



## Staff Report for: PAS-20-00005 and PD-20-00004

Meeting Date: August 10, 2020

September 8, 2020

To: Planning and Zoning Board

Board of County Commissioners

From: Shaun Cullinan, Planning and Zoning Official (see Exhibit 1 for professional qualifications)

Regarding: A request to amend the Zoning Atlas

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### Part 1 – General Information

**Applicant:** Seventeen and Seventy-five LLC, 821 Fifth Avenue South, Naples, FL 34102

**Agent:** William Dempsey, 821 Fifth Avenue South, Naples, FL 34102

**Owner:** Seventeen and Seventy-five LLC, 821 Fifth Avenue South, Naples, FL 34102

**Request:** A privately initiated request to:

- **(a)** Amend the Charlotte County Future Land Use Series Map #1: 2030 Future Land Use, from Low Density Residential and High Density Residential to the Commercial.
- **(b)** Amend the Charlotte County Zoning Atlas from Planned Development, Residential Multifamily-5, and Residential Multifamily-10 to the Planned Development zoning classification.

**Location:** The lots which requires a FLUM amendment are: **(a)** 3300-3506 Rosemary Drive and the entire property to be rezoned PD is: **(b)** 6201 Duncan Rd. and 3300-3506 Rosemary Dr.

**Area:** The site contains a total of: **(a)** 2.47-acres, plus **(b)** 19.15-acres = 21.62 acres (more or less).

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

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### Part 2 – Recommendation

#### Staff Recommendation of August 3, 2020:

Recommend approval of petition number **PAS-20-00005** based on the findings and analysis in the Comprehensive Planning Division staff report dated August 3, 2020.

Recommend approval of petition number **PD-20-00004** based on the findings and analysis in the Comprehensive Planning Division staff report dated August 3, 2020.

#### The Planning and Zoning Board proposed recommendation for August 10, 2020:

A motion to forward petition number **PAS-20-00005** to the Board of County Commissioners with a recommendation of **Approval / Denial**, based on the findings and analysis in the staff report dated August 3, 2020, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing held before the Planning and Zoning Board.

A motion to forward petition number **PD-20-00004** to the Board of County Commissioners with a recommendation of **Approval / Denial**, based on the findings and analysis in the staff report dated August 3, 2020, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing held before the Planning and Zoning Board.

At their regularly scheduled Planning and Zoning Board (P&Z) meeting dated September 14, 2020, there were only four members present. The motion was made to **approve** the petition, this resulted in a deadlock of two-two, under the Rules and Procedures, a tie constitutes recommendation of denial. A handful of citizens spoke on the petition primarily on the impact of the rail-truck portion and the siding portion, which go hand in hand. The P&Z agreed that this may be too impactful to the existing residential neighborhoods.

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## Part 3 – Analysis and Conclusion

### Analysis:

The attached **Location Map** shows the general location of subject property at the northeast corner of Interstate-75 and U.S. Highway 17. The **Area Image** shows the specific location of subject property, adjacent to the south of the Atlantic Coastline Railroad, which is operated by the Seminole Gulf Railway. The **Site Image** is a close-up view of the aerial photograph showing the lots and parcels that make up subject property, which is comprised of parts of three old subdivisions including “Punta Gorda Pinery”, “Pineapple Center” and “Golf Club Estates”, which was the most recent plat recorded in 1924. Lots 44 and L8, and parcel P8 were all part of a previous plan amendment (PA-07-12-97) and rezoning to Planned Development (Z-07-12-98). Parcel P8 was once a part of Block “I” of Golf Club Estates; however, this portion of the plat was vacated in 2008 (PV-08-01-02) as a step towards implementing the previously approved planned development; however, that development never occurred, probably due to the Great Recession of 2007-2009.

Subject property has a **Framework Map** designation of Economic Center. The applicant’s proposed rail to truck transfer station, would be the first of its kind in Charlotte County, and could be a significant jobs creator and economic boost to the area. Subject property is a good location for a rail to truck transfer station because of its location adjacent to the railroad, and at the junction of two major highways, Interstate-75 and U.S Highway 17 (Duncan Road). This location is also close to the newly constructed extension of Piper Road, which also provides convenient access to Punta Gorda Airport. The applicant is also proposing to construct Rosemary Drive and Somerset Road, to Charlotte County standards, in order to provide access to subject property and better connect the existing road network.

Subject property has three different FLUM designations, which are; Commercial, Low Density Residential, and High Density Residential. The plan amendment is proposed so that the property will have a Commercial FLUM designation. Subject property also has three different zoning classifications, which are: PD, RMF-5, and RMF-10. The companion rezoning request is to assign the Planned Development zoning classification to subject property to allow the proposed railroad siding for a rail-to-truck transfer station on Parcel One and also buffer and screen the proposed uses from surrounding properties. The attached **FLUM Maps** and **Zoning Maps** show the existing and proposed Future Land Use Map designations and zoning classifications.

According to the applicant’s **Narrative** the purpose of this application is to assign a Commercial FLUM designation to subject property and then rezone subject property to Planned Development, with specific conditions, which would allow the applicant to develop permitted Commercial General uses along with a railroad siding for a rail-to-truck transfer station on Parcel One. The applicant has acquired 15 additional lots along Rosemary Drive and is proposing a new Planned Development for subject property, which includes these lots. The acquisition of additional lands and the discovery of an existing eagles’ nest has required significant revisions to the previously approved Planned Development. The new **Concept Plan** proposes three separate development areas. Parcel One is for a railroad siding for a rail-to-truck transfer station; Parcel Two is for uses which are permitted uses in the Commercial General zoning district along with other specified permitted uses, that complement the rail-to-truck transfer station; and Parcel Three is for storm-water facilities, utilities, and project signage. The PD rezoning process has been proposed by the applicant so the County could better protect the surrounding residential uses and improve the visual appearance with architectural design standards for buildings along Duncan Road, while at the same time screen the industrial uses with the conditions for approval of the Planned Development zoning district.

### Compatibility and Impacts on Adjacent Land Uses:

Existing land uses surrounding subject property consist of; the Atlantic Coastline Railroad (120') and Riverside Drive (50') to the north, then single-family and two-family residences, which are zoned RMF-10. Vacant commercial land and Interstate-75 (350') are located to the west, which is zoned CG. U.S. Highway 17 (250') and vacant commercial lands are located to the south, which are zoned ECAP. Finally, single-family residences and vacant lots are located to the east, which are zoned RMF-5 and RMF-10. The impact

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## Part 3 – Analysis and Conclusion (continued)

on future adjacent land uses to the south and west would be relatively minor because of the locations of U.S. 17 and Interstate-75. The residences located to the east of Somerset Road are closest to the proposed development and will experience the greatest impact. However, these homes will be separated from this development by a street and the development will be screened with a type "D" landscape buffer, which will include a six-foot high sight-obscuring fence or wall. The residential uses to the north will also be screened with a type "D" landscape buffer and are over 170 feet away from this development separated by the railroad and Riverside Drive.

The Planned Development (PD) zoning district is intended to "encourage concentrated, energy-efficient land development through the use of innovative land use planning and structural design techniques. Conventional zoning requirements are replaced by flexible performance criteria" (sub-section 3-9-45(a)). Uses and structures permitted in a Planned Development (PD) zoning district include (sub-section 3-9-45(b)): "Any residential, commercial, industrial, or public land uses and structures are permitted in this district, provided the proposed development is shown to be consistent with the goals, objectives and policies of the comprehensive plan, and consistent with the future land use element, and the standards and criteria contained in the following sections."

Planning staff agrees that the proposed rezoning may be permitted, and can be supported, by the 2050 Comprehensive Plan, if the Future Land Use Map (FLUM) designation is changed to Commercial. The Planned Development regulations were specifically crafted to allow commercial or industrial development adjacent to residential areas, with extensive 25-foot wide setbacks, and perimeter landscape buffers and screening. Therefore, the proposed zoning map amendment to Planned Development for subject property should have minimal impacts on the adjacent residences and vacant properties, if adequate screening and buffers are required for this proposed development. Staff's recommendation for screening and buffers are provided in the Planned Development Rezoning Conditions for the PD rezoning.

### Consistency with Charlotte County's Comprehensive Plan:

The Framework designation for subject property is Economic Center (see **Framework Map**). Subject property is located in an Economic Center and **FLU Objective 5.3, Economic Centers and CRAs**, of the Comprehensive Plan's Future Land Use Element is applicable to this petition. Staff has identified (pages 13-15) these and several other Goals, Objectives and Policies from the Comprehensive Plan that support this proposed rezoning.

