



MEMORANDUM

Date: 1-6-24

To: Honorable Board of County Commissioners

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

Subject: Petition to Establish the Firelight East Community Development District (CDD), Petition Number CDD-23-02

Request:

Pursuant to Chapter 190, Florida Statutes, (F.S.), Community Development Districts, Zemel Land Partners, LLC has submitted a petition to the County to establish the Firelight East Community Development District (CDD). The petition was filed with the County in accordance with Section 190.005(2), F.S. This section requires that a petition for a Community Development District (CDD) with less than 2,500 acres shall only be granted by an ordinance of the county having jurisdiction over a majority of the land in which the district is to be located. Section 190.005(2)(c), F.S., allows for the County to conduct a public hearing to consider the relationship of the petition to the factors discussed in the following analysis. Based on the analysis and written and oral comments received during the public hearing, the Board of County Commissioners (Board) can either adopt or deny an Ordinance establishing this CDD.

Applicant:

Zemel Land Partners, LLC
5800 Lakewood Ranch Boulevard
Sarasota, FL 34240

Agent:

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

Analysis:

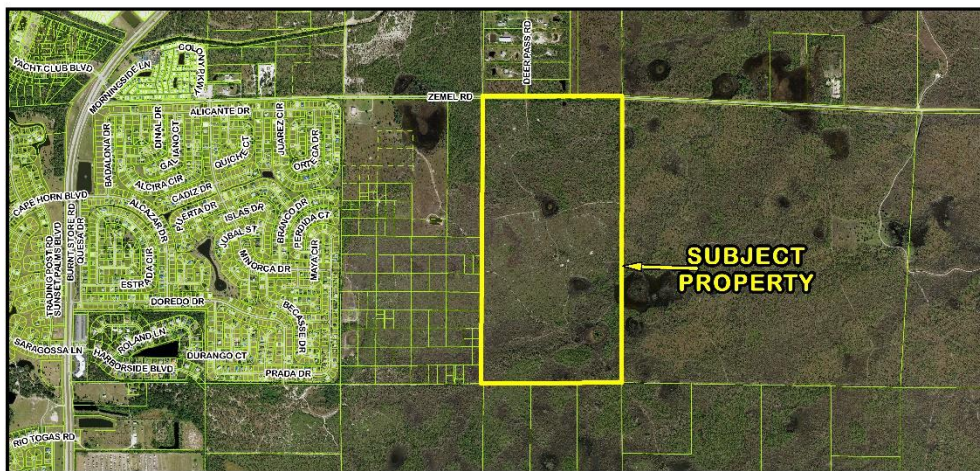
Staff has reviewed the requested petition in light of the following six factors and makes the following findings:

1. *Whether all statements contained within the petition have been found to be true and correct.*

Staff reviewed the petition and its supporting documents and concluded that all statements contained within the petition are true and correct.

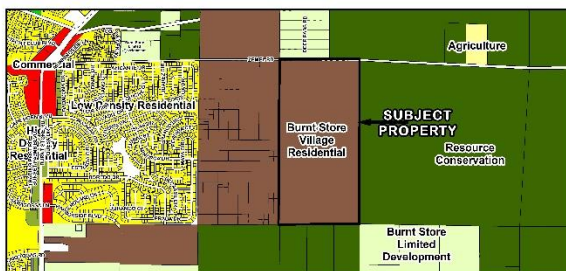
2. *Whether the establishment of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.*

The subject property for this proposed CDD contains approximately 338.02± acres. It is located at 26901 or 27001 Zemel Road, in the Punta Gorda area, within the boundary of the Burnt Store Area Plan area, and in Commission District II.

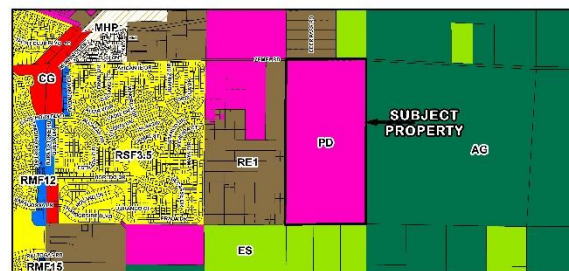


CDD-23-02 Area Image

The subject property has a Future Land Use Map (FLUM) designation of Burnt Store Village Residential and a zoning designation of Planned Development (PD) via Ordinance Number 2007-063 (Attachment 1) to allow for a mixed residential development including (180) single-family units and (714) multi-family units. The associated PD Concept Plan expired on September 19, 2008. On April 25, 2023, the Board of County Commissioners (Board) approved a request to extend the PD Concept Plan (Application Number CPE-23-01) via Ordinance Number 2023-019 (Attachment 2). On May 23, 2023, the Board also approved Resolution Number 2023-077 (Attachment 3) to transfer 311 density units onto the subject site. As of today, a maximum of 344 dwelling units can be built on the subject property.



CDD-23-02 FLUM Designations



CDD-23-02 Zoning Designations

On September 12, 2023, a Preliminary Plat application (Application Number PP-23-03-03) was approved by the Board (Attachment 4) for a residential subdivision named Residences at Burnt Store East, consisting of 344 single-family lots and 20 tracts, for the subject property. The establishment of the proposed CDD is consistent with all applicable elements of the County's Comprehensive Plan.

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

The area within the proposed CDD contains approximately 338.02 acres, all of which form a sufficiently contiguous parcel. Therefore, the area for the proposed CDD is sufficiently contiguous, compact and of sufficient size to be developed as a functional inter-related residential community.

In addition, the submitted application lists the various facilities and services that the proposed CDD may provide. Specifically, construction of the stormwater management system, onsite wetland conservation/migration, public roadways (onsite), hardscape, landscaping and irrigation, streetlights/undergrounding of electrical lines, and the recreational amenities within the boundary of the proposed CDD will be funded, owned, and maintained by the proposed CDD. The water, wastewater and reclaim utilities (onsite & offsite) as well as the public roadways (offsite) will be funded by the proposed CDD; however, these systems will be owned and maintained by the County.

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

The developer must provide services and facilities to a proposed project whether or not a CDD is formed; however, the proposed CDD will be the best financial alternative for delivering community development services and facilities to the area served by such CDD. Formation of the CDD provides a mechanism for providing the needed services/facilities and alleviating the burden of upfront capital costs and related payments. Establishment of the proposed CDD could also cover on-going maintenance of facilities that would accrue to the County. The alternative mechanisms to pay for maintenance of the infrastructure are to establish a special taxing district, such as a Municipal Service Benefit Unit or Municipal Service Taxing Unit (MSBU or MSTU), or to utilize the limited resources of the local general-purpose government.

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

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

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

The area to be served by the proposed special district government is wholly owned by Zemel Land Partners, LLC, which is requesting to establish the proposed CDD. The subject property is not currently served by an MSTU or MSBU; therefore, the subject area is amenable to the special district.

Staff Conclusion:

Staff from the County Public Works, Charlotte County Utilities, Facilities Construction & Maintenance, and Community Services have no objections to establish this proposed CDD. Any development impacts will be addressed and mitigated during the Final Detail Site Plan review process and may be further addressed for any revisions to the approved Final Detail Site Plan; therefore, it is staff's professional opinion that establishing the Firelight East Community Development District (CDD) is consistent with Section 190.005(2) F.S., and is not contrary to Charlotte County's Comprehensive Plan, Charlotte County's Code of Laws and Ordinances, or other applicable guidelines.

Attachment 1
Ordinance Number 2007-063

September 27, 2007

ORDINANCE
NUMBER 2007 - 063

AN ORDINANCE APPROVING AN AMENDMENT TO THE CHARLOTTE COUNTY ZONING ATLAS FROM AGRICULTURE ESTATES (AE) TO PLANNED DEVELOPMENT (PD), FOR PROPERTY LOCATED AT 26901 OR 27001 ZEMEL ROAD, IN THE PUNTA GORDA AREA, CONTAINING 338.02 ACRES MORE OR LESS; PETITION Z-07-06-40-TDU; APPLICANT, MARK LINDNER, AS TRUSTEE OF THE BURNT STORE EAST LAND TRUST; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, September 18, 2007, the Board of County Commissioners of Charlotte County ("Board") reviewed Petition Z-07-06-40-TDU which requested a rezoning from Agriculture Estates (AE) to Planned Development (PD) on 338.02 acres more or less of property owned by Mark Lindner, as Trustee of the Burnt Store East Land Trust, 2206 Majestic Court, Naples, Florida 34110, and described as located at 26901 or 27001 Zemel Road, Punta Gorda area, in Commission District II, and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, Mark Lindner, as Trustee of the Burnt Store East Land Trust, as the applicant, seeks a rezoning to Planned Development to allow a 894-unit residential development including single-family units as well as multi-family units; and

WHEREAS, Petition Z-07-06-40-TDU has previously been heard by the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on

1 the findings and analysis presented in the Planning and Zoning Division staff
2 report dated July 20, 2007, revised on August 16, 2007, and the evidence
3 presented to the P&Z Board, has been recommended for approval with
4 conditions; and

5 WHEREAS, after due consideration, based on the Planning and
6 Zoning Division staff report dated July 20, 2007, revised on August 16, 2007, and
7 the evidence presented to it, the Board has found that approval of Petition
8 Z-07-06-40-TDU is consistent with the 1997-2010 Charlotte County
9 Comprehensive Plan, and that it meets the requirements for the granting of a
10 rezoning, and;

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

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

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

19 Petition Z-07-06-40-TDU requesting rezoning from
20 Agriculture Estates (AE) to Planned Development
21 (PD) for 338.02 acres more or less of property owned
22 by Mark Lindner, as Trustee of the Burnt Store East
23 Land Trust, and described as located at 26901 or
24 27001 Zemel Road, in the Punta Gorda area,
25 Charlotte County, Florida, and more particularly
26 described in Exhibit "A" attached hereto and
27 incorporated herein by this reference.
28

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

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

5 PASSED AND DULY ADOPTED this 18 day of September, 2007.

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

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10 By: Richard D. Loftis
11 Richard D. Loftis, Chairman
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16 ATTEST:
17 Barbara T. Scott, Clerk of
18 Circuit Court and Ex-Officio Clerk
19 to the Board of County Commissioners

20 By: Anne L. Pfahler
21 Deputy Clerk
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25 APPROVED AS TO FORM
26 AND LEGAL SUFFICIENCY

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28 By: Janette S. Knowlton
29 Janette S. Knowlton, County Attorney
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45 p:\public\karen\ord\small scale\Z-07-06-40-TDU.Mark Lindner, as Trustee of the Burnt Store East Land Trust
46 LR2007-442

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SEC. 28, TWP. 42 SOUTH, RGE. 23 EAST IN CHARLOTTE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

THE EAST ONE HALF OF SECTION 28 IN TOWNSHIP 42 SOUTH, RANGE 23 EAST, LYING AND BEING IN CHARLOTTE COUNTY, FLORIDA. SUBJECT TO A ROAD RIGHT OF WAY RECORDED IN DEED BOOK 48, PAGE 129, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

PARCEL CONTAINS 338.02 ACRES, MORE OR LESS.

