°33'08"W. FOR 73.80 FEET; THENCE S.70°57'08"W. FOR 43.55 FEET; THENCE S.72°25'01"W. FOR 66.15 FEET; THENCE S.62°21'34"W. FOR 75.81 FEET; THENCE S.59°06'04"W. FOR 45.75 FEET; THENCE S.51°56'07"W. FOR 51.74 FEET; THENCE S.42°28'45"W. FOR 58.51 FEET; THENCE S.45°34'41"W. FOR 54.91 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 84.76 FEET, A DELTA ANGLE OF 44°31'23", A CHORD BEARING OF S.60°21'17"W. AND A CHORD DISTANCE OF 64.22 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 65.87 FEET; THENCE S.85°58'05"W. FOR 47.31 FEET; THENCE S.78°08'55"W. FOR 27.11 FEET; THENCE S.74°32'24"W. FOR 33.13 FEET; THENCE S.69°21'32"W. FOR 72.30 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 466.22 FEET, A DELTA ANGLE OF 04°03'11", A CHORD BEARING OF S.72°57'40"W. AND A CHORD DISTANCE OF 32.97 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 32.98 FEET; THENCE S.56°59'14"W. FOR 55.69 FEET; THENCE S.78°02'12"W. FOR 32.63 FEET; THENCE S.74°15'55"W. FOR 19.83 FEET; THENCE S.22°38'26"W. FOR 106.88 FEET; THENCE S.31°24'32"W. FOR 120.35 FEET; THENCE S.53°25'12"W. FOR 41.90 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 69.36 FEET, A DELTA ANGLE OF 26°04'15", A CHORD BEARING OF S.64°03'29"W. AND A CHORD DISTANCE OF 31.29 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 31.56 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 152.21 FEET, A DELTA ANGLE OF 10°47'29", A CHORD BEARING OF S.59°39'18"W. AND A CHORD DISTANCE OF 28.63 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 28.67 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SEABOARD COASTLINE RAILROAD; THENCE N.03°03'24"E. ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 465.74 FEET; THENCE S.86°56'36"E. FOR 84.50 FEET TO THE BEGINNING OF CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET, A DELTA ANGLE OF 63°27'17", A CHORD BEARING OF N.61°19'46"E. AND A CHORD DISTANCE OF 52.59 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 55.37 FEET; THENCE N.29°36'07"E. FOR 40.97 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A DELTA ANGLE OF 61°58'41", A CHORD BEARING OF N.60°35'28"E. AND A CHORD DISTANCE OF 25.74 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 27.04 FEET; THENCE S.87°35'05"E. FOR 38.43 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 48.95 FEET, A DELTA ANGLE OF

SHEET 1 OF 4

SERVING THE STATE OF FLORIDA

19°14'11", A CHORD BEARING OF N.86°34'12"E. AND A CHORD DISTANCE OF 16.36 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 16.44 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 301.72 FEET, A DELTA ANGLE OF 04°57'38", A CHORD BEARING OF N.77°50'23"E. AND A CHORD DISTANCE OF 26.11 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 26.12 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 287.38 FEET, A DELTA ANGLE OF 03°15'41", A CHORD BEARING OF N.81°05'47"E. AND A CHORD DISTANCE OF 16.36 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 16.36 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 33.09 FEET, A DELTA ANGLE OF 20°26'18", A CHORD BEARING OF N.87°40'56"E. AND A CHORD DISTANCE OF 11.74 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 11.80 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 78.03 FEET, A DELTA ANGLE OF 42°58'53", A CHORD BEARING OF S.56°37'28"E. AND A CHORD DISTANCE OF 57.17 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 58.53 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 32.64 FEET, A DELTA ANGLE OF 29°03'00", A CHORD BEARING OF S.16°37'31"E. AND A CHORD DISTANCE OF 16.37 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 16.55 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 47.74 FEET, A DELTA ANGLE OF 38°35'54", A CHORD BEARING OF S.21°23'58"E. AND A CHORD DISTANCE OF 31.56 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 32.16 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 170.00 FEET, A DELTA ANGLE OF 62°52'33", A CHORD BEARING OF N.37°42'03"E. AND A CHORD DISTANCE OF 177.33 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 186.56 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 160.00 FEET, A DELTA ANGLE OF 37°39'40", A CHORD BEARING OF N.41°54'16"E. AND A CHORD DISTANCE OF 103.29 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 105.17 FEET; THENCE S.66°55'35"E. FOR 30.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 445.00 FEET, A DELTA ANGLE OF 64°29'09", A CHORD BEARING OF N.70°07'40"E. AND A CHORD DISTANCE OF 474.82 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 500.84 FEET; THENCE N.37°53'06"E. FOR 225.17 FEET; THENCE N.32°32'06"W. FOR 38.42 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 39.86 FEET, A DELTA ANGLE OF 77°32'53", A CHORD BEARING OF N.00°13'18"E. AND A CHORD DISTANCE OF 49.92 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 53.95 FEET; THENCE N.42°39'27"E. FOR 29.20 FEET; THENCE N.35°29'00"E. FOR 15.02 FEET TO THE BEGINNING OF A NON-TANGENT A CURVE TO THE RIGHT HAVING A RADIUS OF 37.44 FEET, A DELTA ANGLE OF 56°11'39", A CHORD BEARING OF S.83°30'46"E. AND A CHORD DISTANCE OF 35.26 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 36.72 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 68.71 FEET, A DELTA ANGLE OF 24°30'00", A CHORD BEARING OF S.48°47'10"E. AND A CHORD DISTANCE OF 29.16 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 29.38 FEET; THENCE S.16°41'00"E. FOR 197.34 FEET TO THE POINT OF BEGINNING.