The applicant is requesting a FLUM classification of Commercial (**FLUM Map**) for all of subject property. The Land Use Guide provides a description of the "General Range of Uses" for the Commercial FLUM classification, which states: "This category provides for full range of sales and service activities. These uses may occur in self-contained centers, multi-story structures, campus parks, municipal central business districts, or along arterial highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and design will depend on location factors, particularly compatibility with adjacent uses, availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be located to protect adjacent residential use from such impacts as noise or traffic. In wellfield protection areas uses are prohibited that involve the use, handling, storage, generation or

disposal of hazardous toxic material or substances, or waste or petroleum products.” Both Commercial and Industrial FLUM classification have maximum Floor Area Ratio of 1.0. Subject property consists of 21.62 acres (941,767 square feet), therefore the maximum building square footage for this development would be 941,767 square feet. The maximum lot coverage for all buildings may not exceed 55 percent of the lot area in the CG zoning district. As such, staff recommends that the maximum building coverage on subject property be limited to 55 percent or 517,971 square feet.

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### Part 3 – Analysis and Conclusion (continued)

The applicant is requesting a rezoning to Planned Development (**Zoning Map**). Along with this application the applicant has submitted the proposed PD Rezoning Conditions, which includes a schedule of uses to allow the proposed rail-to-truck transfer station on Parcel One, as well as c uses permitted on Parcel Two. These uses are equivalent to a list of permitted uses allowed in the CG zoning district, with some additional uses relating to the rail-to-truck transfer station. This will allow development of subject property as proposed, provided they install extensive screening, construct Rosemary Drive and Somerset Road to County standards, and comply with all other County development codes.

#### Concurrency Issues:

- Potable Water and Sanitary Sewer: Subject property is in the City of Punta Gorda certificated service area for potable water and sanitary sewer (Spam Maps #83 and #86 Certificated Utility Areas). The proposed development will create the need for a potable water supply and treatment of wastewater. The applicant is proposing that the City of Punta Gorda will supply water and sewer service to the site. If subject property is eventually developed to its maximum capacity of 941,767 square feet (maximum FAR = 1.0), the potable water and waste-water treatment needs would be approximately as noted in the table below.

Square feet:	Amount of water needed:	Amount of waste-water generated:
941,767 square feet maximum	= 94,207 gpd	= 80,076 gpd

- Student Generation: The proposed development will not generate any new students.
- Traffic: After reviewing the applicant’s Traffic Impact Statement and Concept Plan the County Transportation Project Manager has concluded that there will be no change in the existing Level of Service (LOS). However, he also stated that “With respect to the site related improvements and other items, County Transportation staff reserve the right to make additional comments at the time of detailed site plan development level.” See attached Transportation Memo, dated July 15, 2020, from Transportation Project Manager.

**Based on these facts the proposed development should not create any concurrency issues.**

#### Planned Development Concept Plan:

The proposed **Concept Plan** was reviewed and commented on by County Staff, after which the Zoning Official determined that the PD Concept Plan should be approved subject to 21 conditions. The conditions for this approval are stated in the Planning and Zoning Official’s **decision letter** dated February 5, 2020 to Weiler Engineering. This letter included statements that additional conditions would be established by the BCC through the Planned Development (PD) rezoning process.

#### Conclusion:

The proposed **PD Concept Plan** and Planned Development Rezoning Conditions, which includes a list of permitted uses and specific Development Standards, may be consistent with the County’s Comprehensive Plan. The applicant is requesting a Commercial FLUM classification and a zoning map amendment to Planned Development for subject property. Code requirements for a Planned Development include a 25-foot PD setback, and extensive landscape buffers and screening of the

proposed uses from surrounding residential and commercial properties. The proposed schedule of uses and planned rail-to-truck transfer station should not create any detrimental impacts on the surrounding properties if adequately screened and buffered. As such, staff recommends approval of the proposed zoning map amendment from Planned Development, Residential Multifamily-5, and Residential Multifamily-10 to Planned Development, with the conditions listed below.

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### **Part 3 – Analysis and Conclusion (continued)**

#### **Recommended Conditions of Approval:**

The applicant has proposed a schedule of uses and development standards in their Narrative as part of their application. Staff is in agreement with what the applicant has proposed and is recommending approval. Staff's primary concern is screening of views from the adjacent residential properties and U.S. 17 (Duncan Road), which is a major gateway and thoroughfare for Charlotte County residents and visitors to Charlotte County. The following conditions are recommended for adoption if the Planned Development rezoning is approved.

#### **Planned Development Rezoning Conditions:**

- a. Development on subject property shall occur as detailed in the PD Concept Plan submitted by the applicant, prepared by The Weiler Engineering Corporation, dated October 11, 2019 and revised on July 13, 2020, except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the Site Plan Review conditions of approval per letter dated February 5, 2020 are required to be met. Creation of individual lots within Parcel 1 or Parcel 2 may be done as a minor amendment to the Final Site Plan. Lots and parcels may be platted or re-platted as necessary.
- b. Permitted uses:
  - i. Within Parcel 1: Railroad siding - rail to truck transfer station.
  - ii. Within Parcel 2:
    1. All permitted and conditional principal uses in the CG zoning district shall be allowed. No special exceptions shall be allowed.
    2. Mini-warehouses may have accessory outdoor storage areas that are equal to, or less than, the square footage of the mini-warehouse storage units, for recreational vehicles only, including boats, travel trailers, RVs and campers.
    3. Truck stops.
    4. Light manufacturing and assembly in a completely enclosed building.
    5. Lumber and building supply establishments and yards.
    6. Wholesale sales.
    7. Mass transit terminals and yards.
  - iii. Within Parcel 3: Stormwater and signage.
- c. Development applications for each parcel shall include submittal of a revised Traffic Impact Statement based on the use proposed.
- d. All development is subject to the following Development Standards:
  - i. The maximum Floor Area Ratio is 1.0 (100 percent).
  - ii. The maximum lot coverage is 55 percent.
  - iii. The setback requirements are the same as the requirements under the CG zoning district.
- e. The maximum building height for this development shall be 60 feet measured from base flood elevation points as these may apply to the project site.
- f. The maximum height for outside storage is 50 feet, and the maximum height for equipment is 60 feet.
- g. Conditions specific to the use of the property as a railroad siding are as follows:

- i. The railroad siding is subject to the provisions of American Railway Engineering and Maintenance-of-Way Association (AREMA) safety and construction standards.
- ii. The interim staging of off-loaded containers awaiting shipment shall not exceed 14 days.
- iii. Off-loaded containers shall not be stacked higher than three containers.
- iv. No hazardous waste material shall be transferred at the site.
- v. There shall be a paved access route for on-site loading or unloading areas.
- vi. All loading and unloading of containers shall be done by side loader only.

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### **Part 3 – Analysis and Conclusion (continued)**

#### **Planned Development Rezoning Conditions: (continued)**

- h. Except for train deliveries, the operation hours for railroad sidings shall be from 7:00 AM to 7:00 PM during the weekdays, and weekend operation is not allowed.
- i. No on-site development beyond the land clearing shall occur prior to Final Site Plan Review approval.
- j. The developer shall minimize impervious surfaces within the development wherever practicable.
- k. The roadways for this development shall be constructed to Charlotte County standards. The applicant will be improving two undeveloped County roads, Rosemary Drive and Somerset Road, to Charlotte County's standards.
- l. 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. When available, the developer must also extend re-used water utility lines along with the potable water and sanitary sewer lines throughout the development.
- m. The site shall be developed with a unified landscaping theme.
- n. 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 the irrigation system throughout the development.
- o. 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.
- p. Landscaping and Buffer requirements:
  - i. Within the 25-foot setback, no pavement or other structure are permitted, except for the construction of a wall, berm, fence or pedestrian access.
  - ii. At a minimum, a type "B" buffer must be placed within the 25-foot PD setback along the westerly property line, that is adjacent to the property zoned Commercial General. A type "D" buffer must be placed along the northerly lot line, along the Atlantic Coastline Railroad line and west of Lot "1A" of Block "A. A type "D" buffer must also be placed along the westerly right-of-way line of Somerset Road, and along the southerly property line adjacent to Duncan Road (U.S. 17). A type "A" buffer must be placed within the 25-foot PD setback along the north, east and southerly property lines of Parcel Three (3).
- q. This development is subject to the provisions of Chapter 3-5, Article XXIV, Charlotte County Commercial Design Standards.
- r. Exterior signage shall meet the existing Sign Code, Section 3-9-95. No special exception or variance shall be granted for any signage on the site.

- s. Access to Duncan Road at Somerset Road shall be subject to Florida Department of Transportation review and approval.