EXHIBIT A

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, dated March 29, 2007, and except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the Development Review Committee (DRC) conditions of approval per letter dated July 2, 2007 are required to be met. The open habitat space area shall be no less than 158.32± acres. The PD Concept Plan includes 34.44± acres of lake area. Areas indicated for single-family development and multi-family development will be developed as such. Revisions consistent with the notes on the approved PD Concept Plan shall be permitted. Residential development standards shall be as indicated on the PD Concept Plan, with minor modifications allowed only to increase lot sizes.
- b. The subject property currently retains 33 units of density. The applicant is proposing to develop a total of 894 units including 714 multi-family units and 180 single-family units. The mix of multi-family units and single family units may be changed consistent with the PD Concept Plan. If more than 356 single family units are proposed, the applicant shall submit a revised Traffic Impact Statement and proportionate share analysis. The subject property shall require 861 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. No development shall occur prior to Final DRC approval.
- d. The developer shall minimize impervious surfaces within the development wherever practicable.
- e. A development time line and phasing plan for the entire PD shall be submitted prior to Final DRC approval. A monitoring report shall be submitted annually from the day of Final DRC approval until buildout, identifying the development activities which occurred during the past year and summarizing current and previous year statistics (as applicable).
- f. The maximum building height for residential development is 38 feet from the base flood elevation. The maximum building height within the recreation area is 40 feet from the base flood elevation.
- g. The roadways for this development shall be constructed to Charlotte County standards. If the roadways for this development are to be private, following Final DRC approval, the developer, and subsequently, the homeowner's association, is required to maintain all private roads within the development area.
- h. The development must utilize potable water and sanitary sewer utilities. The potable water and sanitary sewer lines must be connected to the site before any certificates of occupancy shall be issued. The developer must also extend re-used water utility lines along with the potable water and sanitary sewer lines throughout the development. A developer's agreement with Charlotte County Utilities for the extension of potable water, sanitary sewer, and re-use lines must be approved by the Board of County Commissioners prior to the final DRC application for any phase of development.
- i. The site shall be developed with a unified landscaping theme. Only Florida Friendly plantings and/or xeriscaping shall be allowed for landscape plantings within the common 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. The applicant shall institute an education program for all homeowners on the correct use of pesticides, herbicides, and fertilizers. A partnership

with the Cooperative Extension Service of the University of Florida to interact with the Florida Yards and Neighborhoods program is encouraged. Only natural organic or other slow release forms of fertilizers shall be utilized throughout the development.

j. All landscaping must be irrigated as necessary to ensure survival. When made available by the Utility, non-potable water shall be utilized for common area and private irrigation throughout the development. The developer is encouraged to construct grey water retention basins on site if at all possible. The developer, a homeowner's association, community development district or similar entity, is required to maintain all common areas within the development area.

k. 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.

l. 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 a minimum of fifteen (15) feet and average twenty-five (25) feet in width as measured from the landward limit of the wetland or surface water.

m. A Conservation Easement preserving in perpetuity all wetlands and associated buffer uplands in the area shall be granted to the County or the Southwest Florida Water Management District. A copy of the easement shall be sent to the County Attorney's Office and 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.

n. A developer's agreement to fund the widening the Burnt Store Road shall be finalized and approved prior to the final DRC application for any phase of development.

o. Landscaping and Buffer requirements:

- i. At a minimum, the 25-foot PD setback for the property boundary adjacent to Zemel Road shall be landscaped.
- ii. At a minimum, a type B buffer must be placed within the 25-foot PD setback along the northern, eastern, and western portion of the property lines which are adjacent to the property zoned AE.
- iii. At a minimum, a type B Buffer must be placed within the multi-family development area which is adjacent to internal single-family development.
- iv. At a minimum, a type C buffer must be provided around the recreation area as it considered to be similar to an "active use park". The applicant must comply with Chapter 3-5, Article XVIII, Landscaping and Buffer Requirements, of the County Code.
- v. The developer is required to remove exotic/nuisance species from the subject property.

p. 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.

q. The developer is required to provide a sidewalk throughout the subject site, with a minimum width of five (5) feet along at least one side of all internal roadways. An eight (8) foot wide bicycle/pedestrian trail is required along the northern property line on Zemel Road. The developer shall coordinate with the Department of Public Works. The sidewalk must be completed at the time of the 50% completion of the residential development.

r. The recreation areas shall be a total of 7.11± acres and will contain a clubhouse with a swimming pool together with other amenities such as a basketball court, tennis courts, and a parking area. The final design of the recreation area shall be determined at Final Detail Plan approval. The clubhouse 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.

s. The applicant shall work with the Charlotte County Public Schools Transportation Department to provide a bus stop(s) and shelter(s) for the community. Should the pick up and drop off point be located at the entrance of the development, the developer shall allow for sufficient room for a parent drop-off and bus pick-up along with an adequate means for traffic circulation at the entrance. A shelter for the children is required at the pick-up area(s). This addition must be shown on the Final DRC plan for approval.

t. Any changes in the Concept Plan must receive a recommendation from the Natural Resources Planning Section and the Comprehensive Planning Section.

u. The developer shall install a sign at the end of the cul-de-sac in the northwest corner of the project informing residents that, in the future, a connection may be provided to the properties to the west of the site.

Attachment 2
Ordinance Number 2023-019

CHG
BCC

FILED WITH THE DEPARTMENT OF STATE April 26, 2023

ROGER D. EATON, CHARLOTTE COUNTY CLERK OF
CIRCUIT COURT
PAGE: 13
INSTR #: 3257119 Doc Type: GOV
Recorded: 04/28/2023 at 08:05 AM
Rec. Fee: RECORDING \$112.00

ORDINANCE
NUMBER 2023 - 019

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 3-9-45, PLANNED DEVELOPMENT, UNDER CHAPTER 3-9, ZONING, OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, APPROVING THE REQUEST TO EXTEND THE TIME LIMITATION OF THE PLANNED DEVELOPMENT (PD) CONCEPT PLAN APPROVED VIA ORDINANCE NUMBER 2007-063, FOR PROPERTY GENERALLY LOCATED AT 26901 OR 27001 ZEMEL ROAD, IN THE PUNTA GORDA AREA; CONTAINING 338.02± ACRES; COMMISSION DISTRICT II; PETITION CPE-23-01; APPLICANT: LINDNER MARK L TRUSTEE; PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, April 25, 2023, the Board of County Commissioners of Charlotte County, Florida ("Board") reviewed Petition CPE-23-01, submitted by property owner and applicant, Lindner Mark L Trustee ("Applicant"), requesting to extend the Planned Development (PD) Concept Plan which was adopted by the Board via Ordinance Number 2007-063 on September 18, 2007; and

WHEREAS, the subject property is generally located at 26901 or 27001 Zemel Road, in the Punta Gorda area, containing 338.02 acres more or less ("Property"); and

WHEREAS, on September 18, 2007, the Board approved an amendment to the Zoning Atlas from Agriculture Estates (AE) to Planned Development (PD) for the Property, along with its associated Planned Development (PD) Concept Plan, via Ordinance Number 2007-063 (attached as Exhibit "A"), in order to have a residential development up to 894 units; and

WHEREAS, since the Board approved this PD rezoning, along with its associated Planned Development (PD) Concept Plan, no density has been transferred onto the Property and no Final Detail Site Plan has been submitted; and

WHEREAS, Section 3-9-45(d)(3)d.1. of the Code of Laws and Ordinances of Charlotte County, Florida ("Code") states that "the applicant/property owner may petition the BCC to extend the expiration date of the Planned Development (PD) Concept Plan. Such request shall be accompanied by a fee as established by the BCC. The extension shall contain a provision requiring the Planned Development (PD) Concept Plan to conform to the Code in effect at the time of the granting of the extension and other reasonable conditions as the BCC may impose"; and

WHEREAS, pursuant to Section 3-9-45(d)(3)d.1. of the Code, the Applicant has submitted a request to extend the Planned Development (PD) Concept Plan; and

WHEREAS, after due consideration, based on the findings and analysis provided by County Staff and the evidence presented to it, the Board has found that approval of Petition CPE-23-01 is consistent with the County's Comprehensive Plan, and that it meets the requirements for the granting of an extension; and

WHEREAS, based on the above findings, the Board has determined it to be in the best interests of the County to extend the Planned

Development (PD) Concept Plan (attached as Exhibit "B") until a Final Detail Site Plan is approved by the Board.

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

SECTION 1. Petition CPE-23-01, submitted by property owner and applicant, Lindner Mark L Trustee, to extend the Planned Development (PD) Concept Plan until a Final Detail Site Plan is approved by the Board, is hereby approved.

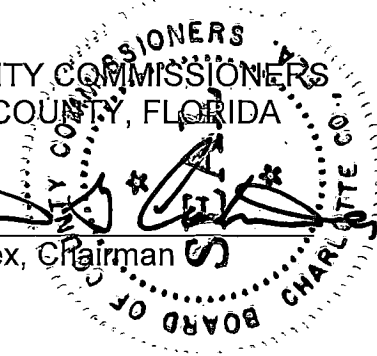
SECTION 2. This Ordinance shall take effect upon filing in the Office of the Secretary of State, State of Florida.

[SIGNATURE PAGE FOLLOWS]

PASSED AND DULY ADOPTED this 25th day of April, 2023.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: 
For William G. Truex, Chairman

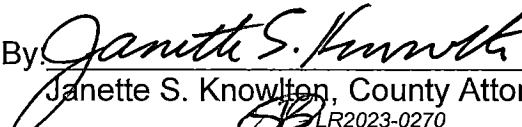


ATTEST:

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

By: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 
Janette S. Knowlton, County Attorney
LR2023-0270

September 27, 2007

ORDINANCE

NUMBER 2007 - 063

AN ORDINANCE APPROVING AN AMENDMENT TO THE CHARLOTTE COUNTY ZONING ATLAS FROM AGRICULTURE ESTATES (AE) TO PLANNED DEVELOPMENT (PD), FOR PROPERTY LOCATED AT 26901 OR 27001 ZEMEL ROAD, IN THE PUNTA GORDA AREA, CONTAINING 338.02 ACRES MORE OR LESS; PETITION Z-07-06-40-TDU; APPLICANT, MARK LINDNER, AS TRUSTEE OF THE BURNT STORE EAST LAND TRUST; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, September 18, 2007, the Board of County Commissioners of Charlotte County ("Board") reviewed Petition Z-07-06-40-TDU which requested a rezoning from Agriculture Estates (AE) to Planned Development (PD) on 338.02 acres more or less of property owned by Mark Lindner, as Trustee of the Burnt Store East Land Trust, 2206 Majestic Court, Naples, Florida 34110, and described as located at 26901 or 27001 Zemel Road, Punta Gorda area, in Commission District II, and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, Mark Lindner, as Trustee of the Burnt Store East Land Trust, as the applicant, seeks a rezoning to Planned Development to allow a 894-unit residential development including single-family units as well as multi-family units; and

WHEREAS, Petition Z-07-06-40-TDU has previously been heard by the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on



Lindner

1 the findings and analysis presented in the Planning and Zoning Division staff
2 report dated July 20, 2007, revised on August 16, 2007, and the evidence
3 presented to the P&Z Board, has been recommended for approval with
4 conditions; and

5 WHEREAS, after due consideration, based on the Planning and
6 Zoning Division staff report dated July 20, 2007, revised on August 16, 2007, and
7 the evidence presented to it, the Board has found that approval of Petition
8 Z-07-06-40-TDU is consistent with the 1997-2010 Charlotte County
9 Comprehensive Plan, and that it meets the requirements for the granting of a
10 rezoning, and;

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

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

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

19 Petition Z-07-06-40-TDU requesting rezoning from
20 Agriculture Estates (AE) to Planned Development
21 (PD) for 338.02 acres more or less of property owned
22 by Mark Lindner, as Trustee of the Burnt Store East
23 Land Trust, and described as located at 26901 or
24 27001 Zemel Road, in the Punta Gorda area,
25 Charlotte County, Florida, and more particularly
26 described in Exhibit "A" attached hereto and
27 incorporated herein by this reference.
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1 SECTION 2. That the zoning for this property shall run with the
2 property and shall apply to any subsequent owners, heirs and assigns.

