

December 19, 2023

The Honorable Bill Truex
Chairman, Charlotte County
Board of County Commissioners
A18500 Murdock Circle
Port Charlotte, Florida 33948

Dear Commissioner Truex:

The Florida Department of Commerce (FloridaCommerce) has reviewed the proposed comprehensive plan amendment for Charlotte County (Amendment No. 23-05ESR) received on November 29, 2023. The review was completed under the expedited state review process. We have 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, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the County is reminded that:

- Section 163.3184(3)(b), 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plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to FloridaCommerce and any affected party that provided comment on the amendment pursuant to Section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 second public hearing 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 Matthew Martinez, Planning Analyst, by telephone at (850)-717-8534 or by email at matthew.martinez@commerce.fl.gov.

Sincerely,



Scott Rogers, Regional Planning Administrator
Bureau of Community Planning and Growth

SR /mm

Enclosure(s): Procedures for Adoption

cc: Ben Bailey, Community Development Director, 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://fideo.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.



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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)

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Brian J. Armstrong, P.G.
Executive Director

December 20, 2023

Ms. Jie Shao, AICP
Principal Planner
Charlotte County
Board of County Commissioners
18400 Murdock Circle
Port Charlotte, FL 33948

Subject: **Charlotte 23-5ESR**

Dear Ms. Shao:

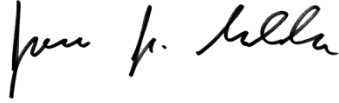
The Southwest Florida Water Management District (District) has reviewed the proposed amendment. We are not forwarding any comments for consideration. However, we do have the following comments regarding regulatory and other matters:

- Review of District GIS data indicates the proposed development may impact the following District data collection sites: SID#s 612338, 612339, 612340, 612341, 612342, 612343. Please design the proposed development to avoid impacts to the sites or contact the District's data steward at data.maps@watermatters.org under the subject line "PRIORITY PLANNING Data Evaluation" to coordinate relocation of the sites.
- District records indicate a Water Use Permit (WUP) was issued for agricultural activities on the site (WUP No. 20002593.008). If any changes in permitted land use or ownership are proposed, early coordination with the District's WUP staff is encouraged. For assistance or additional information concerning the District's WUP program, please contact April Breton, water use evaluation and compliance manager, at (813) 985-7481 or april.breton@watermatters.org.
- There are existing wells on the site. If these wells are no longer proposed for use, they would need to be properly abandoned in accordance with the requirements of Rule 40D-3.531, F.A.C. For assistance or additional information, please contact Dave Arnold, well construction manager in the District's Tampa office, at (813) 985-7481, ext. 4439, or davidn.arnold@watermatters.org.
- Based on the available information, it is not clear at this time if the District or the Florida Department of Environmental Protection will be reviewing the Environmental Resource Permit (ERP) application for the proposed reservoir project. 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.

Ms. Jie Shao, AICP
December 20, 2023
Page 2

We appreciate this opportunity to participate in the review process. 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,

A handwritten signature in black ink, appearing to read "James J. Golden".

James J. Golden, AICP
Senior Planner

JG

cc: Barbara Powell, FC
David Arnold, SWFWMD
April Breton, SWFWMD
Rob McDaniel, SWFWMD

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.



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES COMMISSIONER WILTON SIMPSON

December 20, 2023

VIA EMAIL (jie.shao@charlottecountyfl.gov)

Charlotte County
Jie Shao
18400 Murdock Circle
Port Charlotte, Florida 33948

Re: Amendment Package Reference Number: Charlotte County 23-05ESR

Dear Ms. Shao,

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on December 4, 2023. The Department has reviewed the proposed amendment pursuant to Section 163.3184, Florida Statutes, for any adverse impacts to important state resources or facilities related to agriculture, forestry, and aquaculture issues.

The Department has no comments on the above-referenced proposed comprehensive plan amendment as presented.

Please contact me at CompPlans@FDACS.gov if you have any questions.

Sincerely,

Steven Hall

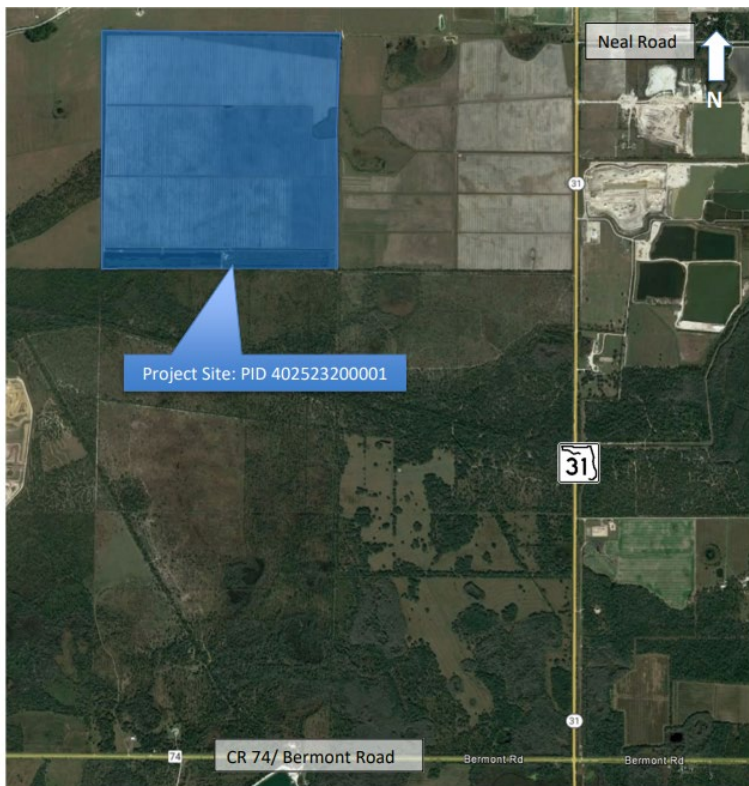
Steven Hall
Deputy Assistant Commissioner