## Part 4: Research and Findings

- 2050 Framework Map Designation:**.....Emerging Neighborhood and Economic Corridor  
(FLUM Map #2 - 2050 Framework)
- 2030 Service Area Delineation:**..... within the Urban Service Area.
- Existing Land Use on the Site:** ..... subject property consists of a vacant lots and parcels.
- Existing FLUM and Zoning Designations:** (see attached **Future Land Use Map** and **Zoning Map**)

FLUM:	Development Standards:
<b>Low Density Residential (LDR);</b>  <b>High Density Residential (HDR);</b>  <b>and</b>  <b>Commercial (COM)</b>	<p><u>Low Density Residential:</u> Single-family residential, multi-family residential, manufactured residential dwelling units, recreational vehicle parks, sub-neighborhood commercial uses, recreational facilities in association with residential development, schools, and public services and facilities.  <u>Maximum Intensity:</u> Maximum density shall not exceed five dwelling units per acre.</p> <p><u>High Density Residential:</u> Single-family residential, multi-family residential, recreational vehicle parks, sub-neighborhood commercial uses, and recreational facilities in association with residential development, schools, and public services and facilities.  <u>Maximum Intensity:</u> Maximum density shall not exceed 15 dwelling units per acre.</p> <p><u>Commercial:</u> This category provides for full range of sales and service activities. These uses may occur in self-contained centers, multi-story structures, campus parks, municipal central business districts, or along arterial highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and design will depend on location factors, particularly compatibility with adjacent uses, availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be located to protect adjacent residential use from such impacts as noise or traffic. In wellfield protection areas uses are prohibited that involve the use, handling, storage, generation or disposal of hazardous toxic material or substances, or waste or petroleum products.  <u>Maximum Intensity:</u> Maximum FAR shall not exceed 1.0.</p>
Zoning:	Development Standards:
<b>Residential Multifamily-5 (RMF-5);</b>  <b>Residential Multifamily-10 (RMF-10);</b>  <b>and</b>  <b>Commercial General</b>	<p>The purpose and intent of the RMF-5 and RMF-10 zoning districts is to offer low- or high-density residential with emphasis on multifamily use.  The purpose and intent of the CG district is to allow general commercial activity.</p> <p><u>Standard:</u> RMF-5: RMF-10: CG: .</p> <p>Minimum lot area:.....7,500 square feet.....7,500 square feet.....12,000 square feet</p> <p>Minimum lot width:.....80 feet.....80 feet.....100 feet</p> <p>Setbacks:</p> <p>Front:.....25 feet.....25 feet.....15 feet</p> <p>Side (interior):.....15 feet.....15 feet.....zero feet</p> <p>Side (street):.....15 feet.....15 feet.....10 feet</p> <p>Rear (interior):.....15 feet.....15 feet.....10 feet</p> <p>Rear (street):.....15 feet.....15 feet.....10 feet</p>

(CG)	Abutting water:.....20 feet.....20 feet.....20 feet
	Maximum lot coverage:.....40 %.....40 %.....55 %
	Maximum building height:.....60 feet.....60 feet.....60 feet
	Maximum density:.....5/acre.....10/acre.....1.0 FAR

Table 1

## Part 4: Research and Findings (continued)

### 5. Proposed Future Land Use and Zoning Designations: (see Future Land Use Map and Zoning Map.)

FLUM:	Development Standards:
Commercial (COM)	<p><u>General Range of Uses.</u> This category provides for full range of sales and service activities. These uses may occur in self-contained centers, multi-story structures, campus parks, municipal central business districts, or along arterial highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and design will depend on location factors, particularly compatibility with adjacent uses, availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be located to protect adjacent residential use from such impacts as noise or traffic. In wellhead protection areas uses are prohibited that involve the use, handling, storage, generation or disposal of hazardous toxic material or substances, or waste or petroleum products.</p> <p><u>Maximum Intensity.</u> Maximum FAR shall not exceed 1.0. Development should be consistent with the applicable underlying zoning classification standards and land development regulations.</p>
Zoning:	Development Standards:
Planned Development (PD)	<p><u>Minimum Lot and Yard Requirements.</u> There are no minimum lot and yard requirements for this district, provided no structure shall be located closer to the peripheral property line of the PD than 25 feet or as required by section 3-9-88, "Waterfront property," as the same may be amended, whichever is greater. If the PD abuts water, the minimum setback shall be 20 feet. However, minimum lot and yard requirements other than those contained in this section and section 3-9-88 may also be established through the final site plan approval process.</p> <p><u>Maximum Height of Structures.</u> There is no maximum height for structures in this district, except as required by section 3-9-88, "Waterfront property," as the same may be amended. Maximum height limits other than those contained in section 3-9-88 may also be established through the PD review process.</p> <p><u>Open Space.</u> A minimum of 20 percent of the entire PD parcel or phase shall be open space, which may include vegetated areas unencumbered by an impervious surface.</p> <p><u>Utilities.</u> Potable water supply, sewage treatment and water management systems, utility lines and easements shall be designed in accordance with requirements of the county subdivision regulations except as modified in subsection (c)(1)e of this section, "Relation to utilities, public facilities and services".</p> <p><u>Internal Circulation.</u> Streets to be dedicated to the public shall be designed and constructed in accordance with the subdivision regulations or other appropriate design standards. All streets shall be designed to provide safe, efficient and convenient access to land uses within the development and to roadways adjacent to the development. In addition to vehicular thoroughfares, functional pedestrian and bicycle-path systems are required in accordance with the master plan.</p>

Table 2

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

Direction:	Existing Land Use:	FLUM Designation:	Zoning District Designation:
North	Atlantic Coastline Railroad, Riverside Drive and one- & two-family homes	High Density Residential	Residential Multifamily-10



<b>East</b>	Single-family residences and vacant lots	Low Density Residential, High Density Residential, and Commercial (COM)	Residential Multifamily-5 Residential Multifamily-10 and Commercial General
<b>South</b>	Vacant land	Enterprise Charlotte Airport Park	Enterprise Charlotte Airport Park (ECAP)
<b>West</b>	Vacant lots	Commercial (COM)	Commercial General (CG)

**Table 3**

## **Part 4: Research and Findings (continued)**

### **7. Buildout Calculations (square footage or density):**

The Comprehensive Plan allows a maximum floor area ratio of 1.0 for commercial developments, which would allow a maximum of 941,767 square feet of building area on this 21.62-acre site. The Land Development Regulations limits the lot coverage of all buildings to 55 percent of the area of the lot, which is a maximum of 517,971 square feet for the building footprints. If this zoning map amendment to Planned Development is approved the applicant will be able to use and develop subject property as stated in the ordinance authorizing this Planned Development zoning district.

### **8. Is subject property in a Community, Special Planning Area or Overlay District? ..... Yes**

Subject property is located in the U.S. 17 special planning area. (FLUM Maps #8, #9, #10 or #11)

### **9. Is subject property located adjacent to existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves? ..... No**

Subject property is not located adjacent to any existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves. (SPAM Maps, #52, #92 and #93)

### **10. Is the proposed land use designation consistent with the provisions of the:**

#### **a. Charlotte Harbor Aquatic Preserves Management Plan? (SPAM Map #53)**

Subject property is located outside the boundary of the Charlotte Harbor Aquatic Preserves.

#### **b. Lemon Bay Aquatic Preserve Management Plan? (SPAM Map #53)**

Subject property is located outside the boundary of the Lemon Bay Aquatic Preserve.

### **11. Does subject property contain archaeological or historic resources? (SPAM Map #3, #44 & #70)**

The applicant received a review letter from the State Division of Historic Resources stating that the Florida Master Site File (FMSF) lists no Archeological Sites or Cultural Resources on subject property (see FMSF Letter dated May 20, 2020).

This research does not constitute a detailed review. If any archeological or historical resources are found state laws require that the applicant contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333. This proposed commercial development does appear to comply with Future Land Use Policy 6.2.13, Archeological Resource Protection.

### **12. Are there wetlands on the property? .....Yes, 0.33 acres of wetlands are located on the site .**

#### **a. Number of acres of Category I: ..... To be determined by FDEP.**

#### **b. Number of acres of Category II: ..... To be determined by FDEP.**

### **13. Natural Resources:**

#### **a. Significant natural resources or critical habitat for endangered species:**

Charlotte County's Environmental Specialist performed a cursory review and provided comments on the attached Memorandum (**Environmental Memo** dated July 10, 2020). Environmental staff will conduct another review and site inspection during the Site Plan Review process.