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

5 PASSED AND DULY ADOPTED this 18 day of September, 2007.

6
7 BOARD OF COUNTY COMMISSIONERS
8 OF CHARLOTTE COUNTY, FLORIDA
9

10 By: Richard D. Loftis
11 Richard D. Loftis, Chairman
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16 ATTEST:
17 Barbara T. Scott, Clerk of
18 Circuit Court and Ex-Officio Clerk
19 to the Board of County Commissioners
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21 By: Anne L. Pfahler
22 Deputy Clerk
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28 APPROVED AS TO FORM
29 AND LEGAL SUFFICIENCY
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31 By: Janette S. Knowlton
32 Janette S. Knowlton, County Attorney
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LR 2007-442

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46 LR2007-442

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SEC. 28, TWP. 42 SOUTH, RGE. 23 EAST IN CHARLOTTE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

THE EAST ONE HALF OF SECTION 28 IN TOWNSHIP 42 SOUTH, RANGE 23 EAST, LYING AND BEING IN CHARLOTTE COUNTY, FLORIDA. SUBJECT TO A ROAD RIGHT OF WAY RECORDED IN DEED BOOK 48, PAGE 129, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

PARCEL CONTAINS 338.02 ACRES, MORE OR LESS.

EXHIBIT A

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, dated March 29, 2007, and except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the Development Review Committee (DRC) conditions of approval per letter dated July 2, 2007 are required to be met. The open habitat space area shall be no less than 158.32± acres. The PD Concept Plan includes 34.44± acres of lake area. Areas indicated for single-family development and multi-family development will be developed as such. Revisions consistent with the notes on the approved PD Concept Plan shall be permitted. Residential development standards shall be as indicated on the PD Concept Plan, with minor modifications allowed only to increase lot sizes.

b. The subject property currently retains 33 units of density. The applicant is proposing to develop a total of 894 units including 714 multi-family units and 180 single-family units. The mix of multi-family units and single family units may be changed consistent with the PD Concept Plan. If more than 356 single family units are proposed, the applicant shall submit a revised Traffic Impact Statement and proportionate share analysis. The subject property shall require 861 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. No development shall occur prior to Final DRC approval.

d. The developer shall minimize impervious surfaces within the development wherever practicable.

e. A development time line and phasing plan for the entire PD shall be submitted prior to Final DRC approval. A monitoring report shall be submitted annually from the day of Final DRC approval until buildout, identifying the development activities which occurred during the past year and summarizing current and previous year statistics (as applicable).

f. The maximum building height for residential development is 38 feet from the base flood elevation. The maximum building height within the recreation area is 40 feet from the base flood elevation.

g. The roadways for this development shall be constructed to Charlotte County standards. If the roadways for this development are to be private, following Final DRC approval, the developer, and subsequently, the homeowner's association, is required to maintain all private roads within the development area.

h. The development must utilize potable water and sanitary sewer utilities. The potable water and sanitary sewer lines must be connected to the site before any certificates of occupancy shall be issued. The developer must also extend re-used water utility lines along with the potable water and sanitary sewer lines throughout the development. A developer's agreement with Charlotte County Utilities for the extension of potable water, sanitary sewer, and re-use lines must be approved by the Board of County Commissioners prior to the final DRC application for any phase of development.

i. The site shall be developed with a unified landscaping theme. Only Florida Friendly plantings and/or xeriscaping shall be allowed for landscape plantings within the common 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. The applicant shall institute an education program for all homeowners on the correct use of pesticides, herbicides, and fertilizers. A partnership

with the Cooperative Extension Service of the University of Florida to interact with the Florida Yards and Neighborhoods program is encouraged. Only natural organic or other slow release forms of fertilizers shall be utilized throughout the development.

j. All landscaping must be irrigated as necessary to ensure survival. When made available by the Utility, non-potable water shall be utilized for common area and private irrigation throughout the development. The developer is encouraged to construct grey water retention basins on site if at all possible. The developer, a homeowner's association, community development district or similar entity, is required to maintain all common areas within the development area.

k. 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.

l. 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 a minimum of fifteen (15) feet and average twenty-five (25) feet in width as measured from the landward limit of the wetland or surface water.

m. A Conservation Easement preserving in perpetuity all wetlands and associated buffer uplands in the area shall be granted to the County or the Southwest Florida Water Management District. A copy of the easement shall be sent to the County Attorney's Office and 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.

n. A developer's agreement to fund the widening the Burnt Store Road shall be finalized and approved prior to the final DRC application for any phase of development.

o. Landscaping and Buffer requirements:

- i. At a minimum, the 25-foot PD setback for the property boundary adjacent to Zemel Road shall be landscaped.
- ii. At a minimum, a type B buffer must be placed within the 25-foot PD setback along the northern, eastern, and western portion of the property lines which are adjacent to the property zoned AE.
- iii. At a minimum, a type B Buffer must be placed within the multi-family development area which is adjacent to internal single-family development.
- iv. At a minimum, a type C buffer must be provided around the recreation area as it considered to be similar to an "active use park". The applicant must comply with Chapter 3-5, Article XVIII, Landscaping and Buffer Requirements, of the County Code.
- v. The developer is required to remove exotic/nuisance species from the subject property.

p. 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.

q. The developer is required to provide a sidewalk throughout the subject site, with a minimum width of five (5) feet along at least one side of all internal roadways. An eight (8) foot wide bicycle/pedestrian trail is required along the northern property line on Zemel Road. The developer shall coordinate with the Department of Public Works. The sidewalk must be completed at the time of the 50% completion of the residential development.

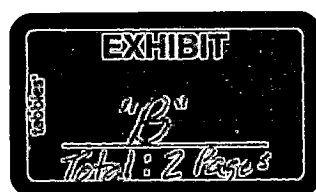
r. The recreation areas shall be a total of 7.11± acres and will contain a clubhouse with a swimming pool together with other amenities such as a basketball court, tennis courts, and a parking area. The final design of the recreation area shall be determined at Final Detail Plan approval. The clubhouse 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.

s. The applicant shall work with the Charlotte County Public Schools Transportation Department to provide a bus stop(s) and shelter(s) for the community. Should the pick up and drop off point be located at the entrance of the development, the developer shall allow for sufficient room for a parent drop-off and bus pick-up along with an adequate means for traffic circulation at the entrance. A shelter for the children is required at the pick-up area(s). This addition must be shown on the Final DRC plan for approval.

t. Any changes in the Concept Plan must receive a recommendation from the Natural Resources Planning Section and the Comprehensive Planning Section.

u. The developer shall install a sign at the end of the cul-de-sac in the northwest corner of the project informing residents that, in the future, a connection may be provided to the properties to the west of the site.

PD Concept Plan





FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

April 27, 2023

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

Attention: Dawn Johnston

Dear Roger Eaton,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2023-019, which was filed in this office on April 26, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh

Fire damages four Bermont Road apartments

STAFF REPORT

PUNTA GORDA — One unit in the Villas Del Sol apartments on Bermont Road was heavily damaged by fire Saturday afternoon.

One person was treated for smoke inhalation and transported to a local hospital, according to a Charlotte County Public Safety social media post.

Two people lived in the unit. Three other units were damaged by smoke. Charlotte County Fire and EMS is working with the State Fire Marshal's office to investigate the cause of the fire.

"The Red Cross is assisting the families affected," the post stated.



CHARLOTTE COUNTY PUBLIC SAFETY PHOTO

Fire destroyed one unit and damaged three others Saturday at the Villas Del Sol apartments on Bermont Road.

Police: Driver faces hit-and-run charge

STAFF REPORT

NORTH PORT — Police announced the arrest of a suspect in a two-month-old hit-and-run crash that seriously injured a pedestrian.

Veronica Fidanza, 24, of the 6000 block of Osbert Avenue was arrested Thursday, according to North Port Police.



FIDANZA

Officers found an injured person who had been struck by a car on North Cranberry Boulevard on Feb. 8.

Members of NPPD's Traffic Homicide Investigations Unit learned that the Fidanza's struck the victim and did not stop or call for help. Fidanza is now facing hit-and-run charges involving serious injury.

"Our Traffic Homicide Investigators take over investigations of fatal and near fatal vehicle

crashes. They work hard on these cases and go to great lengths to secure justice for victims, much like the one in this case. If you're involved in a crash, stay on scene, render aid and call for help. There is no need to make a bad situation worse," Traffic Sgt. Scott Guzman stated in a social media release.

Fidanza was released Friday on \$7,500 bond. She has a hearing scheduled for May 18.

POLICE BEAT

The Charlotte County Sheriff's Office reported the following arrests:

• Gary Dennis Mulawa, 80, 1100 block of Rotonda Circle, Rotonda West. Charge: DUI. Bond: \$1,000.

• Bayron Duvier Ariano Amador, 34, 50 block of Boundary Boulevard, Rotonda. Charge: operate motor vehicle without valid license. Bond: \$500.

• Stacie Lynn Dalgleish, 60, 11000 block of 2nd Avenue, Punta Gorda. Charges: possession of drug paraphernalia and possess controlled substance without prescription. Bond: none.

• Richard J. Skiba, 68, address withheld. Charge: battery. Bond: \$1,500.

• Frank John Benyk, 46, homeless, Punta Gorda. Charge: failure to appear. Bond: none.

• Adam Troy Windisch, 50, 21000 block of Holdern Avenue, Port Charlotte. Charge: battery on person 65 years or older. Bond: none.

• David Wyatt Dubosque, 18, 150 block of Beene Road Southeast, Port Charlotte. Charge: felony battery. Bond: \$1,500.

• Charles Joseph Arnold, 43, homeless, Port Charlotte. Charges: trespass failure to leave

property upon order by owner, and failure to appear. Bond: none.

• Alex Noe Moreno Moreno, 23, Palmetto. Charge: operate motor vehicle without valid license. Bond: \$1,000.

• Justin Lee Piner, 20, 3800 block of Trenlon Lane, North Port. Charge: felony battery. Bond: \$1,500.

• Joseph Carmen Ledesma-Cruz, 28, North Fort Myers. Charge: operate motor vehicle without valid license. Bond: \$500.

• Michael William Edge Jr., 26, Lehigh Acres. Charge: trafficking amphetamine more than 14 grams; possess controlled substance without prescription; possession of drug paraphernalia and possess harmful new legend drug without prescription. Bond: none.

• Arnold Chivalan Ajcort, 38, Fort Myers. Charge: operate motor vehicle without valid license. Bond: \$1,000.

• Juan Ernesto Cortes Gurrola, 40, California. Charges: grand theft property more than \$750 but less than \$5,000; grand theft more than \$5,000 less than \$10,000; petit theft (second offense). Bond: none.

• Charles Backus Moore, 36, 24400 block of Riverfront Drive, Punta Gorda. Charge: DUI. Bond: none.

• Martha Annette Powers, 34, 15000 block of Appleton Boulevard, Port Charlotte. Charge: violation of probation. Bond: \$7,500.