CONTAINS 6.76 ACRES, MORE OR LESS.

ATWELL, LLC
FLORIDA LICENSED BUSINESS NO. LB7832

JUNE 4, 2024

DIGITALLY SIGNED BY:
C. DREW BRANCH



Date:
2024.06.04
11:21:43
-04'00'

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

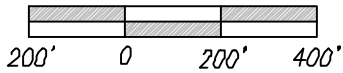
SHEET 2 OF 4

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4161 Tamiami Trail – Building 5, Unit 501, Port Charlotte, FL 33952
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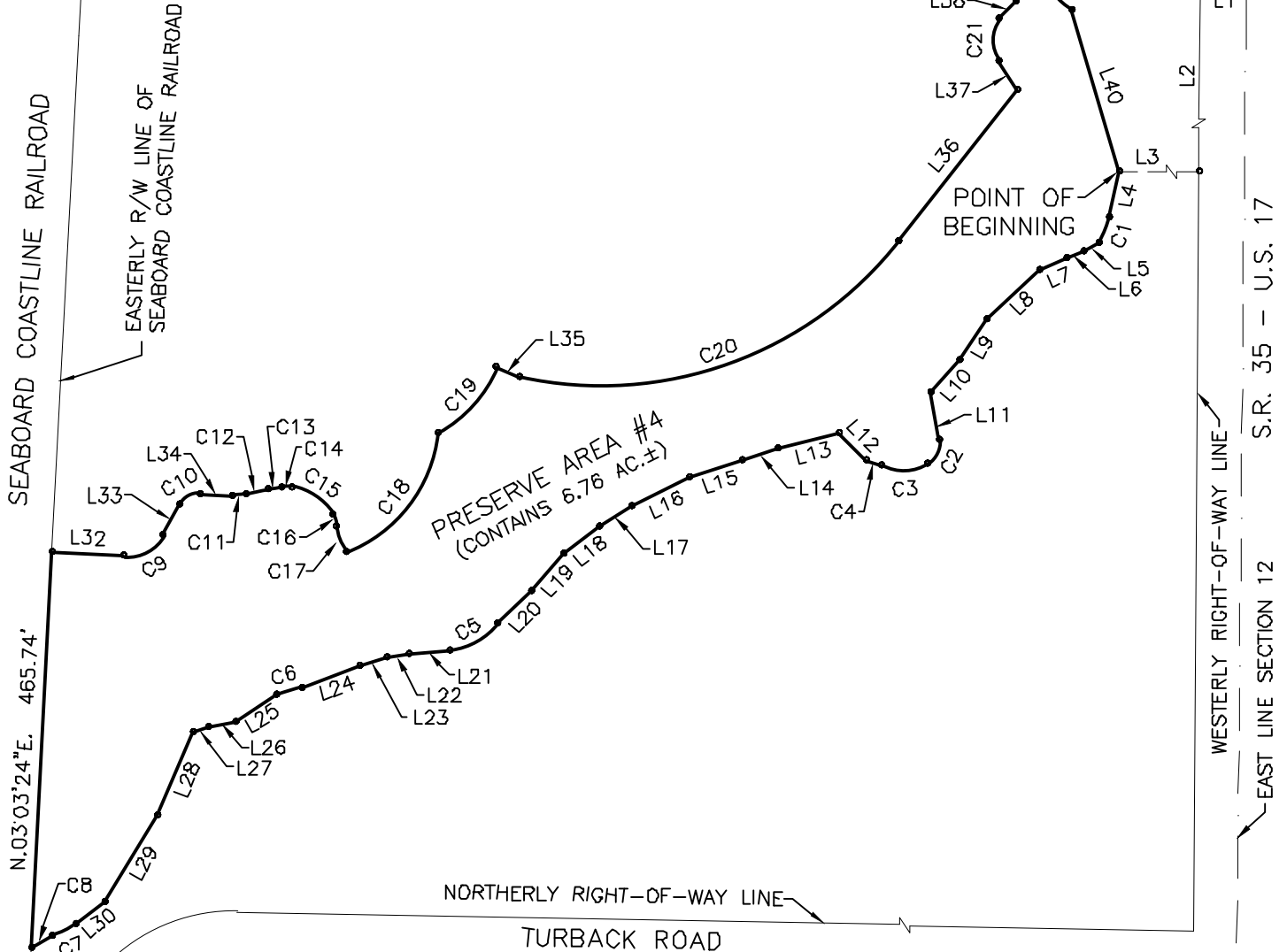


1" = 200'



POINT OF COMMENCEMENT
N.E. CORNER OF SEC. 12

SECTION 1-40-23
SECTION 12-40-23



LEGEND

SEC. SECTION
TWP. TOWNSHIP
RGE. RANGE
AC. ACRES
PB. PLAT BOOK
PG. PAGE
R/W RIGHT-OF-WAY
± PLUS OR MINUS
L1 LINE 1 OF LINE TABLE
C1 LINE 1 OF CURVE TABLE
LB LICENSED BUSINESS