#### **b. Possible impacts to groundwater, surface water, wetlands or other significant natural resources:**

**No impacts have been identified.**

- c. Is subject property in the **Watershed Overlay District?** (FLUM Map #4) ..... **No**
- d. Is subject property in the **Surface Water Protection Overlay District?** (FLUM Map #5) ..... **No**
- e. Is subject property in the **Prime Aquifer Recharge Area?** (FLUM Map #6) ..... **No**
- f. Is subject property in a **Wellhead Protection Area?** (FLUM Map #7) ..... **No**

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#### **Part 4: Research and Findings (continued)**

##### **14. Coastal Planning:**

- a. Is the subject site within the **Coastal Planning Area?** (FLUM Map #13) ..... **Yes**  
Subject Property is located within **Zone One** of the Coastal Planning Area.
- b. Could the proposed changes impact beach accessibility? ..... **No**
- c. Could the proposed change affect other waterfront access? ..... **No**
- d. Flood Zone: The entire site is located within **Flood Zone "8AE"**, which are areas in which base flood elevations have been determined to be at the eight-foot elevation. (per FEMA Codes)
- e. Storm Surge Evacuation Zone: **The site is located within Evacuation Zone "A"**.
- f. Is the subject site within the Coastal High Hazard Area? (FLUM Map #14) ..... **Yes**  
Subject Property is located within the **Tropical Storm Surge** zone.
- g. Could the proposed changes impact evacuation times? ..... **No**

##### **15. Facilities and Services:**

- a. Nearest Park: ..... **Darst Park**, (SPAM Map #92)  
Address: ..... 537 Darst Avenue, Punta Gorda  
Distance: ..... approximately 0.60 miles to the north of subject property
- b. Nearest Police Station: ..... **District 4 Charlotte County Sheriff's Office** (SPAM Map #42)  
Address: ..... 7474 Utilities Road, Punta Gorda  
Distance: ..... approximately 2.0 miles to the south of subject property
- c. Nearest Fire/EMS Station: ..... **Charlotte County Fire Station No. 6** (SPAM Map #38)  
Address: ..... 27589 Disston Avenue, Punta Gorda  
Distance: ..... approximately 1.7 miles to the east of subject property  
Response Time: ..... approximate response time is 4-6 minutes (SPAM Map #39)
- d. Nearest Library: ..... **Punta Gorda Public Library** (SPAM Map #91)  
Address: ..... 401 Shreve Street, Punta Gorda  
Distance: ..... approximately 3.3 miles to the west of subject property
- e. Nearest Hospital: ..... **Bayfront Health** (SPAM Map #41)  
Address: ..... 809 East Marion Avenue, Punta Gorda  
Distance: ..... approximately 1.9 miles to the west of subject property
- f. Nearest Emergency Shelter: ..... **South County Regional Park** (SPAM Map #38)  
Address: ..... 670 Cooper Street, Punta Gorda  
Distance: ..... approximately 2.0 miles to the west of subject property
- g. Public School Attendance Boundary:
  - 1. Elementary School: ..... **East Elementary School** (SFAM Map #1)  
Address: ..... 27050 Fairway Drive, Punta Gorda

- Distance:* .....approximately 1.0 miles to the east of subject property
2. Middle School:.....**Punta Gorda Middle School** (SFAM Map #2)  
*Address:* .....1001 Education Avenue, Punta Gorda  
*Distance:* .....approximately 3.0 miles to the west of subject property
3. High School:.....**Charlotte High School** (SFAM Map #3)  
*Address:* .....1001 Education Avenue, Punta Gorda  
*Distance:* .....approximately 2.8 miles to the west of subject property

## Part 4: Research and Findings (continued)

### 16. Concurrency:

- a. **Roads Level of Service:**..... **No impact.**  
 See attached Transportation Memo, dated July 15, 2020, from Transportation Project Manager.
- b. **Potable Water Level of Service:**
1. *Provider's Name:* ..... **City of Punta Gorda Utilities**, (SPAM Map #83)

225 gallons per ERU per day		
Permitted Facility Capacity	Current Facility Usage	Proposed Land Use Estimated water needs
10,000,000 gallons per day	5,397,000 gallons per day	94,207 gallons per day

**Table 4**

2. *Analysis:* City of Punta Gorda Utilities has approval from the PSC to provide up to 10,000,000 gpd through their potable water plant and most recently has been producing approximately 5,397,000 gpd. Subject property is in the City of Punta Gorda Utilities' service area. If the Board approves this application the future development of up to 941,767 square feet could ultimately be constructed in the Planned Development (PD) zoning district. If developed to the maximum capacity allowed by code, up to 94,207 gpd of potable water may be needed. There is sufficient capacity to serve this proposed development. (see Utility Availability Letter, dated February 24, 2020)

c. **Sanitary Sewage Level of Service:**

1. *Provider's Name:* ..... **City of Punta Gorda Utilities**, (SPAM Map #86)

190 gallons per ERU per day		
Permitted Facility Capacity	Current Facility Usage	Proposed Land Use Estimated sewer needs
12,000,000 gallons per day	2,514,000 gallons per day	80,076 gallons per day

**Table 5**

2. *Analysis:* City of Punta Gorda Utilities has approval from the PSC to treat up to 12,000,000 gpd through their waste-water treatment plant and most recently has been treating approximately 2,514,000 gpd. Subject property is in the City of Punta Gorda Utilities' service area. If the Board approves this application a development of up to 941,767 square feet could ultimately be constructed in the Planned Development (PD) zoning district. If developed to the maximum capacity allowed by code, up to 80,076 gpd of waste-water may need to be treated. There is sufficient capacity to serve this proposed development. (see Utility Availability Letter, dated February 24, 2020)

d. **Park and Recreation Level of Service:**

1. *Level of Service:* ..... **Adopted Level of Service is 16 Park, Recreation & Open Space points (16 PROS points) per 1,000 population.**
2. *Analysis:* ..... **A 2009 analysis shows that the County currently has 17.2 PROS points per 1,000 population.**

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#### **Part 4: Research and Findings (continued)**

- e. **Schools:** ..... **There will not be any impact on school concurrency.**
- f. **Solid Waste:**
  1. *Refuse Collector:* ..... **Waste Management Inc. of Florida or another provider**
  2. *Solid Waste Provider:* ..... **Public Works Dept. - Municipal Solid Waste Management**
  3. *Level of Service:* Zemel Road landfill currently has capacity to dispose of 4.6 million cubic yards of waste. The landfill has a projected remaining lifespan to the year 2027. An estimated 170 acres for future disposal cells will provide disposal capacity beyond the year 2050.
    - Solid Waste (Landfill) 5.0 pounds per day per equivalent fulltime resident
    - Solid Waste (Recycle) 2.2 pounds per day per equivalent fulltime resident
- g. **Drainage: *Level of Service:***

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

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

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

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

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

**New development on existing platted lots (except single-family, duplex, and triplex dwellings):** on-site storm-water management for a 25-year, 24-hour rainfall.

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

#### **17. Capital Improvements Program:**

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

#### **18. Intergovernmental Coordination:**

Does this amendment require comments from, or coordination with, adjacent governments or other governmental agencies? ..... **No**

This application does not require comments from any other government or agency; however, planning staff did send a notice to the City of Punta Gorda.

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

Public hearings were held before the Planning & Zoning Board and the BCC in 2008. The BCC approved Ordinance Number 2008-031 on March 18, 2008 approving a previous rezoning to Planned Development for a portion of subject property. The applicant then requested, and was granted, a plat vacation of a portion of subject property later in 2008.

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## Part 4: Research and Findings (continued)

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

### **Future Land Use:**

**FLU GOAL 1: 2050 FRAMEWORK.** Implement a land use and development framework based upon Smart Growth Principles that will:

- Preserve and protect natural resources.
- Preserve and support agricultural uses.
- Protect and enhance residential neighborhoods.
- Promote a compact, efficient, and environmentally sensitive pattern of development.
- Promote economic development.
- Discourage urban sprawl pursuant to Section 163.3177 Florida Statutes (F.S.).
- Encourage and support energy efficient land use forms.
- Ensure adequate services and facilities to serve new and existing development.
- Protect private property rights.

**FLU Objective 1.1: Planning Strategy Implementation.** To create a planning framework and implementation strategy that will enhance the livability of Charlotte County; preserve or enhance its natural, cultural, and physical resources; discourage urban sprawl pursuant to Section 163.3177 F.S. (2015); promote sustainable and energy-efficient land use patterns.

**FLU Policy 1.1.1: Planning Principles.** These Planning Principles shall guide the creation of land use policy and development regulations within Charlotte County and shall be implemented through the policies contained in this Charlotte 2050 Comprehensive Plan. These principles shall include:

- Preserving open space, farmland, natural beauty and critical environmental areas.
- Promoting urban development and redevelopment.
- Taking advantage of compact building design.
- Encouraging distinctive, attractive, mixed use communities with a strong sense of place.
- Encouraging the creation of walkable neighborhoods in population centers that can support compact development.
- Creating a range of housing opportunities and choices.
- Providing a variety of transportation choices.
- Encouraging community and stakeholder collaboration.
- Making development decisions predictable, fair and cost effective.