• Matthew Nathaniel Simon, 38, 4400 block of Laura Street, Port Charlotte. Charge: violation of probation. Bond: none.

• Lawrence John Gudmestad, 59, 9400 block of Rosebud Circle, Port Charlotte. Charge: battery on a person 65 or older. Bond: none.

• John E. Lowmark, 65, of Port Charlotte. Charge: battery. Bond: \$2,500.

• Thomas H. Piche, 58, 1200 block of West Oak Lane, Port Charlotte. Charge: DUI. Bond: \$1,000.

• Gene Paul Porter Sr., 65, of Englewood. Charge: battery. Bond: \$2,500.

• William Jon Withers III, 52, 900 block of Broadway Street, Englewood. Charge: out-of-county warrant. Bond: \$120.

• Montrice Demontia McGill, 46, Charlotte Commons Apartments, Port Charlotte. Charge: battery. Bond: \$3,500.

• Brandon Heidkamp, 51, 15000 block of Gullistan Avenue, Port Charlotte. Charge: DUI alcohol or drugs. Bond: none.

• Charles Le Dimars, 53, 3000 block of Yukres Avenue, Port Charlotte. Charge: DUI. Bond: none.

• Edson Vazquez Martinez, 44, Oakland Park, FL. Charge: driving with license expired more than 6 months. Bond: \$1,000.

• Shaun Joseph Kelly, 44, 1300 block of Sun Market Place, North Port. Charge: DUI. Bond: none.

• Jose Jimenez Vargas, 27, Grand Prairie, Texas. Charge: operating a motor vehicle without a valid license. Bond: \$1,000.

• Mark Phillip Steiner, 46, 2000 block of Willow Avenue, Englewood. Charges: possession or use of drug paraphernalia; violation of probation. Bond: none.

• Rafael Gomez Rodriguez, 22, Arcadia, FL. Charge: operating a motor vehicle without a valid license. Bond: \$1,000.

• Jeremy Michael Oberly, 40, Arcadia, FL. Charges: driving while license suspended, fail to register motor vehicle. Bond: none.

Compiled by Nancy J. Simon and Sue Erwin

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

A PUBLIC MEETING AND HEARING ON PROPOSALS AND PETITIONS AS DESCRIBED BELOW WILL BE CONDUCTED BY THE BOARD OF COUNTY COMMISSIONERS AT A REGULAR MEETING ON TUESDAY, APRIL 18, 2023, AT 2:00 PM, OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD DURING THE COURSE OF ACTION. THE MEETING AND HEARING WILL BE HELD IN CONSUMPTION CHAMBERS, ROOM 119, FIRST FLOOR, BUILDING A, THE CHARLOTTE COUNTY ADMINISTRATION CENTER, 16995 MURDOCK CIRCLE, PORT CHARLOTTE, FLORIDA. THE BOARD IS NOT BOUND TO CONSIDER THE PETITIONS IN THE ORDER LISTED IN THIS NOTICE. ANY OF THESE PETITIONS MAY BE CONSIDERED AS SOON AS THE MEETING COMMENCES.

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

ALL INTERESTED PERSONS ARE URGED TO ATTEND. THE PUBLIC IS WELCOME TO SPEAK, TIME LIMITS ARE SET BY BOARD RULES. IF YOU HAVE SPECIFIC QUESTIONS OR COMMENTS, YOU ARE ENCOURAGED TO CONTACT A STAFF PERSON AT ANY TIME IN ADVANCE OF THE PUBLIC HEARING(S). PLEASE CALL 941-764-4963 AND MENTION THE PETITION NUMBER OF THE MATTER YOU WISH TO DISCUSS.

PETITIONS

LAND USE CONSENT AGENDA

DRC-22-0225

Banka Engineering is requesting modification to the previously approved Final Detail Site Plan for Heritage Landing. The project consists of sub-phasing the previously approved Phase II B (DRC-21-0008) for 174 single family lots and 200 multi-family units in four phases. Additionally, sub-phase II-B-3 North is proposing infrastructure changes and will consist of 46 multi-family units, 12 more than previously approved. This sub-phase II-B-3 North project site is 6.802 acres of an 89.71 acre site and is located at 11411 Heritage Landing Boulevard, Punta Gorda in Section 17, Township 41, Range 22 E.

Quasi-Judicial

Commission District II

PP-18-04-04

KL West Port LLC is requesting a bond release of the approved safety provided under Bond No. UCLX191129 in the amount of \$1,540,283.92 for the completion of the infrastructure for West Port. The subordination consists of tracts for rights-of-way and future residential and commercial development. West Port was granted Final Plat approval by the Board of County Commissioners on March 14, 2020. The site contains 124.641 acres and generally located south of Tamiami Trail, north of U.S. 1, east of Highway 98, and west of Flamenco Blvd. in the Port Charlotte area and in Commission District IV.

Quasi-Judicial

Commission District IV

PP-22-02-05

Babcock Ranch Community Independent Special District and Babcock Neighborhood School, Inc. are requesting Final Plat approval for a subdivision to be named, Babcock Ranch Community Neighborhood School. There will be no bond or Development Agreement associated with this plat. The proposed subdivision, consisting of 20 tracts for roads, utilities, drainage, schools, shelters, parks and future development, received Preliminary Plat approval from the Board of County Commissioners under PP-22-02-05 on July 26, 2022. The property contains 67.824 acres and is generally located south of US Highway 98, north of the County line with Lee County, west of the County line with Glades County, and east of SR 31. The site is located within the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment I, the East County area, and in Commission District I.

Quasi-Judicial

Commission District I

CSZ-22-01

A Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for certification of Seeding Zones located at 26126 and 26126 Northern Cross Road, in the Port Charlotte area within Commission District I, containing 0.991 acres for calculation and severance of ten density units, in accordance with Part III Land Development and Growth Management, Chapter 3-9 Zoning, Article V Environmental Requirements and Other Requirements, Section 3-9-150 Transfer of Density Units (TDU), of the Code of Laws and Ordinances of Charlotte County, Florida, Petition No. CSZ-22-01; Applicant: Ridgeway Partners IV LLC, providing an effective date.

Quasi-Judicial

Commission District I

T11U-23-01

A Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for a transfer of ten density units from a Receiving Zone located at 5466 Grand Street and 1402 Emerald Street, in the Punta Gorda area and Commission District II, containing 53.92 acres (the property contains 54.562 acres and the vacated plat street contains 1.362 acres); in compliance with Part III Land Development and Growth Management, Chapter 3-9 Zoning, Article V Environmental Requirements and Other Requirements, Section 3-9-150 Transfer of Density Units (TDU), of the Code of Laws and Ordinances of Charlotte County, Florida, Petition No. T11U-23-01; Applicant: Family Communities, Punta Gorda, LLC, providing an effective date.

Quasi-Judicial

Commission District II

LAND USE REGULAR AGENDA

SV-23-01-05

East Coast Mobile Inc. is requesting to vacate a portion of the unnamed 15-foot alleyway adjacent to 3558 Broadpoint Drive and 2193 Broadpoint Drive, which are both owned by the applicant. The total area to be vacated is 1.8731 square feet or 0.043 acres and is generally located north of Business Avenue, south of Adams Street, east of Solenne Drive and West of Broadpoint Drive, within the Punta Gorda area and located in Commission District I.

Legislative

Commission District I

CPE-23-01

An Ordinance, pursuant to Section 3-9-45, Planned Development, under Chapter 3-9 Zoning, the County's Land Development Regulations, a request to extend the time limitation of the PD Concept Plan approved by Ordinance Number 2017-02, for property at 8001 or 12001 Zoned Road in the Punta Gorda area, Florida, containing 338.021 acres; Commission District II; Petition No. CPE-23-01; Applicant: Linder Mark L Trustee providing for an effective date.

Quasi-Judicial

Commission District II

PB-23-00014

An Ordinance pursuant to Section 121.46, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture (AG) to Planned Development (PD) and adopting a General PD Concept Plan in order to allow for an existing owner to be retained to a preserve wildlife habitat for property generally located north of Bermont Road (US 74), south of Washington Loop Road, east of Dunham Road (US 74) and west of CR 31, in the East County area, containing 70.2 acres; Commission District I; Petition No. PB-23-00014; Applicant: Bermont Road Partnership and TAV Inc.; providing an effective date.

Quasi-Judicial

Commission District I

SHOULD ANY AGENCY OR PERSON DECIDE TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING, A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, A VERBATIM RECORD OF THE PROCEEDING IS REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. For more information, please contact the County's Accessibility Coordinator, or the County's Disability Services Coordinator. Any person needing other reasonable accommodations or auxiliary aids and services please contact our office at 941.764.1192, TDD/TTY 941.764.1231, or by email to David.Lyles@CharlotteCountyFL.gov.

Published April 10, 2023





Ticket# 3888016
04-25-23
AD ID# 3888017
5 x 13.5
Submitted by: Heather Bennett
Publish: 04/10/2023
163352 3888017

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

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

04/10/23

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

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

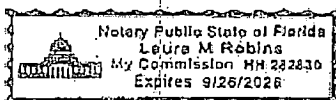
Melinda Prescott

(Signature of Affiant)

Sworn and subscribed before me this 10th day of
April, 2023

Laura M Robins

(Signature of Notary Public)



Personally known ☒ OR ☐ Produced Identification

Attachment 3
Resolution Number 2023-077

CHG
BCC

ROGER D. EATON, CHARLOTTE COUNTY CLERK
CIRCUIT COURT
PAGE: 13
INSTR #: 3269265 Doc Type: GOV
Recorded: 05/24/2023 at 11:59 AM
Rec. Fee: RECORDING \$112.00

RESOLUTION
NUMBER 2023 - 077

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, APPROVING A PETITION FOR A TRANSFER OF 311 DENSITY UNITS TO A RECEIVING ZONE LOCATED AT 26901 OR 27001 ZEMEL ROAD, IN THE PUNTA GORDA AREA, WITHIN THE BOUNDARY OF THE BURNT STORE AREA PLAN AREA; CONTAINING 338.02 ACRES MORE OR LESS; IN ACCORDANCE WITH PART III, LAND DEVELOPMENT AND GROWTH MANAGEMENT, CHAPTER 3-9, ZONING, ARTICLE V, ENVIRONMENTAL REQUIREMENTS AND OTHER REQUIREMENTS, SECTION 3-9-150, TRANSFER OF DENSITY UNITS (TDU), OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA; COMMISSION DISTRICT II; PETITION TDU-23-02; APPLICANT; LINDNER MARK L TRUSTEE.

RECITALS

WHEREAS, Part III, Land Development and Growth Management, Chapter 3-9, Zoning, Article V, Environmental Requirements and Other Requirements, Section 3-9-150, Transfer of Density Units (TDU), of the Code of Laws and Ordinances of Charlotte County, Florida (hereinafter "TDU Code"), establishes processes and requirements for approval of petitions for transfers of density units in connection with petitions for rezonings, street vacations, plat vacations, and for amendments to the County's Comprehensive Plan, the approval of which would increase density on parcels of property; and

WHEREAS, on September 18, 2007, the Board of County Commissioners of Charlotte County, Florida ("Board") approved Petition Z-07-06-40-TDU, via Ordinance Number 2007-063, submitted by Mark Lindner, as Trustee of the Burnt Store East Land Trust, amending the Charlotte County Zoning Atlas from Agriculture Estates (AE) to

min

Planned Development (PD), on 338.02 acres more or less of property located at 26901 or 27001 Zemel Road, in the Punta Gorda area, within the boundary of the Burnt Store Area Plan area, Charlotte County, Florida, and more particularly described in Exhibit "A" which is attached hereto and provided herein ("Property"); and

WHEREAS, Lindner Mark L Trustee ("Applicant") has now submitted a petition for a transfer of density units via Petition TDU-23-02 ("TDU Petition") in connection with the above-stated rezoning, for approval by the Board, requesting a transfer of 311 units of density to the Property in accordance with the County's Comprehensive Plan and the provisions of the TDU Code; and

WHEREAS, the proposed transfer of 311 density units will allow for residential development of up to 344 homes on the Property; and

WHEREAS, the Certificates of Transferrable Density Credits for the density being transferred under Petition TDU-22-02 are attached hereto as Exhibit "B"; and

WHEREAS, the Applicant has submitted all of the information and documentation required for the approval of the TDU Petition pursuant to the TDU Code.

