

June 26, 2025

The Honorable Joseph Tiseo
Chairman, Charlotte County
Board of County Commissioners
18500 Murdock Circle
Port Charlotte, Florida 33948

Dear Chairman Tiseo,

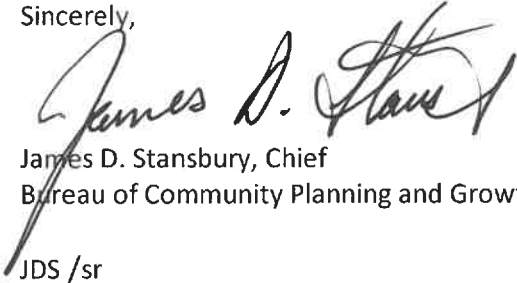
FloridaCommerce has reviewed the proposed comprehensive plan amendment for Charlotte County (Amendment No. 25-03ESR) received on May 29, 2025. The review was completed under the expedited state review process. FloridaCommerce has no comment on the proposed amendment.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, FloridaCommerce has enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the County is reminded that:

- Section 163.3184(3)(b), Florida Statutes (F.S.), authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to FloridaCommerce and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be transmitted to FloridaCommerce within ten working days after the final adoption hearing or the amendment shall be deemed withdrawn pursuant to 163.3184(3)(c)2., F.S.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after FloridaCommerce notifies the County that the amendment package is complete or, if challenged, until it is found to be in compliance by FloridaCommerce or the Administration Commission.

If you have any questions concerning this review, please contact Scott Rogers, Regional Planning Administrator, by telephone at (850)-717-8510 or by email via Scott.Rogers@Commerce.fl.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with a large initial "J" and "S".

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

Enclosure(s): Procedures for Adoption

cc: Jie Shao, Principal Planner, Charlotte County

Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

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

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

_____ State Land Planning Agency identification number for adopted amendment package.

_____ Summary description of the adoption package, including any amendments proposed but not adopted.

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date.

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government.

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact.

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

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

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation and its adopted designation.

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

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

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s).

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review.

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

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.



An Equal
Opportunity
Employer

Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

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

WaterMatters.org

Bartow Office

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

Sarasota Office

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

Tampa Office

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

John R. Mitten

Chair, Hernando, Marion

Jack Bispham

Vice Chair, Manatee

Ashley Bell Barnett

Secretary, Polk

John E. Hall

Treasurer, Polk

Ed Armstrong

Former Chair, Pinellas

Kelly S. Rice

Former Chair, Citrus, Lake,
Levy, Sumter

Michelle Williamson

Former Chair, Hillsborough

Josh Gamblin

DeSoto, Hardee, Highlands

James Holton

Pinellas

Dustin Rowland

Pasco

Robert Stern

Hillsborough

Nancy Watkins

Hillsborough, Pinellas

Brian J. Armstrong, P.G.

Executive Director

June 25, 2025

Ms. Jie Shao, Principal Planner
Charlotte County
Community Development Department
18400 Murdock Circle
Port Charlotte, FL 33948

Subject: **Charlotte 25-3ESR**

Dear Ms. Shao:

The Southwest Florida Water Management District (District) has reviewed the proposed amendment package which includes a map amendment identified as No. PAL-23-00004. We offer the following technical assistance comments for consideration.

Regional Water Supply

1. The letter from the Charlotte Harbor Water Association confirming the availability of potable water service should be amended, prior to adoption, to include documentation confirming the availability of adequate sources and the necessary infrastructure to serve the projected water demand, in accordance with Chapter 163.3177(6)(a)8.a., F.S., and Department of Economic Opportunity (DEO) guidelines (see page 3, last paragraph, of DEO's publication entitled *A Guide To The Data And Analysis To Support Comprehensive Plan Amendments*). A copy of the Guide is available at the following link:

<http://www.floridajobs.org/community-planning-and-development/programs/technical-assistance/planning-initiatives/natural-resource-planning/water-supply-planning>

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 TM and distribution of water conservation literature to residents. Additional information on these programs is available at the following links:

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

<https://www.swfwmd.state.fl.us/residents/florida-friendly-landscaping/florida-friendly-landscapingtm>

<https://www.swfwmd.state.fl.us/resources/free-publications>

Floodplains and Floodprone Areas

3. The site is located in the Coastal High Hazard Area (CHHA), an area vulnerable to storm surge and flooding. The proposed development activities may increase the number of persons exposed to natural hazards. The District recommends that a local hazard mitigation plan be in place prior to development to address the emergency management needs of this future population.