**FLU Objective 1.2: Future Land Use Map (FLUM).** To direct the timing, location, density, and intensity of development and redevelopment throughout Charlotte County consistent with the Planning Principles in the 2050 Framework Report and Concept Plan.

**FLU Policy 1.2.4: Urban Service Area.** For lands within the Urban Service Area, this Plan:

1. Promotes infill redevelopment and compact new development that will minimize the conversion of agricultural and rural lands for urban use.
2. Maximizes the efficient use of available urban infrastructure.
3. Establishes the priority locations for the extension of that infrastructure.
4. Prohibits the expansion of Urban Service Area land use designations, identified in FLU Table A-1 of FLU Appendix I, outside the Urban Service Area.

**FLU Objective 1.4: Protection of Private Property Rights.** To recognize and respect private property rights, including the right to farm, and to respect such rights and the impact upon them when preparing recommendations for land use decisions.

**FLU Policy 1.4.2: Notice of Property Owners and Neighboring Lands.** The County shall provide appropriate notice to the property owner(s), the general public and owners of neighboring lands of all applications for amendments to the Comprehensive Plan, Zoning Atlas, and Land Development Regulations.

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## **Part 4: Research and Findings (continued)**

**FLU GOAL 4: PLANNING CONCEPT PLAN IMPLEMENTATION – NEIGHBORHOOD PROTECTION AND ENHANCEMENT.** Enhance the livability and viability of neighborhoods through the implementation of a coordinated strategy that discourages urban sprawl pursuant to Section 163.3177 F.S. (2015) and:

- Preserves and protects existing viable neighborhoods and subdivisions.
- Promotes revitalization and infill development in neighborhoods that are aging.
- Redefines existing under-developed platted subdivisions by promoting alternatives that create walkable places which integrate commercial uses and introduces a mixture of housing types.
- Establishes limitations and constraints for areas of platted lots that are sparsely developed, lack urban services, or are encroaching into sensitive environmental lands.

**FLU Objective 4.1: Discourage Urban Sprawl.** To transform the character, function, and form of the planned residential land uses within Charlotte County into functional, sustainable neighborhoods as part of the planning approach to redefining the County's platted lands. The County shall continue to encourage reduction of the total number of vacant lots. Reducing the number of vacant lots is not necessarily intended to result in reduced overall buildout but is intended to ensure sustainable buildout occurs.

**FLU Policy 4.1.2: Overall Reduction in Platted Lands.** The County shall continue to pursue the objective of reducing the total number of vacant lots by a minimum of one percent per year during the planning period (2010-2030) of this Plan, through the following actions:

1. Implementation of the Neighborhood Framework.
2. Implementation of a graduated impact fee schedule that encourages development within Revitalizing Neighborhoods.
3. If appropriate, public acquisition of lots for preservation, restoration, recreation, viable habitat for listed species, or outdoor education using public funds.
4. Creating incentives for plat vacations or re-platting lots within targeted areas through an administrative plat vacation or re-platting process where the cost is borne by the County if a density reduction occurs as a result of the plat vacation or re-platting.
5. Creating incentives for the assembly and re-platting of lots by private interests for redevelopment or other purposes.
6. Selective acquisition of lots by the County for use in property assembly, lot swaps, or transfers of density units where such action satisfies a public need, such as the provision of infrastructure or urban services.
7. Facilitation of the re-assembling of lots.

**FLU Policy 4.1.6: Neighborhood Compatibility.** The County shall protect the quality and integrity of established neighborhoods from adjacent incompatible development and shall include specific review criteria for rezoning actions to address residential compatibility. The following shall be considered:

1. A method for determining compatibility between residential zoning classifications.
2. Buffer or transition requirements necessary to develop or achieve compatibility where appropriate. The purpose of such criteria is to provide standard and predictable measures for establishing and creating compatibility through landscaping, buffers, natural areas or transitional development practices in an effort to:

- a. Lessen impacts and integrate development along the edges of properties where different zoning districts are present,
- b. Screen undesirable views,
- c. Preserve tree canopy and vegetation, and
- d. Facilitate the safe movement of traffic and pedestrians in vehicle use areas.

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## Part 4: Research and Findings (continued)

### **FLU GOAL 5: PLANNING CONCEPT PLAN IMPLEMENTATION – ECONOMIC DEVELOPMENT.**

Provide an Economic Development Program and Strategy that:

- Focuses on business creation and expansion.
- Aligns public investments, incentives and Future Land Use element policies to encourage and protect economic development opportunities that leverage existing economic assets.

**FLU GOAL 5.1: 2050 Framework – Economic Development.** To focus economic development activity in the form of Economic Districts, Centers and Corridors to support economic growth and planned residential development.

**FLU Policy 5.1.1: Priority for the Provision of Urban Services.** The County shall establish the priority for the extension of urban services and facilities in Economic areas as follows:

1. *First priority:* Economic Districts.
2. *Second priority:* Economic Centers with completed Special Area Plans, Community Redevelopment Areas (CRAs) and Economic Corridors.
3. *Third priority:* Economic Centers or Corridors supporting Emerging Neighborhoods with Special Area Plans.
4. *Fourth priority:* Economic Centers or Corridors supporting Emerging Neighborhoods without Special Area Plans.

**FLU Objective 5.3: Economic Centers and CRAs.** To create distinctive places of unique character and identity, maximize their economic benefit, and create more walkable and transit supportive places.

**FLU Policy 5.3.1: Economic Centers.** Economic Centers are focused locations of regional commercial and employment uses. Although these Centers have yet to fully develop and currently lack the intensity and mix of use that would maximize their economic benefit and create more walkable and transit supportive places, these areas will be encouraged to change and redevelop over time into economically vibrant, walkable, mixed use centers with unique and identifiable character.

**FLU Objective 5.5: Support Business Creation and Future Economic Development Opportunities.** To support and foster economic development activities that focus on business creation and expansion, and protection of future economic opportunities.

**FLU Objective 5.7: General Standards for Non-Residential Development.** To ensure that future commercial, office and industrial uses are consistent and compatible with the character of the area in which the uses are located.

**FLU Policy 5.7.1: Limiting Industrial Uses Adjacent to Residential.** The County shall require industrial development infringing upon existing residential land uses or upon lands designated as a "Residential" land use category on the FLUM to provide a development plan that outlines methods that will be used to limit any noise, smell, and sight impacts of the development.

**FLU Policy 5.7.2: Industrial Use Buffers.** The County shall require industrial uses to create a buffer that protects adjacent incompatible land uses by means such as natural, vegetative barriers. These land uses include, but are not limited to, lands designated as Preservation, Resource Conservation and all lands acquired by county, State, or Federal agencies for preservation and conservation purposes.

**FLU Policy 5.7.4: Commercial Landscaping and Buffering.** The County shall enforce its landscaping and buffer regulations on all new commercial developments to protect the aesthetic qualities of commercial lands; to provide shady, well-landscaped parking lots in all commercial areas; and to provide buffering in order to protect adjacent, less intensive land uses from adverse impacts such as noise, lighting, and traffic. Alternate urban design standards shall be required for areas that are developed under a Revitalization Plan, an Emerging Area Plan or a Special Area Plan.

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## Part 5 – Approval Criteria

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

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

**Findings:** The proposed rezoning to Planned Development (PD) would be consistent with the County's Comprehensive Plan if the Board of County Commissioners finds the requested Plan Amendments to the FLU Maps to the Commercial designation is appropriate.

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

**Findings:** Subject property consists of vacant lands located along the south side of the Atlantic Coastline Railroad, adjacent to commercial uses to the west and south, which are zoned CG and ECAP. A residential subdivision is located adjacent to the east with some existing single-family residences and numerous vacant lots, which are zoned RMF-5. Few of the lots in this subdivision have been developed; therefore, this could be an appropriate location for the proposed change to the Planned Development zoning district, based on the recommended conditions of approval, including extensive screening and buffering of subject property from adjacent residential areas and public streets.

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

**Findings:** The proposed rezoning to the Planned Development zoning district does not involve new commercial or industrial intensity because a similar PD was previously approved for the majority of subject property. The proposed change is intended to allow subject property to be used for a rail to truck transfer station and related uses, which would not impact schools or parks. The potential future redevelopment could be as much as 941,767 square feet of industrial or commercial space. The County's Transportation Project Manager does not anticipate any significant change in traffic patterns and the existing streets will continue to operate at an acceptable Level of Service at maximum build-out of subject property. No additional roadway capacity improvements are recommended. The proposed development will create additional demand for potable water and sanitary sewer service from the City of Punta Gorda Utilities; however, the City of Punta Gorda Utilities does have sufficient capacity to serve subject property.