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

1. The TDU Petition submitted by applicant, Lindner Mark L Trustee ("Applicant"), requesting the transfer of 311 units of density to the property located at 26901 or 27001 Zemel Road, in the Punta Gorda area, within the boundary of the Burnt Store Area Plan area, Charlotte County, Florida, described in Exhibit "A", attached hereto and incorporated herein by reference, is hereby approved.

2. The effective date of this Resolution shall be the date this Resolution is recorded.

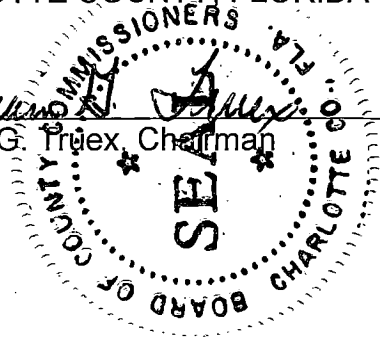
[SIGNATURE PAGE FOLLOWS]

PASSED AND DULY ADOPTED this 23rd day of May, 2023.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____

William G. Truex, Chairman



ATTEST:

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

By: _____

Deputy Clerk

Roger D. Eaton

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____

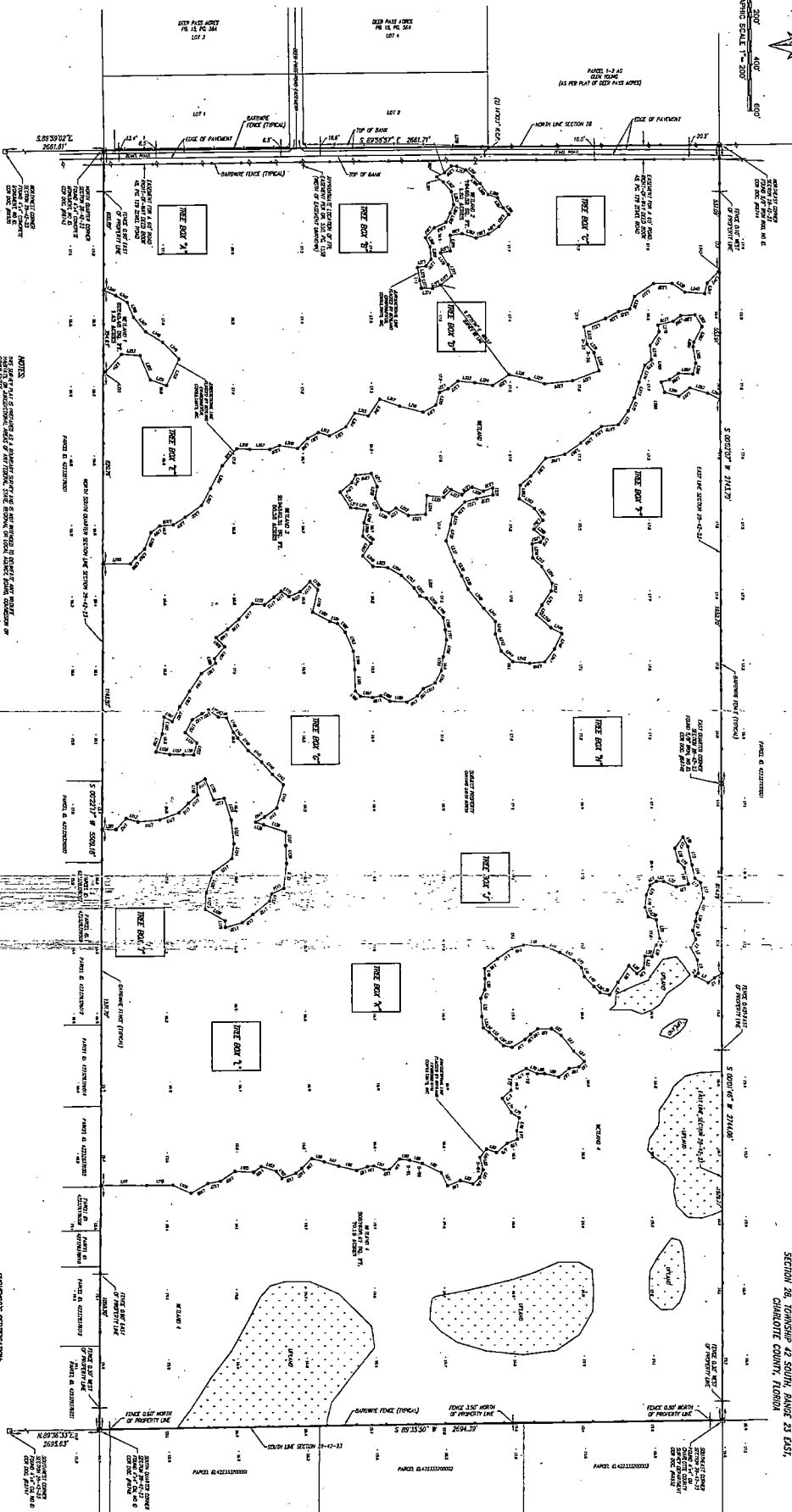
Janette S. Knowlton, County Attorney

LR2023-0343

Janette S. Knowlton



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



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 2 SET SECTION
 3 NY AMERIT
 4 LISTED AND SECTION
 5 FOR ASSIGNED CONCRETE FIVE
 6 CAP CONSOLIDATED AIRTEL PRE -
 7 NYNY-OR-BAY
 8 DOC DOCUMENT
 9 NORTH AMERICAN MEMPHIS DATED OF 1968

[illegible]

THE EAST 1/2 (ONE-HALF) OF SECTION 22, TOWNSHIP 23 NORTH AND RANGE 10 EAST, COUNTY OF KANSAS, SHELBY COUNTY, MISSOURI, BEING ACCORDING TO THE RECORD OF PLAT 114, IN SAID TOWNSHIP, COUNTY OF CHARLTON, MISSOURI.

SUBMITTER'S CERTIFICATION:
I HEREBY CERTIFY THAT THE BEST OF MY PERSONAL KNOWLEDGE, THIS WAS PART OF AN
ACTION BEINGING INVESTIGATED BY A LAW ENFORCEMENT OFFICER OF A FIELD OFFICE AND THAT I AM
PROVIDING THE INFORMATION REQUESTED BY STEVEN ALBERT GORDON FRICKER.
EMILY J. H. SPENGLER
c. 1984-1985, 2004-2005



Date:
2023.04.03
13:45:45 -04:00

Date: 2023.04.03 13:45:45 -04'00

BOUNDARY & LOCATING SURVEY
E. 1/2 OF SEC. 28, TWP. 42 S., RGE. 23 E.

BANKS

BOUNDARY & TOPOGRAPHIC SURVEY
E. 1/2 OF SEC. 28, TWP. 42 S., RGE. 23 E.
CHARLOTTE COUNTY, FLORIDA

EXHIBIT
"A"
Total: 6 Pcs

SURVEY PLAT

LINE	NAME	DATE	TIME	LOCATION	STATUS	REMARKS
1
2
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4
5
6
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ENGINEERING

6801 TARDAR ROAD - SUITE 1
FARM GLENDALE, ILLINOIS 60126
PHONE: (708) 393-1100 FAX: (708) 393-1101
TELETYPE: (708) 393-1101
INTERNET: WWW.BANKSENG.COM

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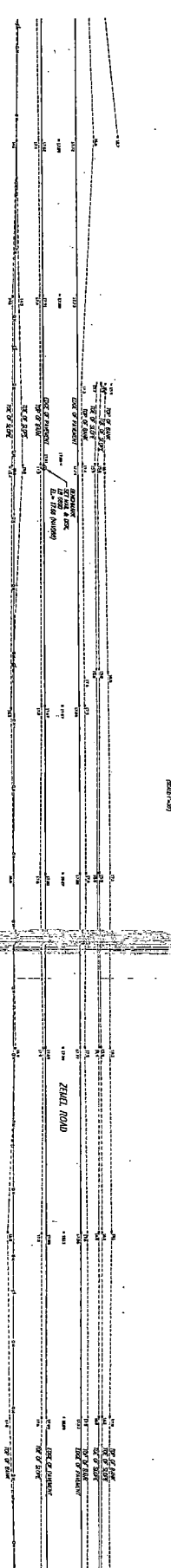
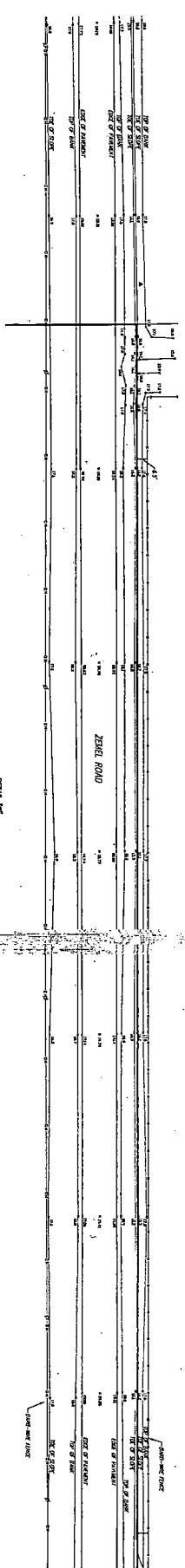
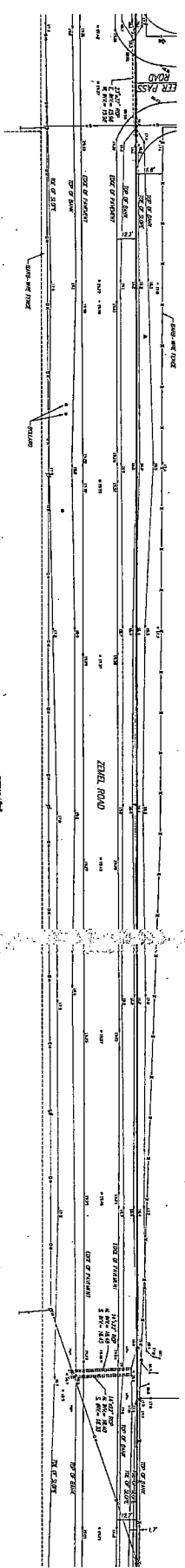
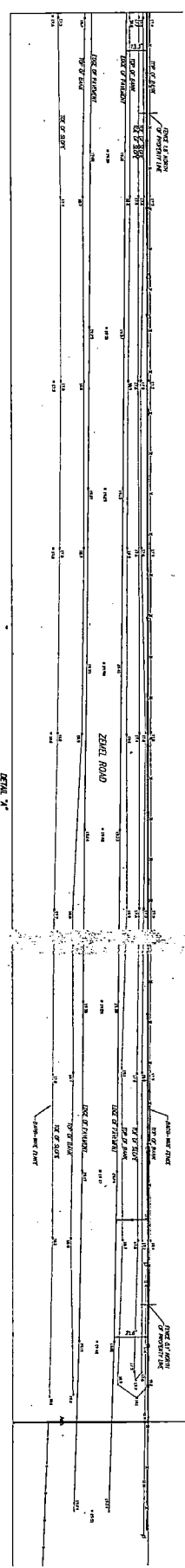
BOUNDARY SURVEY						
E. 1/2 OF SEC. 28, TWP. 42 S., RGE. 23 E.						
CLARIBOTTE COUNTY, FLORIDA						
DATE	PROJECT	ISSUED	BY	CHECKED	SCALE	DIST
5/31/22	3212N	3/28/24-28	MS	JD	NA	2016