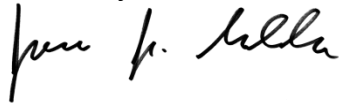
Wetlands and Other Surface Waters

4. No comments.

District Environmental Resource Permit (ERP) staff has conducted an ERP preapplication meeting for the proposed development (Preapplication No. 410050). 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.

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

Sincerely,



James J. Golden, AICP
Senior Planner

JG

cc: Yasmin, Valdez, DOC
Lindsay Weaver, DEP
Bruno Kapacinskas, SWFWMD
Rob McDaniel, SWFWMD



Florida Fish and Wildlife Conservation Commission

Commissioners

Rodney Barreto
Chairman
Coral Gables

Steven Hudson
Vice Chairman
Fort Lauderdale

Preston Farrior
Tampa

Gary Lester
Oxford

Albert Maury
Coral Gables

Gary Nicklaus
Jupiter

Sonya Rood
St. Augustine

Office of the
Executive Director
Roger A. Young
Executive Director

Charles "Rett" Boyd
Assistant Executive Director

George Warthen
Chief Conservation Officer

Jessica Crawford
Chief of Staff

Division of Habitat and
Species Conservation
Melissa Tucker
Director

850-488-3831

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

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

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

MyFWC.com

June 27, 2025

Jie Shao
Charlotte County Planning & Zoning Division
E. Jay Carlson Community Development Building
18400 Murdock Circle
Port Charlotte, FL 33948
Jie.Shao@charlottecountyfl.gov

Re: Charlotte County 25-03ESR (PAL-23-00004), Comprehensive Plan Amendment

Dear Ms. Shao:

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

Project Description

Charlotte County transmitted a privately initiated comprehensive plan amendment to extend the Urban Service Area boundary to include the subject property. The applicant and property owner are concurrently seeking a small-scale plan amendment to update the subject property's Future Land Use map designations from Preservation, Parks and Recreation, and Low Density Residential to High Density Residential and Parks and Recreation (PAS-24-00002) and is also requesting to amend the Zoning Atlas from Environmentally Sensitive, Parks and Recreation, Residential Single-Family, Residential Multi-Family, and Commercial Tourist to Planned Development (PD-24-08).

The site is located southeast of the intersection of Edgewater Drive and Lister Street adjacent to the Peace River on approximately 20 acres. Landcovers on the site include 7.5 acres of mangrove swamp, 4.6 acres live oak, 3.8 acres of marinas, 1.2 acres of exotic wetland hardwoods, 1.1 acres of disturbed land, 1.0 acre of marinas – water, and 0.6 acres of mixed wetland hardwoods.

Potentially Affected Resources

The amendment package included a May 2024 *Environmental Assessment Report* prepared by Owen Environmental Consulting. The *Report* indicates that wildlife assessments have been conducted on the site that focused on listed and managed species with the potential to occur within the project area including:

- Eastern indigo snake (*Drymarchon couperi*, Federally Threatened [FT])
- Florida bonneted bat (*Eumops floridanus*, Federally Endangered [FE])
- Florida panther (*Felis concolor coryi*, FE)

- Wood stork (*Myrcteria americana*, FT)
- Gopher tortoise (*Gopherus polyphemus*, State Threatened [ST])
- Little blue heron (*Egretta caerulea*, ST)
- Roseate spoonbill (*Ajaia ajaja*, ST)
- Tricolored heron (*Egretta tricolor*, ST)
- Bald eagle (*Haliaeetus leucocephalus*)
- Florida black bear (*Ursus americanus floridanus*)

Two gopher tortoise burrows were observed onsite and the *Report* indicates an FWC permit will be required if burrows are within 25 feet or less of the proposed development. One bald eagle nest (CH-029) is within the project area, but the *Report* indicates that it is not currently active.