NOTE: THIS NOT A BOUNDARY SURVEY



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SKETCH AND DESCRIPTION
PRESERVE AREA #4
CHARLOTTE COUNTY, FLORIDA

COMPLETION DATE:	PROJECT:	DRAFTED BY:	DESIGNED BY:	REVIEWED BY:	SHEET:
6/03/24	3708	JS		C08	3 of 4

LINE TABLE

LINE	BEARING	DISTANCE
L1	N.88°57'54"W.	53.76'
L2	S.00°23'23"W.	204.87'
L3	N.89°36'37"W.	1283.91'
L4	S.13°30'55"W.	55.51'
L5	S.61°30'02"W.	19.96'
L6	S.65°38'26"W.	22.50'
L7	S.68°12'15"W.	34.72'
L8	S.46°48'08"W.	84.82'
L9	S.34°09'34"W.	58.35'
L10	S.40°35'43"W.	49.32'
L11	S.08°42'20"E.	58.21'
L12	N.44°28'26"W.	45.51'
L13	S.76°33'08"W.	73.80'
L14	S.70°57'08"W.	43.55'
L15	S.72°25'01"W.	66.15'
L16	S.62°21'34"W.	75.81'
L17	S.59°06'04"W.	45.75'
L18	S.51°56'07"W.	51.74'
L19	S.42°28'45"W.	58.51'
L20	S.45°34'41"W.	54.91'
L21	S.85°58'05"W.	47.31'
L22	S.78°08'55"W.	27.11'
L23	S.74°32'24"W.	33.13'
L24	S.69°21'32"W.	72.30'
L25	S.56°59'14"W.	55.69'
L26	S.78°02'12"W.	32.63'
L27	S.74°15'55"W.	19.83'
L28	S.22°38'26"W.	106.88'
L29	S.31°24'32"W.	120.35'
L30	S.53°25'12"W.	41.90'
L32	S.86°56'36"E.	84.50'
L33	N.29°36'07"E.	40.97'
L34	S.87°35'05"E.	38.43'
L35	S.66°55'35"E.	30.00'
L36	N.37°53'06"E.	225.17'
L37	N.32°32'06"W.	38.42'
L38	N.42°39'27"E.	29.20'
L39	N.35°29'00"E.	15.02'
L40	S.16°41'00"E.	197.34'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	114.58'	32.30'	32.19'	S.21°35'26"W.	16°09'03"
C2	32.19'	31.67'	30.41'	S.25°50'46"W.	56°22'16"
C3	53.25'	57.68'	54.90'	S.87°27'59"W.	62°03'41"
C4	69.61'	18.96'	18.90'	N.72°36'54"W.	15°36'28"
C5	84.76'	65.87'	64.22'	S.60°21'17"W.	44°31'23"
C6	466.22'	32.98'	32.97'	S.72°57'40"W.	4°03'11"
C7	69.36'	31.56'	31.29'	S.64°03'29"W.	26°04'15"
C8	152.21'	28.67'	28.63'	S.59°39'18"W.	10°47'29"
C9	50.00'	55.37'	52.59'	N.61°19'46"E.	63°27'17"
C10	25.00'	27.04'	25.74'	N.60°35'28"E.	61°58'41"
C11	48.95'	16.44'	16.36'	N.86°34'12"E.	19°14'11"
C12	301.72'	26.12'	26.11'	N.77°50'23"E.	4°57'38"
C13	287.38'	16.36'	16.36'	N.81°05'47"E.	3°15'41"
C14	33.09'	11.80'	11.74'	N.87°40'56"E.	20°26'18"
C15	78.03'	58.53'	57.17'	S.56°37'28"E.	42°58'53"
C16	32.64'	16.55'	16.37'	S.16°37'31"E.	29°03'00"
C17	47.74'	32.16'	31.56'	S.21°23'58"E.	38°35'54"
C18	170.00'	186.56'	177.33'	N.37°42'03"E.	62°52'33"
C19	160.00'	105.17'	103.29'	N.41°54'16"E.	37°39'40"
C20	445.00'	500.84'	474.82'	N.70°07'40"E.	64°29'09"
C21	39.86'	53.95'	49.92'	N.00°13'18"E.	77°32'53"
C22	37.44'	36.72'	35.26'	S.83°30'46"E.	56°11'39"
C23	68.71'	29.38'	29.16'	S.48°47'10"E.	24°30'00"

LEGEND

SEC. SECTION
 TWP. TOWNSHIP
 RGE. RANGE
 AC. ACRES
 PB. PLAT BOOK
 PG. PAGE
 R/W RIGHT-OF-WAY
 ± PLUS OR MINUS
 L1 LINE 1 OF LINE TABLE
 C1 LINE 1 OF CURVE TABLE
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NOTE: THIS NOT A BOUNDARY SURVEY



ATWELL

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 4161 TAMIANI TRAIL, BLDG 5, UNIT 501
 PORT CHARLOTTE, FL 33892
 941.825.1105

SKETCH AND DESCRIPTION
 PRESERVE AREA #4
 CHARLOTTE COUNTY, FLORIDA

COMPLETION DATE:	PROJECT:	DRAFTED BY:	DESIGNED BY:	REVIEWED BY:	SHEET:
8/03/24	3706	JB		CDB	4 of 4

Attachment 4
Native Habitat Management Plan
and Wetland Classification

NATIVE HABITAT MANAGEMENT PLAN AND WETLAND CLASSIFICATION

**LAKE SIDE DUNCAN
Charlotte County, Florida**

May 2024

Prepared by:



**22102 Kimble Avenue, Port Charlotte, FL 33952
(941) 457-6272
www.IVAenvironmental.com**

INTRODUCTION

This submittal and any associated management plan(s) have been prepared to be consistent with Charlotte County's current HCP and associated scrub jay regulations, but are being tendered under protest as to the County HCP's fee structure and minimization measures, consistent with, and without prejudice to, the legal issues asserted in its lawsuit against the County in Case Nos.: 21-886-CA and 6D23-2112.