GRAPHIC SCALE 1" = 20'

SURVEY PLAT

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



LEGEND

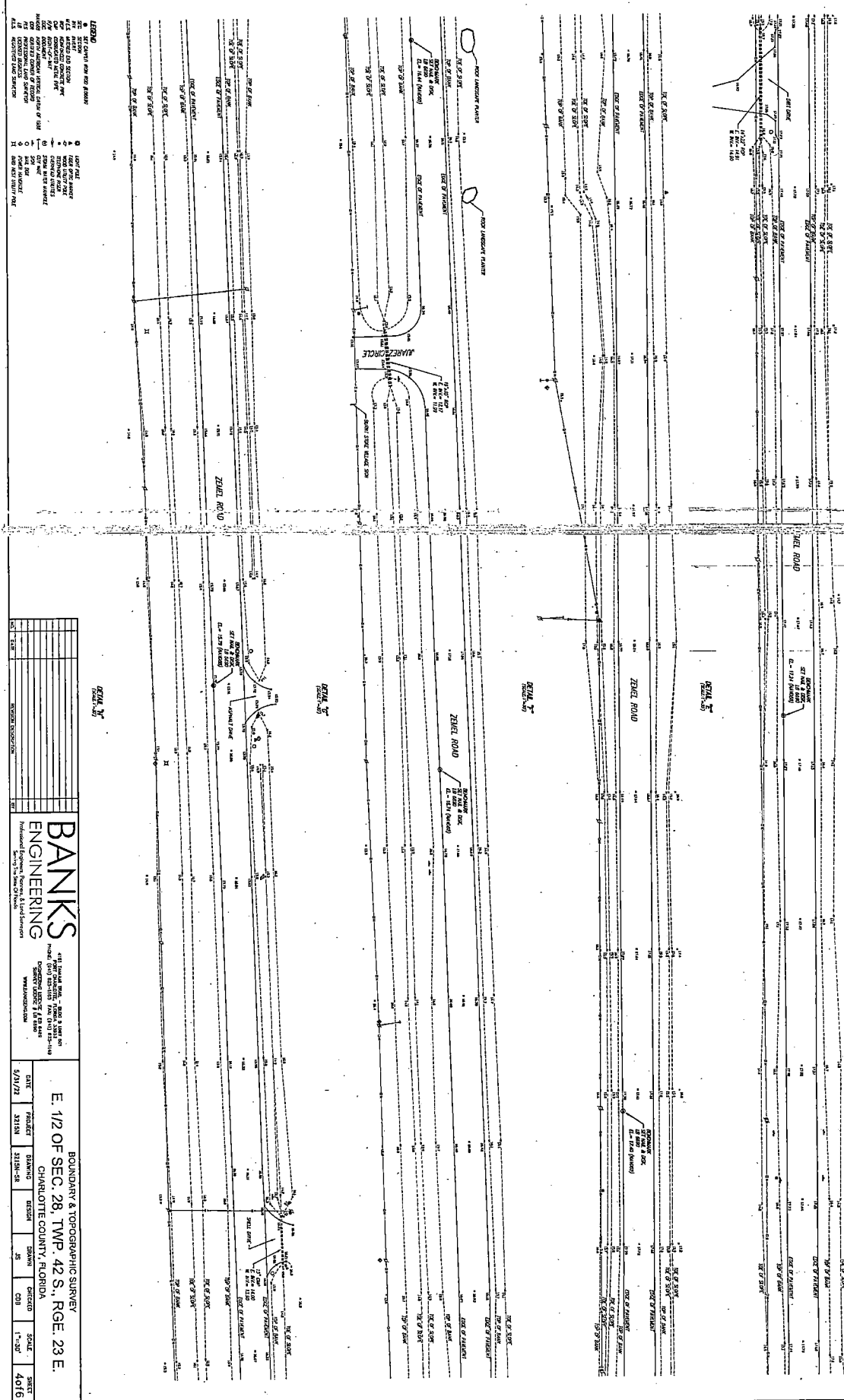
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GRAPHIC SCALE 1" = 50'

SURVEY PLAT

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



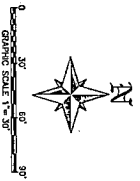
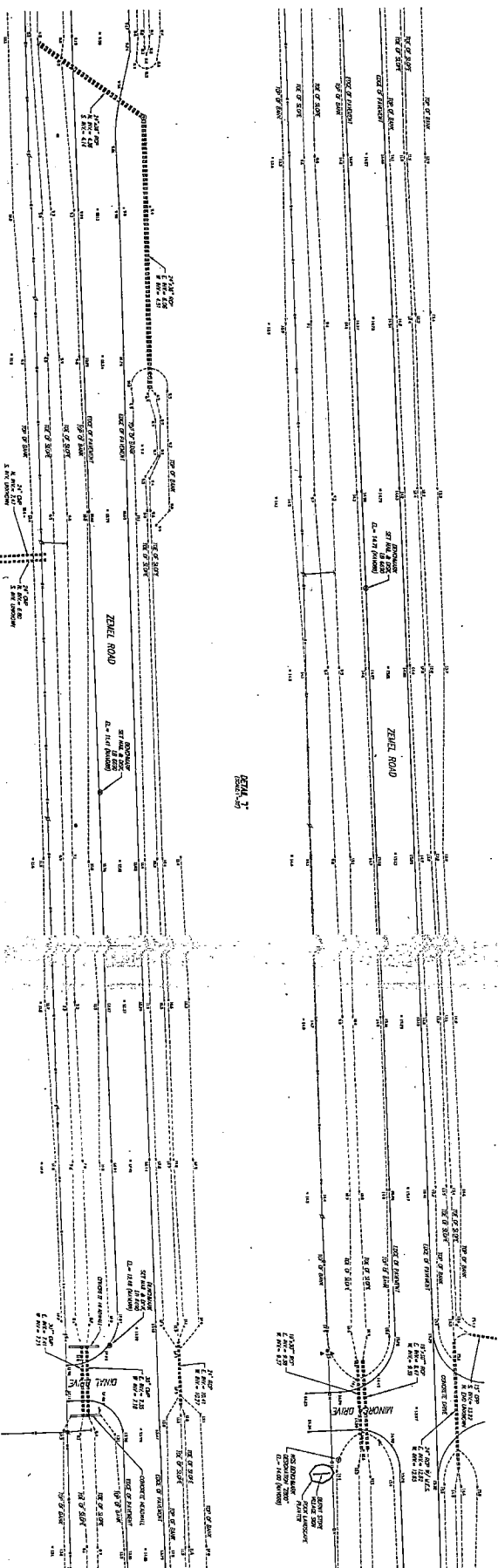
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ENGINEERING
412 JIMBLE ROAD, SUITE 200
PO BOX 10000, TAMPA, FL 33610
TAMPA, FLORIDA
813-988-1111
WWW.BANKSENG.COM

BOUNDARY & TOPOGRAPHIC SURVEY
E. 1/2 OF SEC. 28, TWP. 42 S., RGE. 23 E.
CHARLOTTE COUNTY, FLORIDA

DATE: 5/11/21
PROJECT: 21104
DRAWN: 21104-01
CHECKED: 21104-02
SCALE: 1" = 50'
SHEET: 4016

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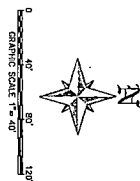
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BANKS ENGINEERING

401 S. BAYVIEW BLVD., SUITE 200
 TAMPA, FL 33606
 (813) 281-1111
 WWW.BANKSENG.COM

BOUNDARY & TOPOGRAPHIC SURVEY
 E. 1/2 OF SEC. 28, TWP. 42 S., RGE. 23 E.
 CHARLOTTE COUNTY, FLORIDA

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

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THANKS


BOUNDARY & TOPOGRAPHIC SURVEY
E. 1/2 OF SEC. 28, TWP. 42 S., RGE. 23 E.
CHARLOTTE COUNTY, FLORIDA


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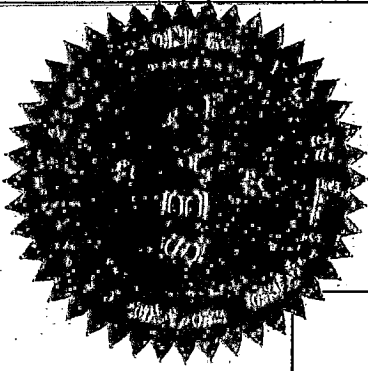
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CERTIFICATE OF TRANSFERABLE

DENSITY CREDITS

CHARLOTTE COUNTY, FLORIDA

Certificate No. CSZ-010A.2B.1.1.1.1.1
TRANSFER OF DENSITY FROM
No. CSZ-010A.2B.1.1.1.1



This Certificate is the Property of
Zemel Land Partners, LLC

This Certificate was created on October 14, 2022

The Certificate Holder Acquired

361 Units of Density from RNJ Properties, LLC

CSZ-010 Certificate Information

Certificate Application No.	CSZ-05-07-07
Adopted Resolution No.	2006-004
Date of County Approval	January 10, 2006
No. of Units of Density Approved	1,351
No. of Units of Density Retained on Sending Zone	10
Form of Covenant	Restrictive Covenant
Sending Zone Criteria	Substandard Platted Lots
Location of Units	East County

Jie Shao

Jie Shao, AICP, MCP, Planner, Principal
Comprehensive Planning Division
Community Development Department

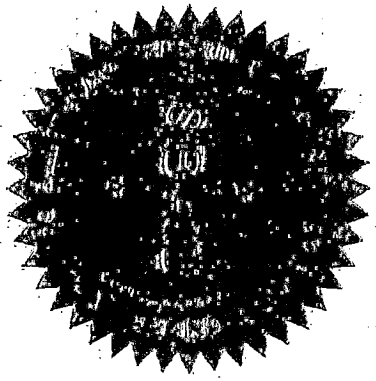
CERTIFICATE OF TRANSFERABLE DENSITY CREDITS

CHARLOTTE COUNTY, FLORIDA

Certificate No. CSZ-013.3.1.1.1
Transfer of Density from
Certificate Number CSZ-013.3.1.1



This Certificate is the Property of
Zemel Land Partners, LLC



This Certificate was created on October 14, 2022
The Certificate Holder Acquired
123 Units of Density from Triple I Limited Partnership, LLP

CSZ-013 Certificate Information

Certification Application No.
Adopted Resolution No.
Date of County Approval
No. of Units of Density Approved
No. of Units of Density retained on Sending Zone
Form of Covenant
Sending Zone Criteria

CSZ-06-01-02
2006-038
March 14, 2006
1,403
11
Restrictive Covenant
Substandard Platted Lots

Jie Shao

Jie Shao, AICP, MCP, Planner, Principal
Comprehensive Planning Division
Community Development Department



CERTIFICATE OF TRANSFERABLE DENSITY CREDITS

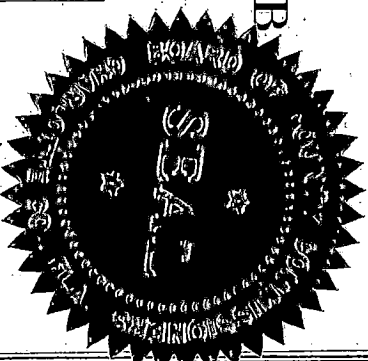
CHARLOTTE COUNTY, FLORIDA

Certificate No. CSZ-010A.2A.1.1.1.B

TRANSFER OF DENSITY FROM

CERTIFICATE NO. CSZ-010A.2A.1.1.1

This Certificate is the Property of
Wilmington Land Company



This Certificate was created on November 22, 2021

The Certificate Holder Acquired 14 Units of Density from Andrew Dodd

Certificate Application No.