FWC staff conducted a geographic information system (GIS) analysis of the project area which found the project site is also located near, within, or adjacent to:

- U.S. Fish and Wildlife Service (USFWS) Consultation Areas for the Audubon's crested caracara (*Caracara plancus audubonii*, FT) and Florida scrub-jay (*Aphelocoma coerulescens*, FT)
- Critical habitat for the smalltooth sawfish (*Pristis pectinata*, FE) and the West Indian manatee (*Trichechus manatus latirostris*, FT)
- Potential habitat for the Florida burrowing owl (*Athene cunicularia floridana*, ST) and least tern (*Sternula antillarum*, ST)

Comments and Recommendations

Florida Burrowing Owl

While the existing conditions onsite likely do not support nesting burrowing owls, clearing associated with construction may create conditions conducive for nesting. Burrowing owls typically occupy areas with short groundcover like agricultural fields and prairies. FWC staff recommends that pre-construction surveys be conducted to ensure that no burrowing owl burrows occur onsite. Additional information and guidance for conducting burrowing owl surveys can be found in the *Species Conservation Measures and Permitting Guidelines for Florida Burrowing Owl* (<https://myfwc.com/media/2028/florida-burrowing-owl-guidelines.pdf>). If burrowing owls are observed onsite, the applicant should coordinate with FWC staff identified at the close of this letter to discuss avoidance, minimization, and permitting options.

Gopher Tortoise

Due to the documented presence of gopher tortoises onsite, FWC staff recommends that the applicant refer to the *Gopher Tortoise Permitting Guidelines* (revised April 2023) (<http://www.myfwc.com/license/wildlife/gopher-tortoise-permits/>) for survey methodology and permitting guidance. 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 Jessica Folsom by phone at (850) 921-1020 or at Jessica.Folsom@MyFWC.com.

Least Tern

While the existing conditions onsite likely do not support least tern nesting activity, clearing associated with construction may create conditions conducive for nesting. Cleared sites such as areas that have undergone surface scraping may attract ground nesting species such as least terns or other imperiled beach-nesting birds (IBNB) during nesting season. IBNB nests have been documented on a variety of disturbed sites, including construction sites. Least terns and other IBNBs deposit their eggs in shallow “nest scrapes” they dig in sand, shell, gravel, or similar substrates. Egg-laying for least terns usually begins between April 1 and early May. Colonies may range in size from a few breeding pairs to many hundreds. FWC staff recommends the following measures to reduce nesting potential during construction:

- Conduct clearing, grading, and construction activities outside of the breeding season (generally April 1 through September 1) if feasible, or,
- If these activities occur during the breeding season, clear and grade the site only when ready to build.

Avoid leaving cleared or graded areas with little to no activity for extended periods. Least terns may lay eggs within just a few days of digging nest scrapes. If nesting is observed, FWC staff are available to discuss necessary nest buffers and potential permitting alternatives. The *Species Conservation Measures and Permitting Guidelines for American Oystercatcher, Snowy Plover, Black Skimmer, and Least Tern* (<https://myfwc.com/media/29766/ibnb-guidelines.pdf>; effective October 1, 2024) can be referenced for additional biological information, measures for avoiding impacts, and conservation practices.

Non-native Fish and Wildlife

The Early Detection & Distribution Mapping System (EDDMapS) indicates high priority invasive species, including pythons (*Python* spp.) and Argentine black and white tegus (*Salvator merianae*), have been reported in this area. These species are considered a high risk to Florida’s ecology, economy, or human health and safety. Workers authorized to access the site who encounter these species or other non-native wildlife listed as Conditional or Prohibited (<http://www.myfwc.com/wildlifehabitats/nonnatives/regulations/>), are requested to report these sightings, whether dead or alive to <http://www.IveGot1.org>. Reports of observations, high-resolution photos, proof of captures, and removals of any high priority invasive species are used to monitor populations and coordinate rapid response efforts for non-native species. If workers require assistance capturing or removing priority non-native wildlife, they should call the FWC’s Invasive Species Hotline at 1-888 IVE GOT 1 (888-483-4681).

Smalltooth Sawfish and Mangroves

The proposed project is located within smalltooth sawfish federally-designated critical habitat. This part of the Peace River estuary is a high use area for juvenile sawfish. Mangrove shorelines are a critical component of sawfish nursery habitat and due to historic development, much of the mangrove shoreline in this area has been eliminated. Project plans provided with the proposed amendment include a boardwalk and a pergola constructed within the mangroves. If a water view is the objective of these structures, FWC staff recommends a “windowing” approach to mangrove trimming following appropriate Florida Department of Environmental Protection regulations and guidelines. Preserving the integrity and ecological function of these mangroves (i.e., roots, overall height, and density) should be prioritized. During state permitting such as Environmental Resource Permitting, FWC staff may provide recommendations related to avoidance and minimization measures for the onsite mangroves, and the development of a mitigation and monitoring plan for any potential impacts.