The following Native Habitat Management Plan has been prepared to address the long-term management of the wetland and upland preservation areas for the proposed development. In addition, the on-site wetlands have been classified in accordance with Charlotte County Comprehensive Plan Natural Resources Element Policy ENV 3.1.1 – Identification and Categorization of Wetlands.

The subject property is located in Sections 1 & 12, Township 40S, and Range 23E. Please refer to the attached Location Map.

The native habitats onsite have been delineated relative to the purpose for preservation. The 48.90 acres of scrub jay preserve, 1.70 acres of wetland (creek) preserve and 10.07 acres of creek upland buffer preserve are illustrated on the attached Habitat Management

NATIVE HABITAT PRESERVATION AREA MANAGEMENT PLAN (SCRUB JAY PRESERVE) The 48.9 acres of scrub jay preserve area will be placed under a conservation easement. In accordance with the provisions of the Charlotte County Florida Scrub Jay Habitat Conservation Plan (HCP), all management activities will be conducted by Charlotte County, as stipulated in the conservation easement.

NATIVE HABITAT PRESERVATION AREA MANAGEMENT PLAN (UPLAND BUFFER AND WETLAND PRESERVE)

An aggressive maintenance plan shall be implemented to ensure that the preserve areas remain relatively free (<5% aerial coverage) of exotic and nuisance vegetative species and maintain a minimum of 80% aerial coverage by desirable native vegetative 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.

Prohibited Activities

Filling, excavating, alteration, trimming or removal of native vegetation within the preservation area will be prohibited. Except as provided in the next paragraph and required for habitat enhancement of the Florida scrub jay preservation area, only activities necessary to implement the maintenance plan described above will be allowed within the preservation area.

Measures to Protect Wildlife and Integrity of the Native Habitat

Entrance to the preservation area will be limited to the homeowners and guests of the homeowners for purposes of viewing the area or performing maintenance activities, and contractors hired to perform maintenance activities required or permitted by this plan. Public access to the preservation area will not be permitted. In the case of any entrance to the preservation area, care shall be taken to protect wildlife and the integrity of the habitat. Habitat for wildlife, as well as overall increase in the ecological value of the preservation areas will be ensured through implementation of the maintenance plan.

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 3 years. If, at the end of three years, the preserve areas have met or exceeded the success criteria described above, monitoring requirements for the preserve areas 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, Biologist, registered Engineer, or Landscape Architect 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 areas shall be at the sole expense of the property owner(s) or developer.

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

- Qualitative overview of vegetative 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 for future remediation

Such monitoring report must be provided to the County within 45 days of monitoring inspection event, unless an extension by the County is granted.

WETLAND CLASSIFICATION

The Charlotte County Comprehensive Plan requires that all wetlands within a parcel under development review be categorized as either Category I or Category II wetlands. Additional scrutiny is afforded to impacts proposed within wetlands which qualify as Category I. For the purposes of this analysis, all wetlands on site have been consolidated based on FLUCCS code into a single category (as illustrated on the attached Protected Species Assessment Map) due to both wetlands containing a direct hydrologic surface water connection to Charlotte Harbor. In order to qualify as a Category I wetland, a wetland must have no more than 30% undesirable vegetation and meet at least two of the following criteria:

1. Any wetland of any size that has a permanent surface water connection to natural surface waterbodies with special water classifications, such as an Outstanding Florida Water, an Aquatic Preserve, or Class I or II waters. A natural hydrological connection that has been enhanced by human technology will be considered a connection under this category.

The subject wetland meets this criterion due to a tributary surface water connection to the Peace River.

2. Any wetland of any size that has a direct connection to the Floridan aquifer by way of an open sinkhole or spring.

The subject wetland does not meet this criterion.

3. Any wetland of any size that has functioning hydroperiods with minimal human disturbance and provides critical habitat for listed species.

The wetland is an existing natural creek that exhibits hydrology consistent with a natural hydrologic regime. Therefore, the wetland meets this criterion.

4. Any wetland of any size whose functioning hydroperiods are connected via a direct natural surface water connection to parks or conservation lands.

The subject wetland meets this criterion due to the direct connection to state owned lands adjacent to the Peace River.

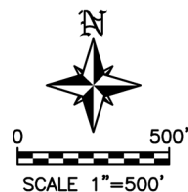
5. Any wetland of any size where downstream or other hydrologically connected habitats are significantly dependent on discharges from the wetland.

The subject wetland does not meet this criterion.

During site inspections conducted in July 2023, exotic species, primarily Peruvian primrose willow (*Ludwigia peruviana*) and torpedo grass (*Panicum repens*), comprised less than 5% coverage within this habitat.

As such, the subject wetland appears to meet three of the five criteria above and the presence of exotic vegetation is less than the 30% threshold. Therefore, the wetland falls within the definition of Category I wetlands.

SECTIONS 01 & 12; TOWNSHIP 40S; RANGE 23E

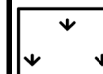


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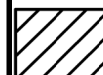
FLORIDA SCRUB JAY PRESERVE
CONSERVATION EASEMENT

48.90±



CREEK PRESERVE

1.70±



CREEK UPLAND BUFFER
PRESERVE

10.07±

NOTES:

- 1.FOR PERMIT USE ONLY, NOT FOR CONSTRUCTION.
- 2.PROJECT BOUNDARY IS APPROXIMATE AND WAS OBTAINED FROM CHARLOTTE COUNTY GIS.
- 3.MAPPING APPROXIMATE AND BASED ON INTERPRETATION OF 2017 AERIAL PHOTOGRAPHY AT 1"=500' SCALE.
- 4.THE DELINEATION OF ANY ON-SITE WETLANDS, SURFACE WATERS, AND/OR OTHER SURFACE WATERS IS PRELIMINARY AND SUBJECT TO REVIEW/APPROVAL BY APPLICABLE REGULATORY AGENCIES.