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

**Findings:** The proposed rail to truck transfer station and related industrial and commercial uses could affect living conditions or property values of adjacent residential properties if nothing is provided to address these affects. However, extensive screening, landscaping and buffering requirements are proposed as a condition of approval of this Planned Development rezoning, which can make the proposed uses compatible with adjacent properties. The requested rezoning of subject property to Planned Development allows the BCC to adopt appropriate restrictions and conditions related to the PD and these conditions, along with existing County codes, will require setbacks, landscape buffers, and screening to protect the living conditions and property values in adjacent residential areas.

**e. Would the proposed change affect public safety?**



**Findings:** Public safety should not be affected by this proposed zoning change from Planned Development, Residential Multifamily-5, and Residential Multifamily-10 to Planned Development to allow redevelopment of subject property for a rail to truck transfer station. The proposed development could provide a benefit to the residents of the area and community with jobs, and new screening, landscaping, and buffers, which will adequately screen views and enhanced the appearance of subject property for the residential neighbors and the public traveling on Duncan Road.

DRAFT



### **Qualifications of Shaun Cullinan**

*Position:* Planning and Zoning Official

*Years with Charlotte County:* 8.5

*Position Summary & Experience:* I have worked as the Planning and Zoning Official for Charlotte County Community Development Department for over six years. My duties include reviewing and making determinations of compliance with Charlotte County zoning regulations on all Land Use items presented to the Board of County Commissioners and Board of Zoning Appeals. I also make binding final determinations pertaining to all aspects of the Land Development Regulations.

## Exhibit 1

1000' buffer for PAS-20-00005 and PD-20-00004



**CHARLOTTE COUNTY**  
Community Development



(NOT TO SCALE)

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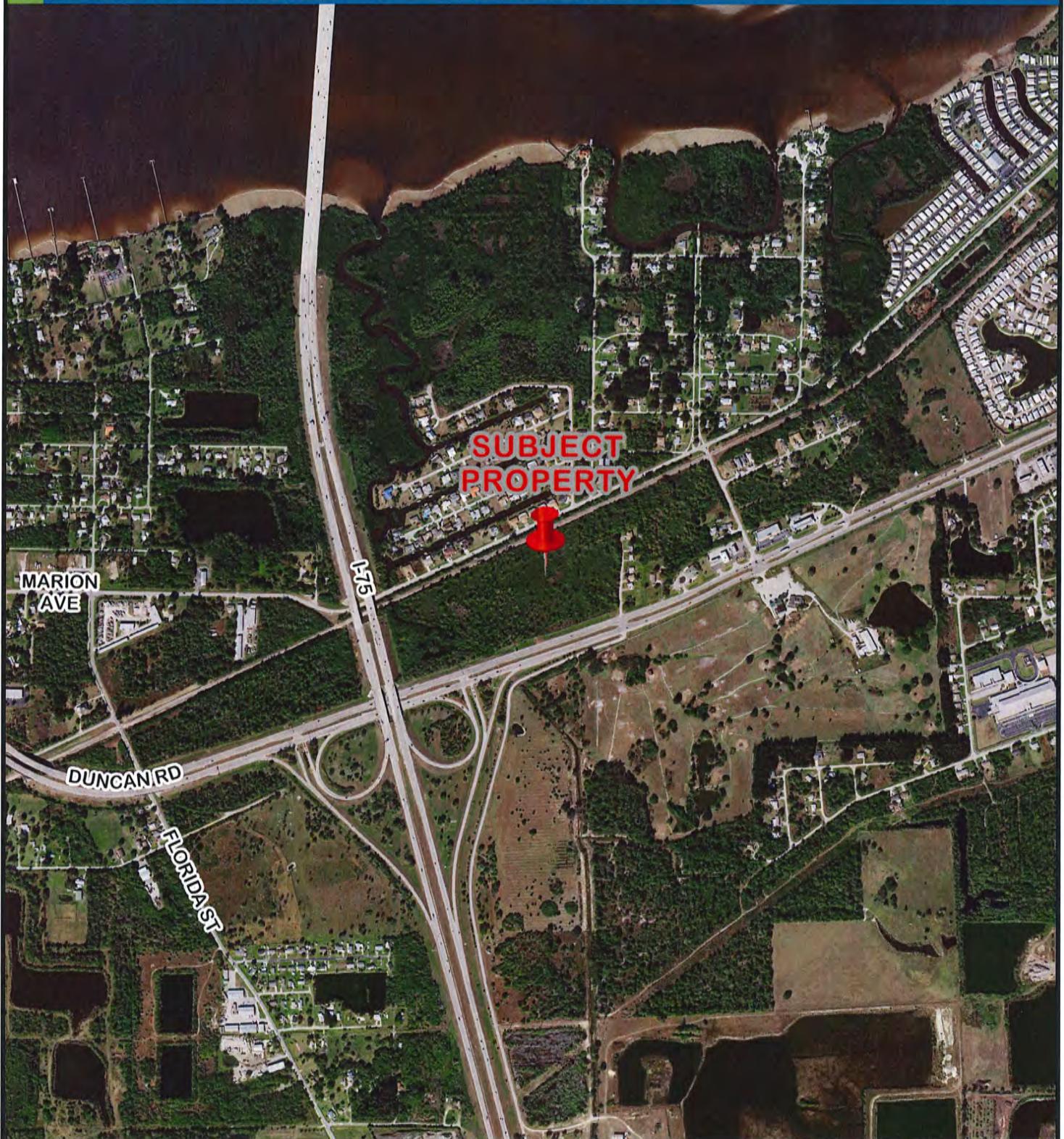


# CHARLOTTE COUNTY

Location Map for PAS-20-00005 and PD-20-00004



CHARLOTTE COUNTY  
Community Development



04/41/23 East County



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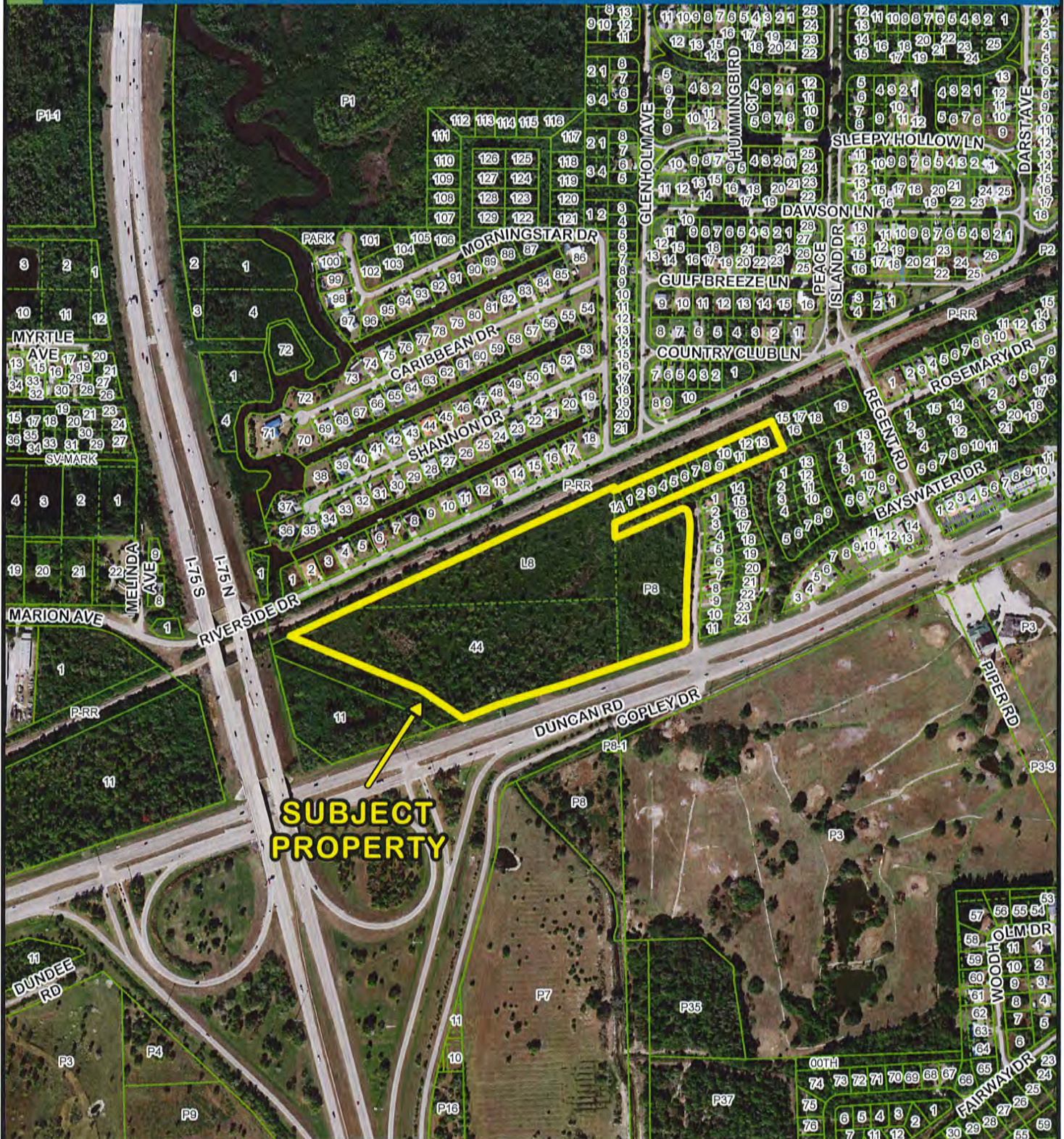