CSZ-05-07-07

Adopted Resolution No.

2006-004

Date of County Approval

January 10, 2006

Sending Zone Criteria

Restrictive Covenant

Location of Units

Substandard Platted Lots

Jie Shao

Jie Shao, AICP, MCP, Planner, Principal
Comprehensive Planning Division
Community Development Department

Attachment 4



September 20, 2023

Zemel Land Partners, LLC
5800 Lakewood Ranch Blvd.
Sarasota, FL 34240

Via Email: mneal@mnealcommunities.com

Dear Applicant:

This letter is to confirm the decision of the Charlotte County Board of County Commissioners at their meeting held **September 12, 2023 at 2:00 P.M.**, regarding the following petition:

PP-23-03-03

Quasi-judicial

Commission District II

Zemel Land Partners, LLC, is requesting Preliminary Plat approval for a residential subdivision to be named, Residences at Burnt Store East, consisting of 344 single-family lots and 20 tracts. This site contains 338.02± acres and is located at 26901 Zemel Road, in the Punta Gorda area, within the boundary of the Burnt Store Area Plan area, and in Commission District II.

It was the decision of the Charlotte County Board of County Commissioners that Petition **PP-23-03-03** be approved with the following conditions.

Prior to final plat approval the following items shall be addressed:

1. 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. Jeff Harvey – CCPS
2. Total gross acreage of the tract, and percentages thereof proposed to be devoted to the various permitted uses, estimated ground coverage by structures, streets, impervious surface coverage are required. James Kelly Davis – PW Engineering
3. Maximum number of lots allowed and maximum number of lots proposed, gross residential density. James Kelly Davis – PW Engineering
4. Maximum number of lots allowed and maximum number of lots proposed, gross residential density. James Kelly Davis – PW Engineering
5. An **Updated Listed Species Assessment** conducted by *Kimley-Horn* (January 2023) was included in the application package. The assessment indicates there are approximately 123.79-acres of wetlands onsite that extend offsite to state-owned conservation lands. The



site was searched for bald eagle, wood stork (Federally Threatened [FT]), Florida scrub-jay (FT), red-cockaded woodpecker (Federally Endangered [FE]), Florida bonneted bat (FE), eastern indigo snake (FT), and gopher tortoise (State Threatened). No listed species were observed on site.

The following comments / recommendations will need to be addressed as the project moves through the DRC review process and into the Construction / Tree Removal Application phase. These are not intended to be comprehensive and exhaustive:

Wetlands

Please conduct a Wetland Jurisdictional Determination (JD) with the Southwest Florida Water Management District (or obtain an ERP) and include the approved JD in future DRC applications.

Please label all Category I and Category II wetlands on the survey and exhibits contained in environmental assessment(s).

If wetlands are proposed to be impacted, please provide an acreage amount with a detailed avoidance, minimization, and mitigation discussion.

Listed Species

The wetlands onsite may provide potential nesting habitat for state listed wading birds including the little blue heron, reddish egret, roseate spoonbill, and tricolored heron; and possibly the Florida sandhill crane. Please include these species in future listed species surveys / assessments. Survey methodologies may be found at:

<https://myfwc.com/media/18634/threatened-wading-birds-guidelines.pdf> and <https://myfwc.com/media/11565/final-florida-sandhill-crane-species-guidelines-2016.pdf> respectively.

The development site is located in the U.S. Fish and Wildlife Service (FWS) Consultation Area for the Florida bonneted bat (FBB) and may be in the Focal Area and the area proposed for Critical Habitat designation. Staff recommends the applicant conduct an acoustic survey for the FBB and coordinate with the FWS. Jim Kaltner –

Zoning/Environmental

6. Street names must be labeled prior to final plat approval. Samantha DiPiazza – SPD Addressing
7. Add street names. Kathleen Duffy – IT GIS

Preliminary Plat approval is valid for two years. If you wish to request an extension, you must make this request in written form a minimum of six months prior to the date of expiration. This extension request will be presented to the Board of County Commissioners,



who may approve or deny the request. There is a \$370 fee for this extension. Final Plat approval will not be granted until all conditions are met. If you have any questions regarding the review, please contact me.

The preliminary plat approval shall be voided if construction work is not substantially completed, as determined by the county engineer, within two (2) years after approval of preliminary plat, unless an extension is requested from and granted by the Board of County Commissioners. If construction activity and development ceases for a period of two (2) years, the approval is void and the applicant must file for a new approval and pay the current fee.

Any preliminary plat or portion thereof not granted final plat approval or not recorded within two (2) years from the effective date of the preliminary plat approval shall be reviewed at the end of the two (2) years to determine compliance with these regulations and such changes, amendments, or additions to these regulations as they may have been made since preliminary plat approval and before final plat approval.

If you require specific information regarding this matter, please contact me.

Sincerely,

Jenny Shao, Project Coordinator
Community Development Department
Zoning Division
18400 Murdock Circle
Port Charlotte, FL 33948
Phone: 941-764-4954

CC: Todd R. Rebol, P.E. and Heather Polito, Banks Engineering
Mark L. Lindner, Trustee
Dawn Anspach, CAO
Karen Benak, CAO
Kelly Danielson, CCU
Denise Elliott, CCU
Kathleen Duffy, IT GIS
Christine Broughman, MSBU
Faith Dangerfield, Property Appraiser's Office
Matthew Parkman, Property Appraiser's Office




Samantha DiPiazza, SPD Addressing
Jordan Silver, SPD
Jeannine Fullerton, Real Estate Services
Tara Prince, Real Estate Services
Patty Stefan, Real Estate Services
Stephen Kipa, Real Estate Services
Robert Fakhri, Transportation
Ravi Kamarajugadda, Transportation
Maryann Franks, Zoning
Jeff Harvey, CCPS
Tracey Roberts, CCPS

CHARLOTTE COUNTY

Location Map for CDD-23-02



 Punta Gorda Boundary

28/42/23 South County



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

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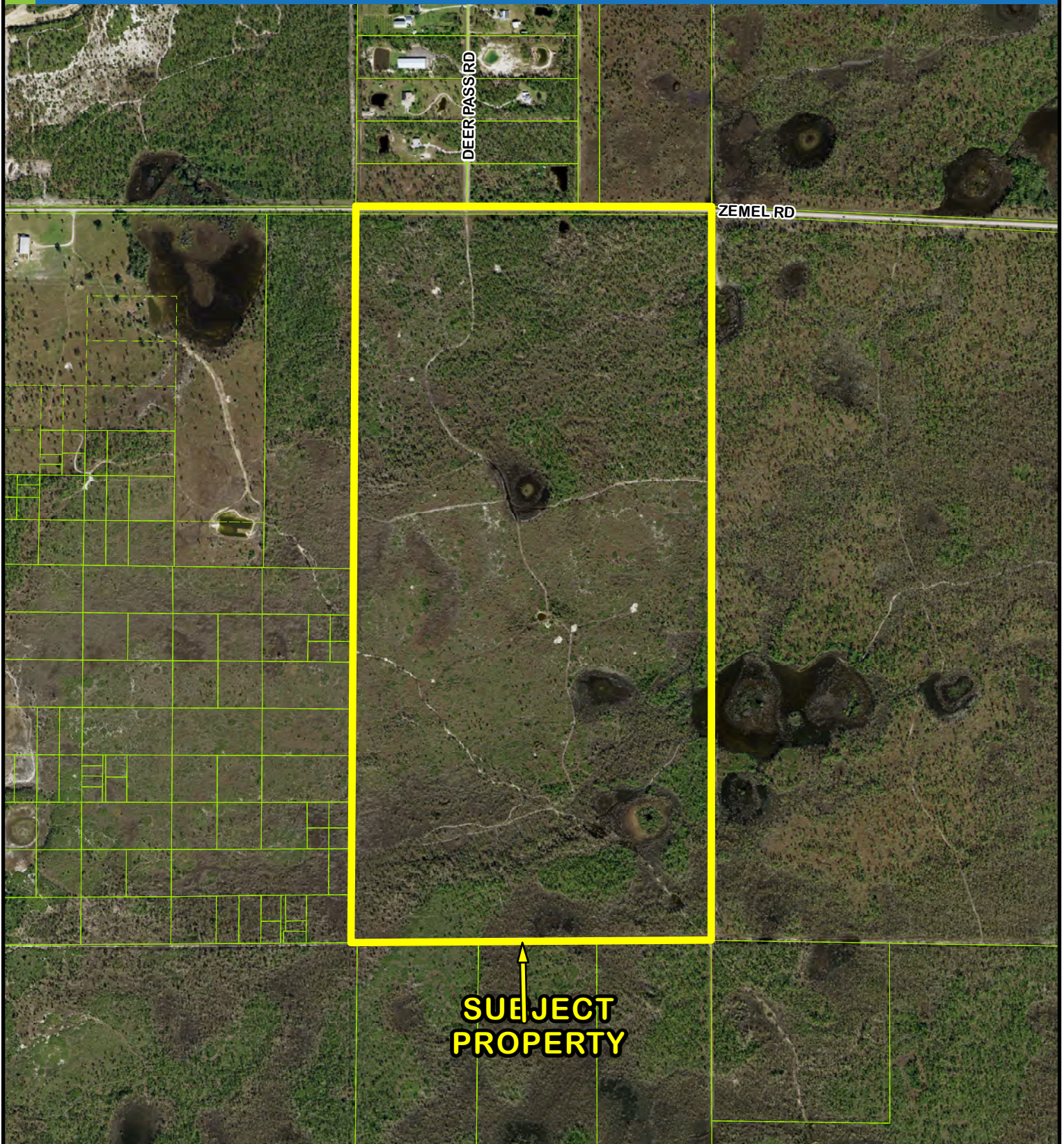
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CHARLOTTE COUNTY

Area Image for CDD-23-02



CHARLOTTE COUNTY
Community Development



28/42/23 South County



(NOT TO SCALE)