23-189 / MAY 6, 2024

LAKESIDE DUNCAN HABITAT MANAGEMENT PLAN MAP

IWA
Ian Vincent & Associates
Environmental Consulting Services



Superintendent
Mark Vianello

School Board
John LeClair, Chairman
Bob Segur, Vice Chairman
Kim Amontree
Wendy Atkinson
Cara Reynolds

MEMORANDUM

To: Jie Shao

From: Jeff Harvey 
Assistant Superintendent

Date: January 29, 2025

Subject: PAL-24-02/PD-24-02

Charlotte County Public Schools (CCPS) appreciates the opportunity for input. At this time, we take no objection nor have any comments specific to school concurrency for the amendment request to Charlotte County FLUM Series Map#1: 2030 Future Land Use from Low Density Residential and Commercial to Medium Density Residential, for property located north of Turbak Dr, south of Peace River Shores Blvd., east of Cobalt Blvd and west of Duncan Rd., in Punta Gorda area, containing 139.88+/- . At the appropriate time, the applicant must obtain a School Concurrency Availability Determination Letter (SCADL) from CCPS indicating that sufficient capacity exists, or has been accounted for through a binding and enforceable agreement, at elementary, middle, and high school levels prior to submitting the Final Plat application as outlined in the currently approved Inter-Local Agreement.



Qualifications of Jie Shao

Position: Principal Planner

Years with Charlotte County: 20

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

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

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

Education:

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

Professional Associations and Certifications:

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

Related Past Experience:

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

Exhibit 1

CHARLOTTE COUNTY

Location Map for PAL-24-02 and PD-24-02

**SUBJECT
PROPERTY**



01, 12/40/23 East County



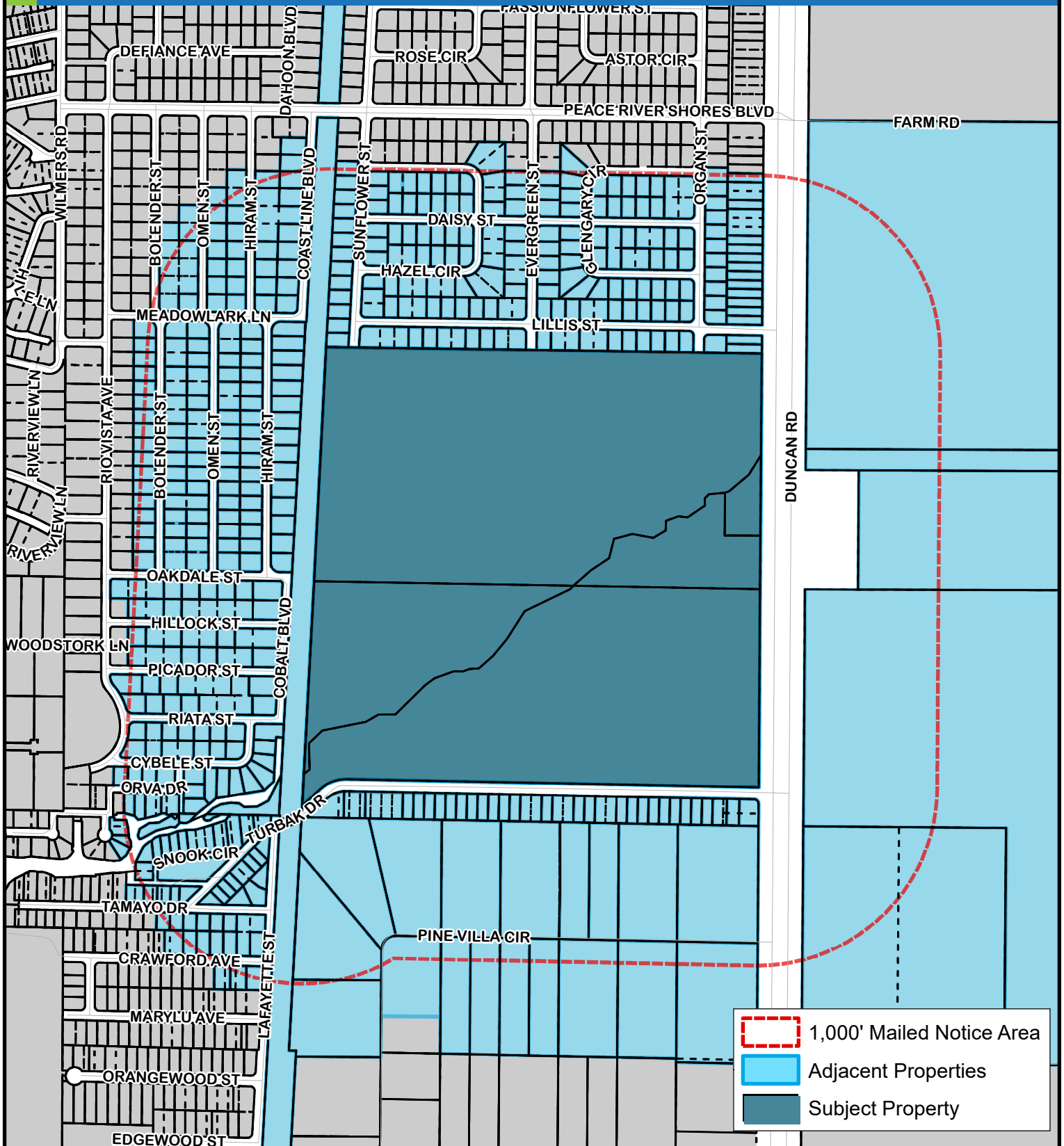
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CHARLOTTE COUNTY