The smalltooth sawfish is a federally listed endangered species pursuant to the Endangered Species Act (ESA). Additionally, smalltooth sawfish is a state-listed endangered species pursuant to FWC rule 68A-27, F.A.C and a marine Prohibited Species pursuant to FWC rules 68B-8 and 68B-44, F.A.C. The FWC defers to NMFS and requests that Charlotte County take into consideration any project-specific permit conditions, comments, recommendations, and Biological Opinions regarding smalltooth sawfish that NMFS may provide for federal consultation or permitting activities associated with this project.

Federal Species

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

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

Sincerely,



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

jc/lis

Charlotte County 25-03ESR_63126_06272025

Cc: Donna Harris, Florida Department of Commerce,
DCPexter@commerce.fl.gov

Shao, Jie

From: Bailey, Ben
Sent: Friday, June 27, 2025 7:32 AM
To: Shao, Jie
Subject: FW: Charlotte County 25-03ESR Proposed

FYI

Respectfully,



Ben Bailey
Community Development Director
Charlotte County
Community Development Department
18400 Murdock Circle
Port Charlotte, FL. 33948
941.743.1211
CharlotteCountyFL.gov
Delivering Exceptional Service

How was your service? [CLICK HERE](#) to let us know

From: Plan_Review <Plan.Review@dep.state.fl.us>
Sent: Thursday, June 26, 2025 5:26 PM
To: Bailey, Ben <Ben.Bailey@charlottecountyfl.gov>; dcpxter@commerce.fl.gov
Cc: Plan_Review <Plan.Review@dep.state.fl.us>
Subject: Charlotte County 25-03ESR Proposed

Caution – This email originated from outside of our organization

Please do not open any attachments or click on any links from unknown sources or unexpected email.

[Report Suspicious](#)

To: Ben Bailey, Community Development Director

Re: Charlotte County 25-03ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

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



From: [McCaughey, Erica](#)
To: [Shao, Jie](#)
Subject: Fw: Your comments for Charlotte County 2025-3ESR (PAL-23-00004)
Date: Monday, July 28, 2025 8:38:56 AM
Attachments: [image001.png](#)
[Outlook-czs55efr.png](#)

Caution – This email originated from outside of our organization

Please do not open any attachments or click on any links from unknown sources or unexpected email.

[Report Suspicious](#)

Good morning Jie,

See below for Tanya's response.

Thanks,

Erica

From: Merkle, Tanya <Tanya.Merkle@dot.state.fl.us>
Sent: Wednesday, July 23, 2025 7:28 AM
To: McCaughey, Erica <Erica.McCaughey@dot.state.fl.us>
Subject: Re: Your comments for Charlotte County 2025-3ESR (PAL-23-00004)

Hello Jie,

I apologize for missing the response on this review.

FDOT has reviewed the transmitted amendment for Charlotte County pursuant to Section 163.3184(3), Florida Statutes. The proposed expedited state review is not anticipated to have significant adverse impacts to transportation resources or facilities of state importance.

We appreciate the opportunity to review the proposed amendment and request that a copy of the adopted amendment, along with the supporting data and analysis be transmitted within ten working days after the second public hearing. If you have any questions, please do not hesitate to contact me.

Sincerely,

Tanya

Tanya Merkle, MURP
Community Planner
D1 Bicycle/Pedestrian & SUN Trail Coordinator
941-708-4459 Desk

863-272-4819 Cell
tanya.merkle@dot.state.fl.us



From: McCaughey, Erica <Erica.McCaughey@dot.state.fl.us>
Sent: Friday, July 18, 2025 4:34 PM
To: Merkle, Tanya <Tanya.Merkle@dot.state.fl.us>
Subject: Fw: Your comments for Charlotte County 2025-3ESR (PAL-23-00004)

Hey there,

Would you mind responding to Jie if you had comments on this one?

Thanks!

Erica

From: Shao, Jie <Jie.Shao@charlottecountyfl.gov>
Sent: Thursday, July 17, 2025 12:39 PM
To: McCaughey, Erica <Erica.McCaughey@dot.state.fl.us>
Subject: Your comments for Charlotte County 2025-3ESR (PAL-23-00004)

EXTERNAL SENDER: Use caution with links and attachments.

Good afternoon, Erica,

I would like to know whether or not you have any comments for these applications.

Thank you,
Jie



Jie Shao, AICP, MCP
Planner, Principal
Charlotte County Community Development Department
941-743-1272 (Office)
941-370-2833 (Cell)
18400 Murdock Circle
Port Charlotte, FL 33948
CharlotteCountyFL.gov
Delivering Exceptional Service