# CHARLOTTE COUNTY

Area Image for PAS-20-00005 and PD-20-00004



CHARLOTTE COUNTY  
Community Development



**SUBJECT  
PROPERTY**

04/41/23 East County



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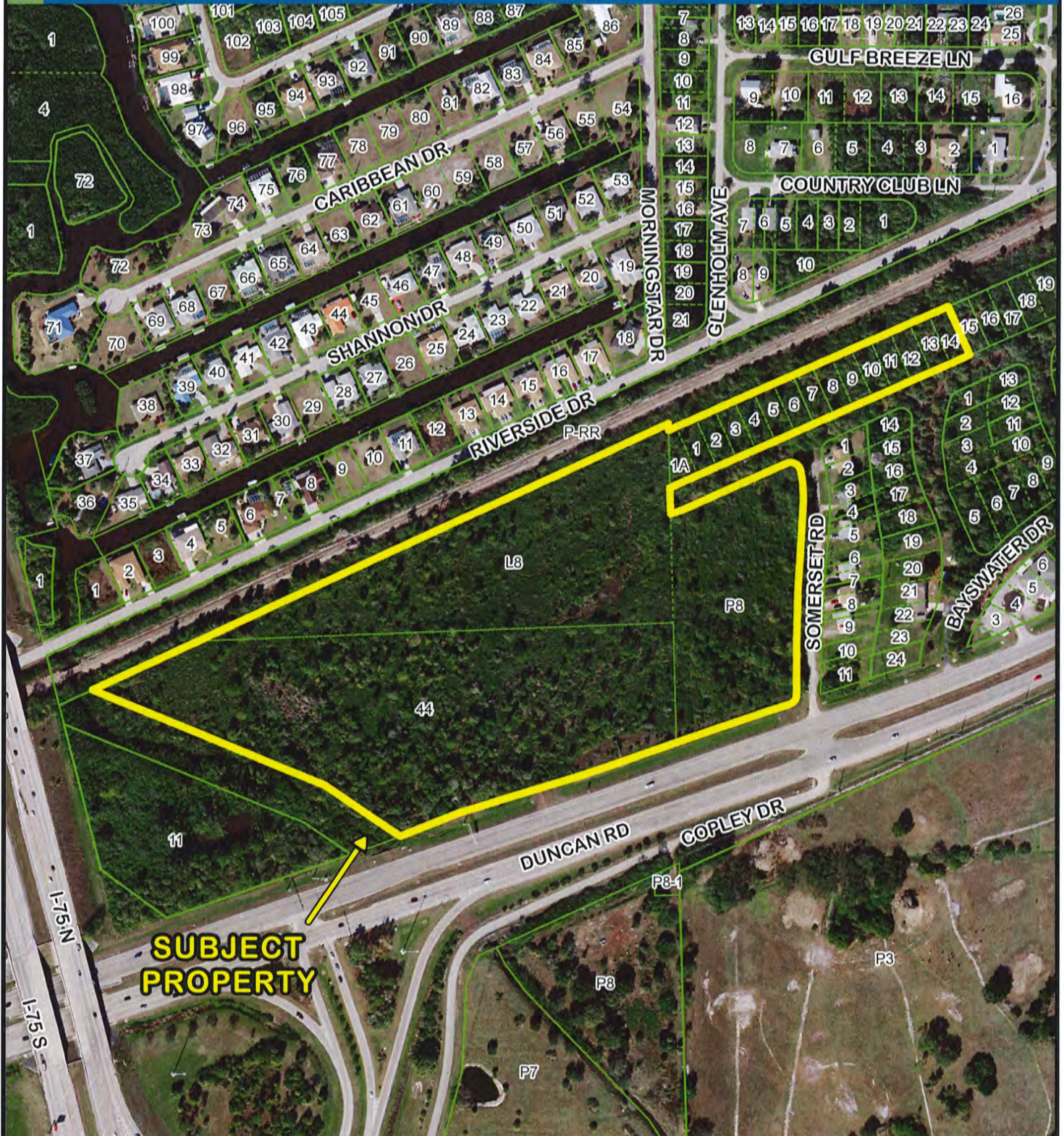


# CHARLOTTE COUNTY

Site Image for PAS-20-00005 and PD-20-00004



CHARLOTTE COUNTY  
Community Development



04/41/23 East County



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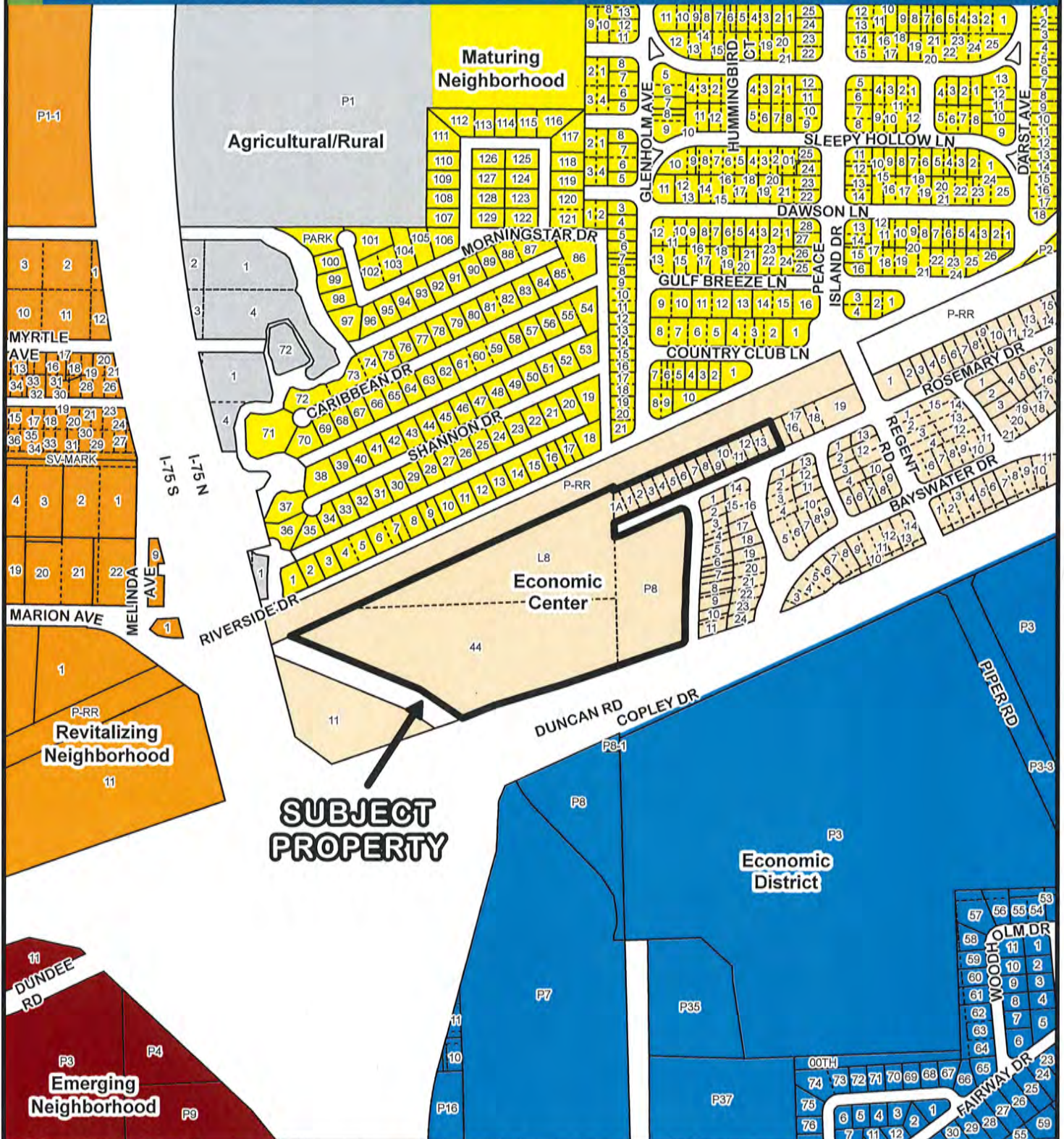