1,000' Foot Mailed Notice of PAL-24-02 and PD-24-02



01, 12/40/23 East County

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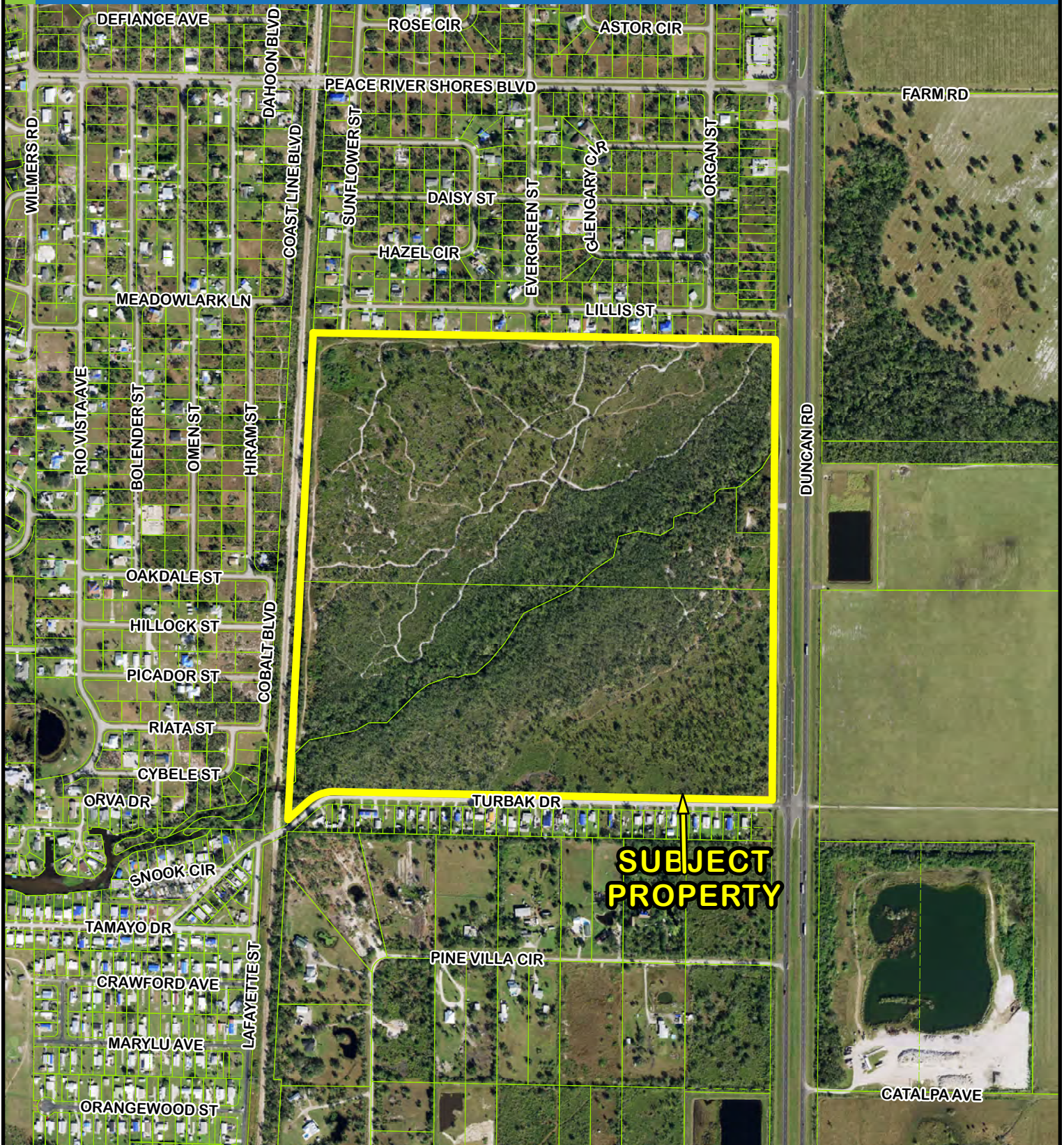
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CHARLOTTE COUNTY