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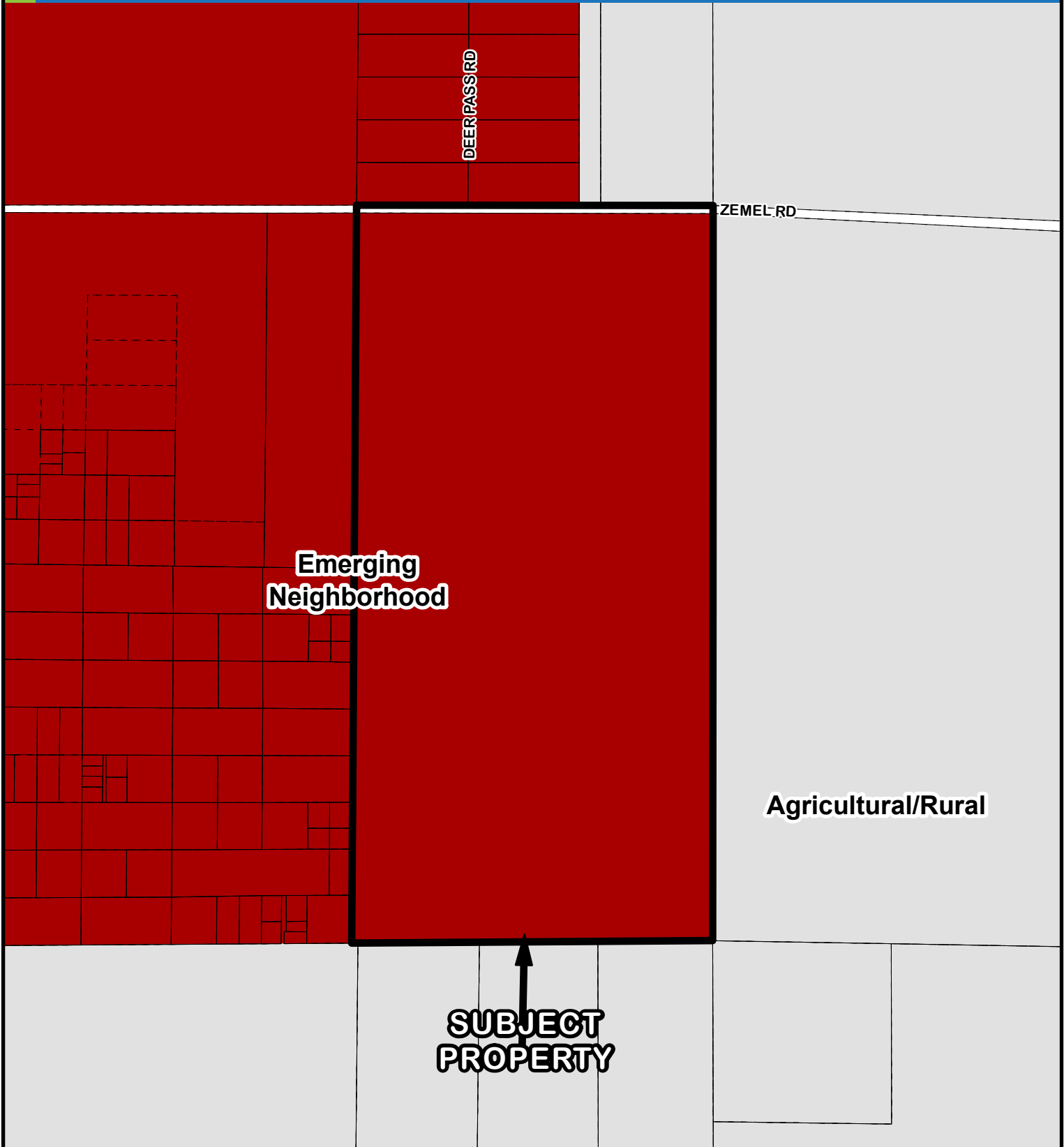
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CHARLOTTE COUNTY

Framework for CDD-23-02



28/42/23 South County



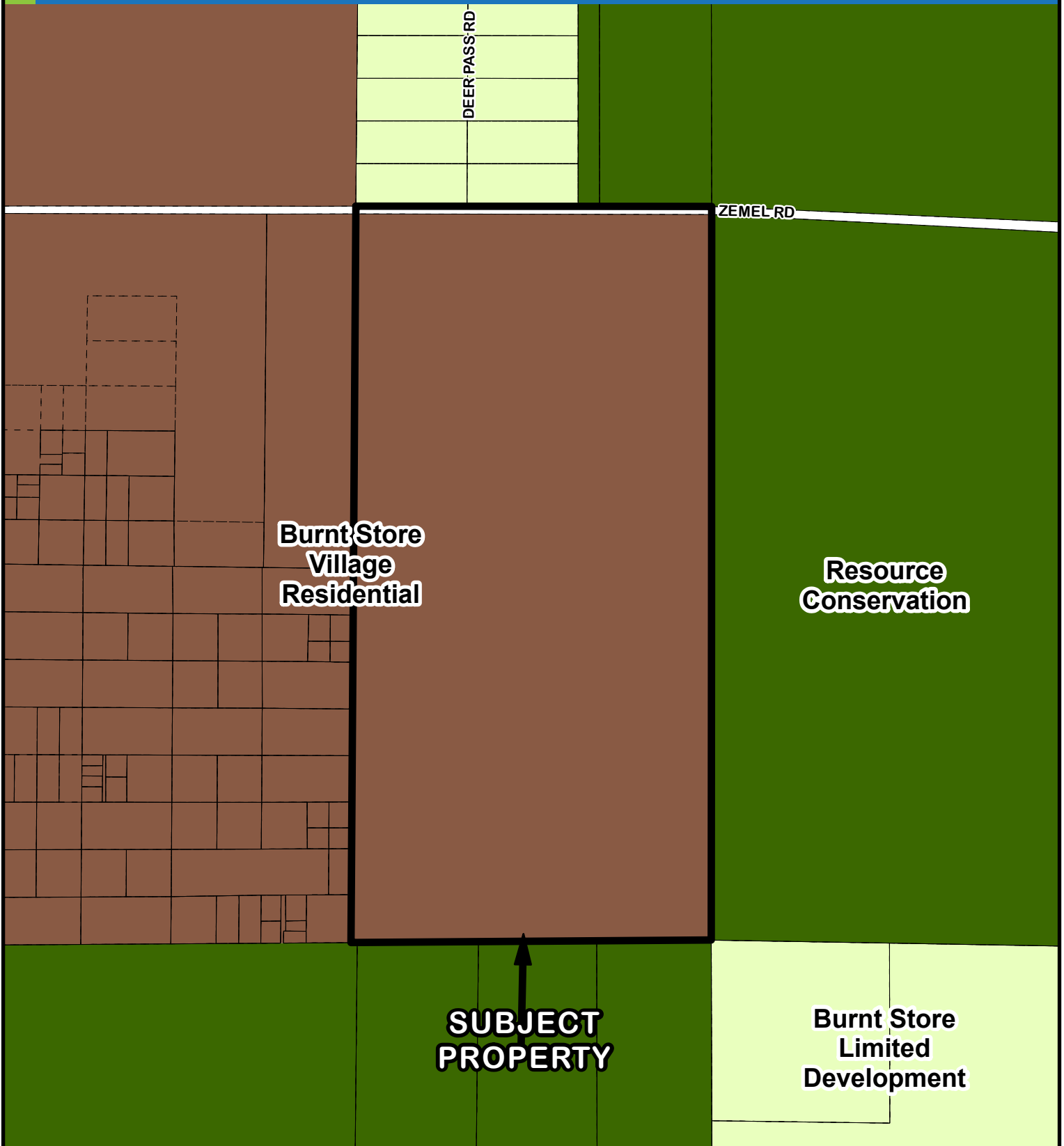
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CHARLOTTE COUNTY

FLUM Designations for CDD-23-02



28/42/23 South County



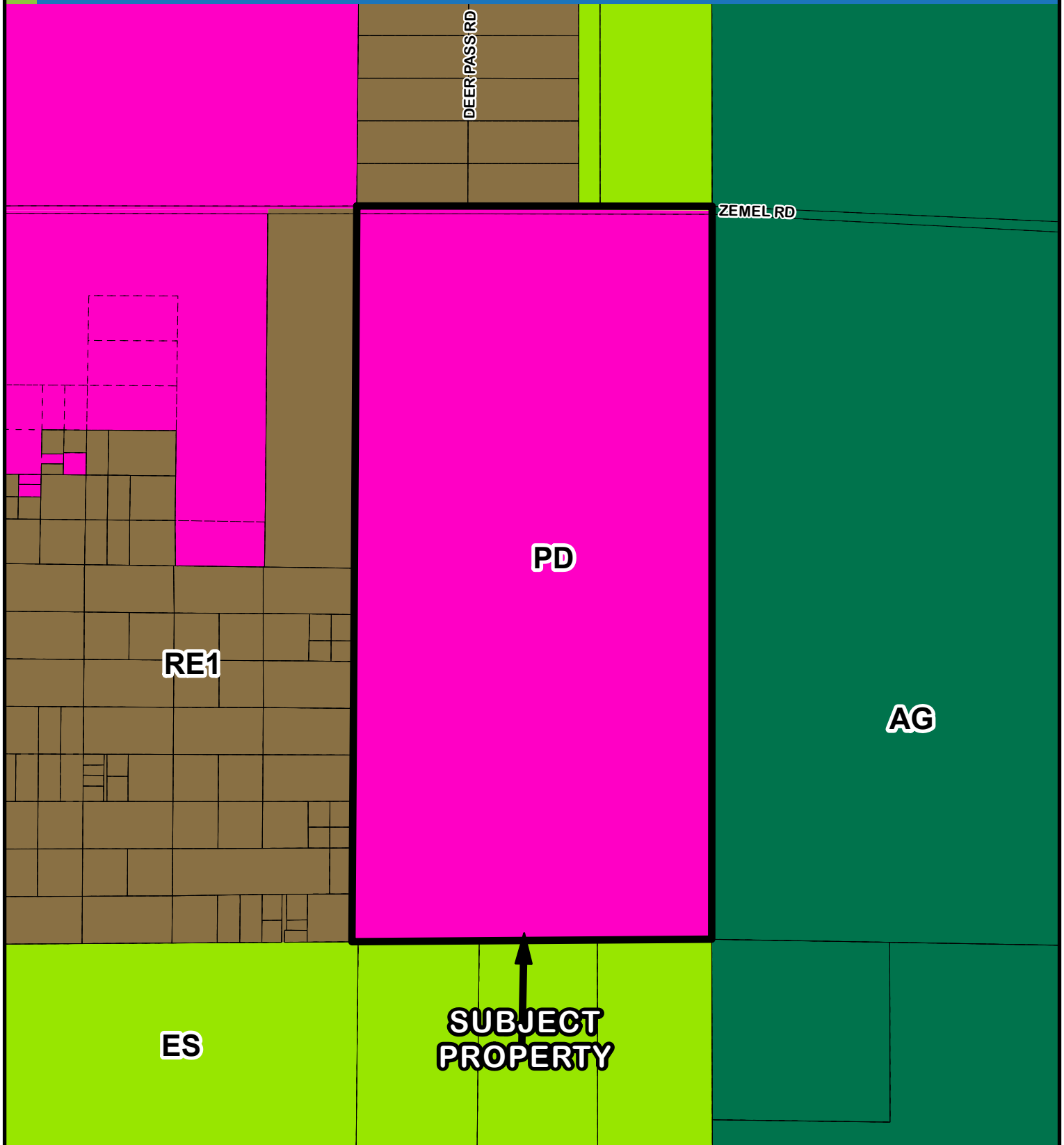
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CHARLOTTE COUNTY

Zoning Designations for CDD-23-02



28/42/23 South County

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