cc: Florida Department of Economic Opportunity
(SLPA #: Charlotte County 23-05ESR)

From: Bailey, Ben
To: Cullinan, Shaun; Shao, Jie; Elias, John; Vernon, Joanne
Cc: Flores, Hector; Lewis, Emily; Jubb, Claire
Subject: FW: Charlotte County proposed CPA 23-05ESR
Date: Thursday, December 28, 2023 11:26:18 AM
Attachments: image001.png
image002.png

Passing along comments we received from FDOT for a comp plan amendment. See highlighted below.

[Chastain 640 TIS.pdf](#)



Respectfully,



Ben Bailey
Community Development Director
Charlotte County
Community Development Department
941.743.1211
CharlotteCountyFL.gov
Delivering Exceptional Service

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

From: McCaughey, Erica <Erica.McCaughey@dot.state.fl.us>
Sent: Wednesday, December 27, 2023 9:46 AM
To: Bailey, Ben <Ben.Bailey@charlottecountyfl.gov>
Cc: Suguri, Vitor <Vitor.Suguri@dot.state.fl.us>; Merkle, Tanya <Tanya.Merkle@dot.state.fl.us>
Subject: Charlotte County proposed CPA 23-05ESR

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.

Good morning Mr. Bailey,

We have completed the review of Charlotte County CPA 23-05ESR (PAL-23-00002). This CPA is to amend the FLUM to change the LU from Agriculture (AG) to Mineral Resource Extraction (EM). A traffic study is provided following the same methodology for the previously submitted Charlotte County CPA 23-01ESR. Note that the acreage in the traffic study was revised from 646 to 536 acres, per the application package. The subject property will be accessed via a dirt road on the west side of SR 31. The traffic study concludes that the generated truck traffic will not

result in negative impacts to the LOS on SR 31, and that northbound-left and southbound-right turn lanes will be warranted at the access road.

Trip Generation Comparison and Turn-Lane Analysis:

Trips for the excavation were conservatively estimated based on resource extraction rates and truck loading potential, per the TIAs provided in the CPA package. Based on the table provided below, the amendment will result in an increase of approximately 313 daily trips or 33 PM peak hour trips or an increase of 56% daily trips.

Future Land Use		Density/Intensity		Acreage	ITE LUC		Yield	Units	PM Peak Hour			Daily		
									Enter	Exit	Total	Enter	Exit	Total
Existing	Agriculture (AG)	0.1	DU/Acre	536	210	Single-Family Residential	53	DUs	34	21	55	281	282	563
Proposed	Mineral Resource Extraction (MRE)	-	-	536	-	-	-	-	44	44	88	438	438	876
Net New Trips									10	23	33	157	156	313
Net New Trips - Percentage Increase									29%	110%	60%	56%	55%	56%

Although this CPA will have no significant impact to facilities of state importance at this time, FDOT requests that the County continue to coordinate with the FDOT on the proposed SR 31 turn lanes for this property (PAL-22-00002) and the two Neal Road properties referenced in Charlotte County CPA 23-01ESR (PAL-22-00005 and PAL-22-00006).

Thank you and please do not hesitate to reach out with any questions.

Erica McCaughey, M.P.A.

Community Planner

Complete Streets Coordinator

Florida Department of Transportation - District 1

10041 Daniels Parkway

Fort Myers, FL 33913

Cell: 863-270-5878

Shao, Jie

From: Irving, Robert <Robert.Irving@MyFWC.com>
Sent: Wednesday, December 27, 2023 11:52 AM
To: Shao, Jie
Cc: Conservation Planning Services; DCPexternalagencycomments@deo.myflorida.com; Wilson, Sydney
Subject: FWC's Comments on Charlotte County 23-04ESR (PAL-23-00002)

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.

Dear Ms. Shao:

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the proposed comprehensive plan amendment in accordance with Chapter 163.3184(3), Florida Statutes. We have no comments, recommendations, or objections related to listed species and their habitat or other fish and wildlife resources to offer on this amendment.

FWC staff appreciate the opportunity to review this project. Please send any requests for further information to ConservationPlanningServices@MyFWC.com.

Sincerely,

Robert Irving
Land Use Planning Program Supervisor
Office of Conservation Planning Services
Florida Fish and Wildlife Conservation Commission
Phone: (850) 354-3578

Charlotte County 23-05ESR_57630