Area Image for PAL-24-02 and PD-24-02



CHARLOTTE COUNTY
Community Development



01, 12/40/23 East County



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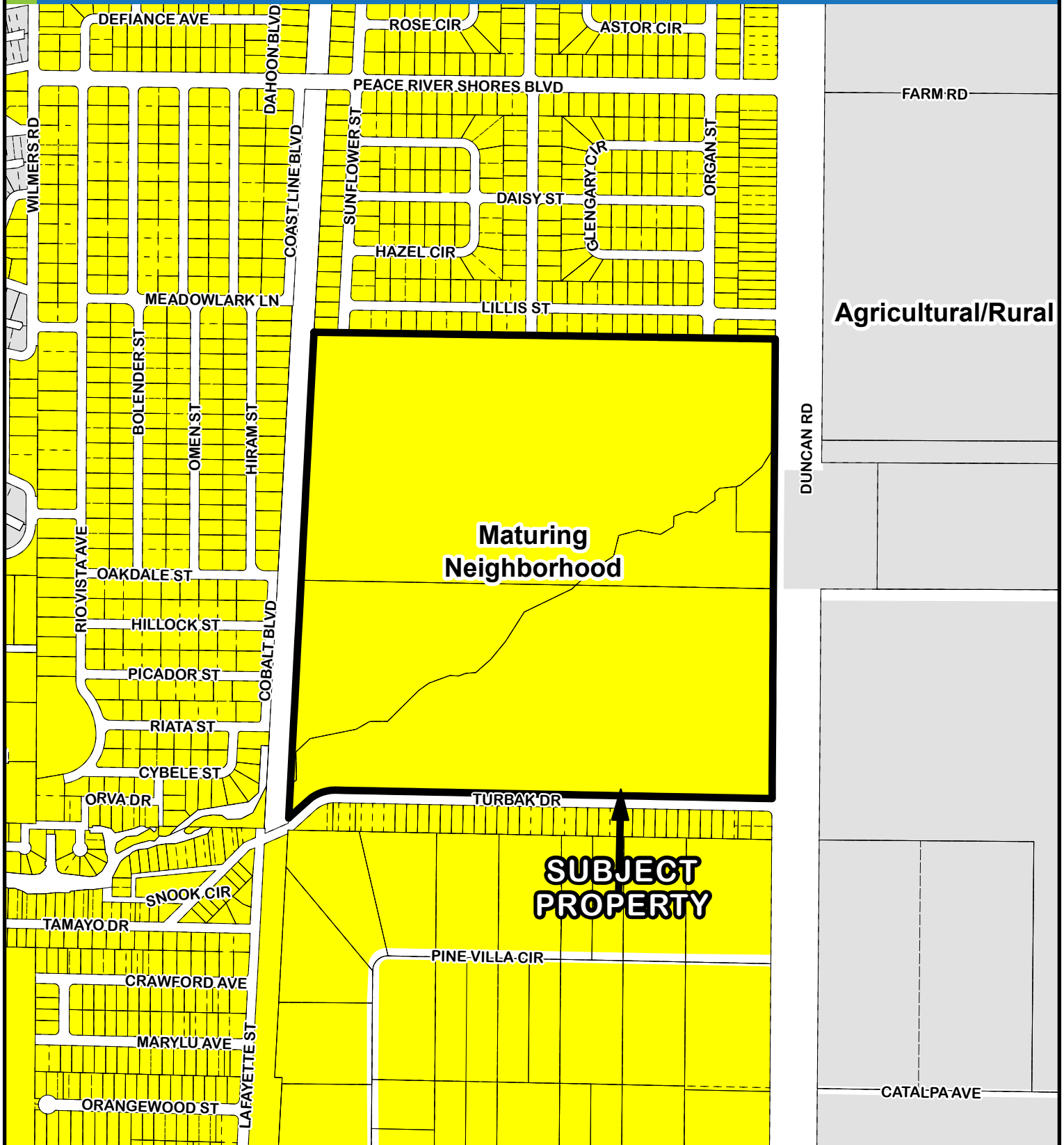
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CHARLOTTE COUNTY

Framework for PAL-24-02 and PD-24-02



01, 12/40/23 East County

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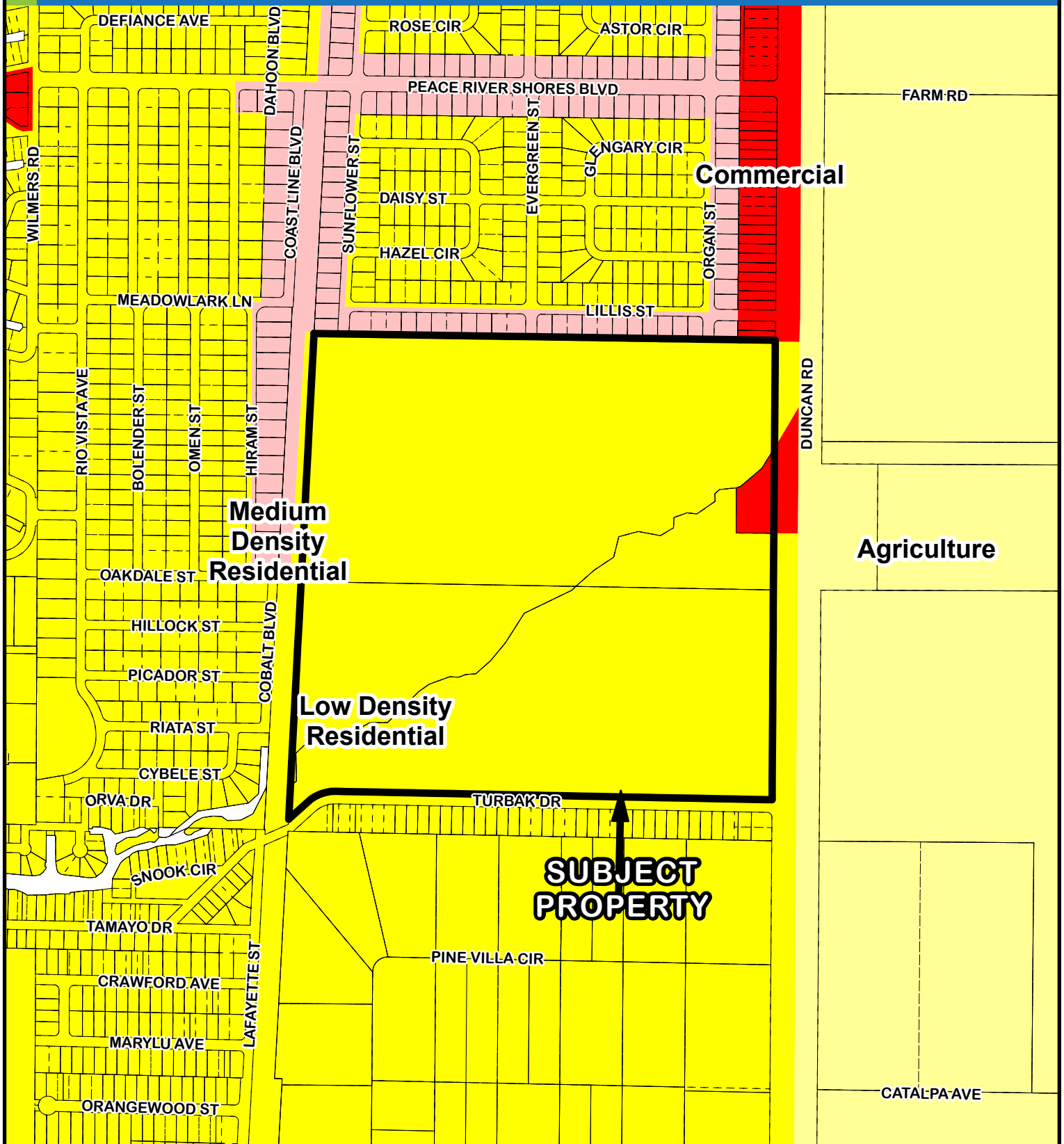
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CHARLOTTE COUNTY

FLUM Designations for PAL-24-02 and PD-24-02



01, 12/40/23 East County



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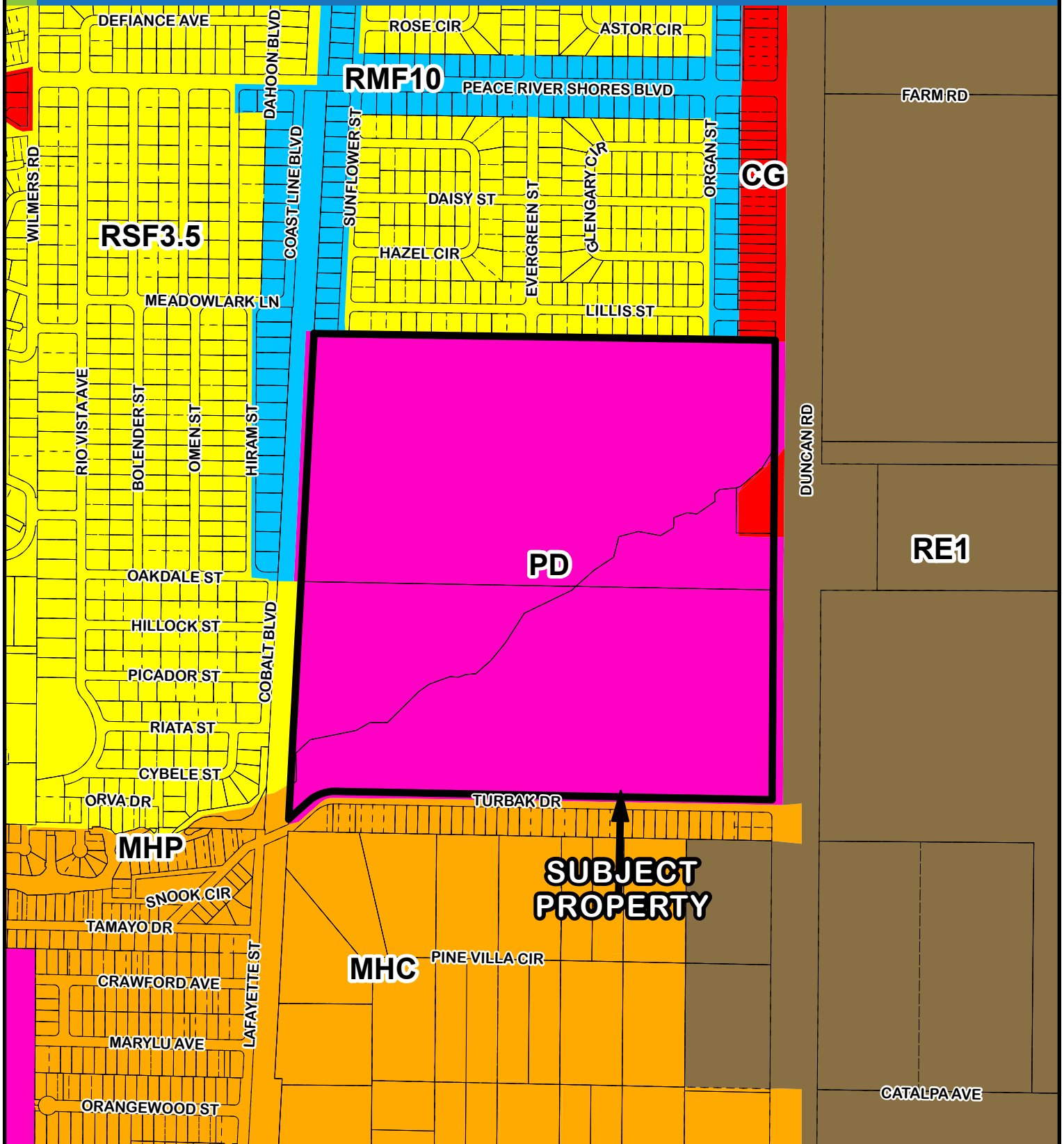
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CHARLOTTE COUNTY

Zoning Designations for PAL-24-02 and PD-24-02



01, 12/40/23 East County



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