# CHARLOTTE COUNTY

Framework for PAS-20-00005 and PD-20-00004



CHARLOTTE COUNTY  
Community Development



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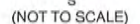
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*FLUM Designations for PAS-20-00005 and PD-20-00004*



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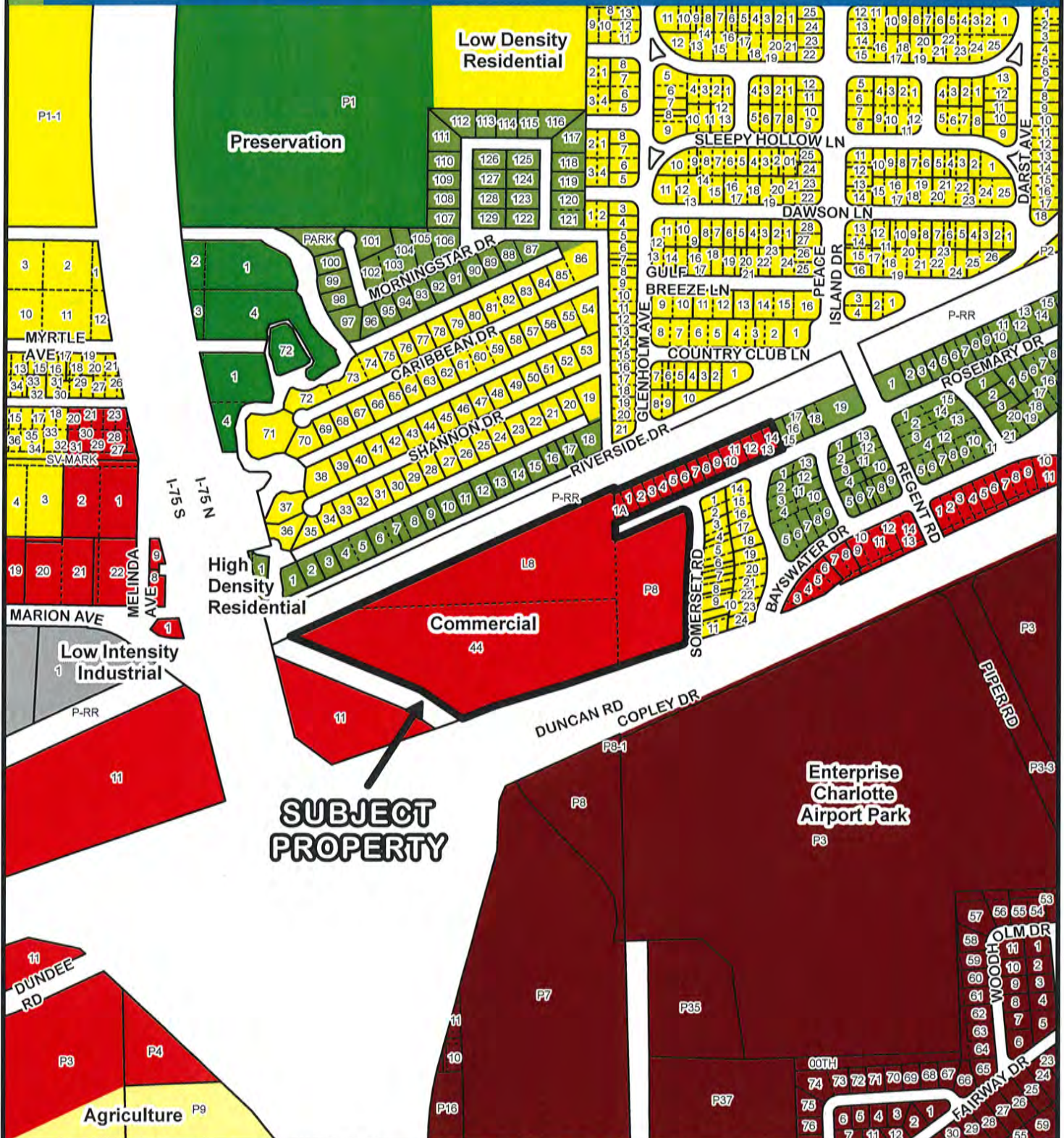


# CHARLOTTE COUNTY

Proposed FLUM Designations for PAS-20-00005 and PD-20-00004



CHARLOTTE COUNTY  
Community Development



04/41/23 East County



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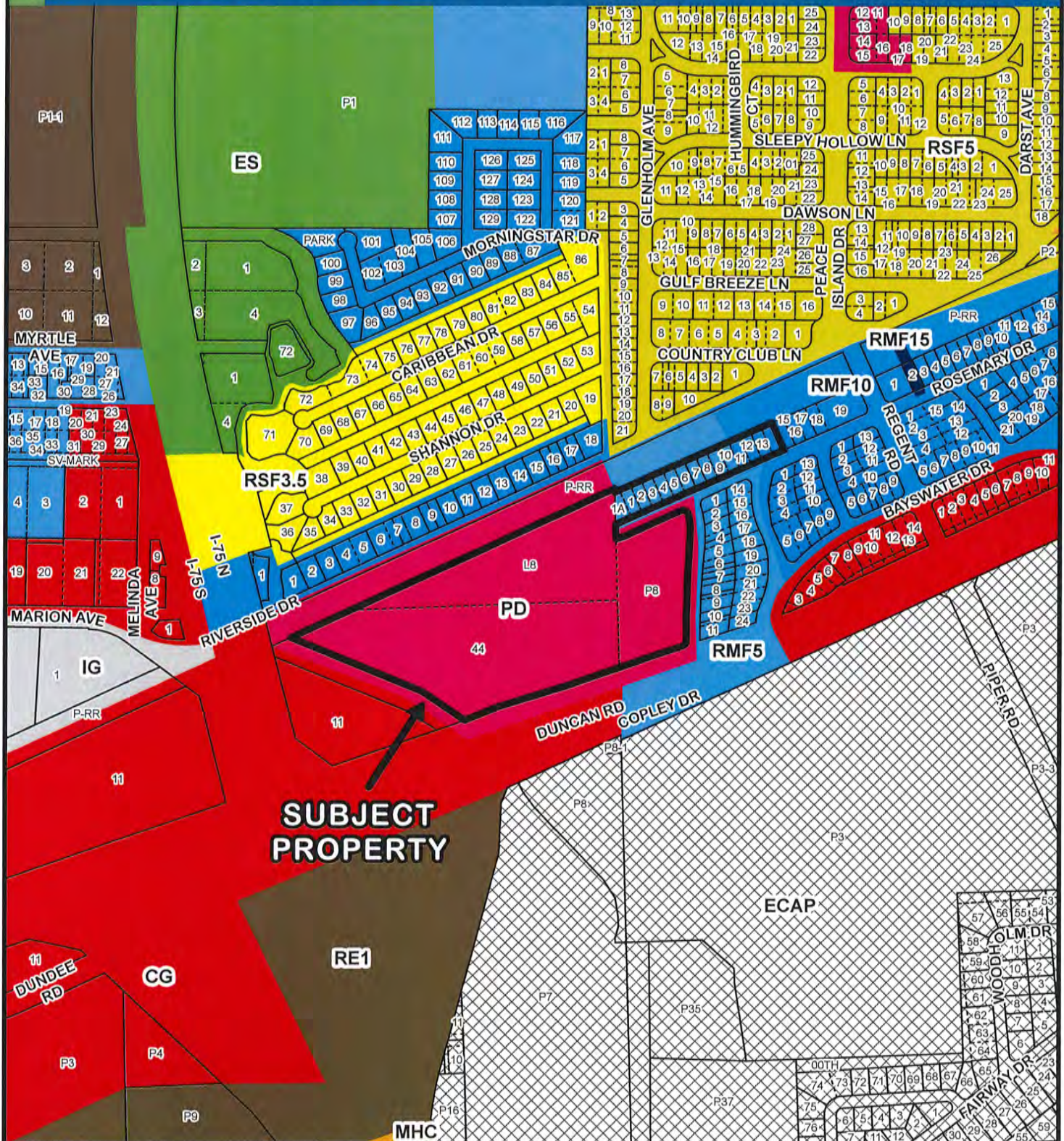


# CHARLOTTE COUNTY

Zoning Designations for PAS-20-00005 and PD-20-00004



CHARLOTTE COUNTY  
Community Development



04/41/23 East County



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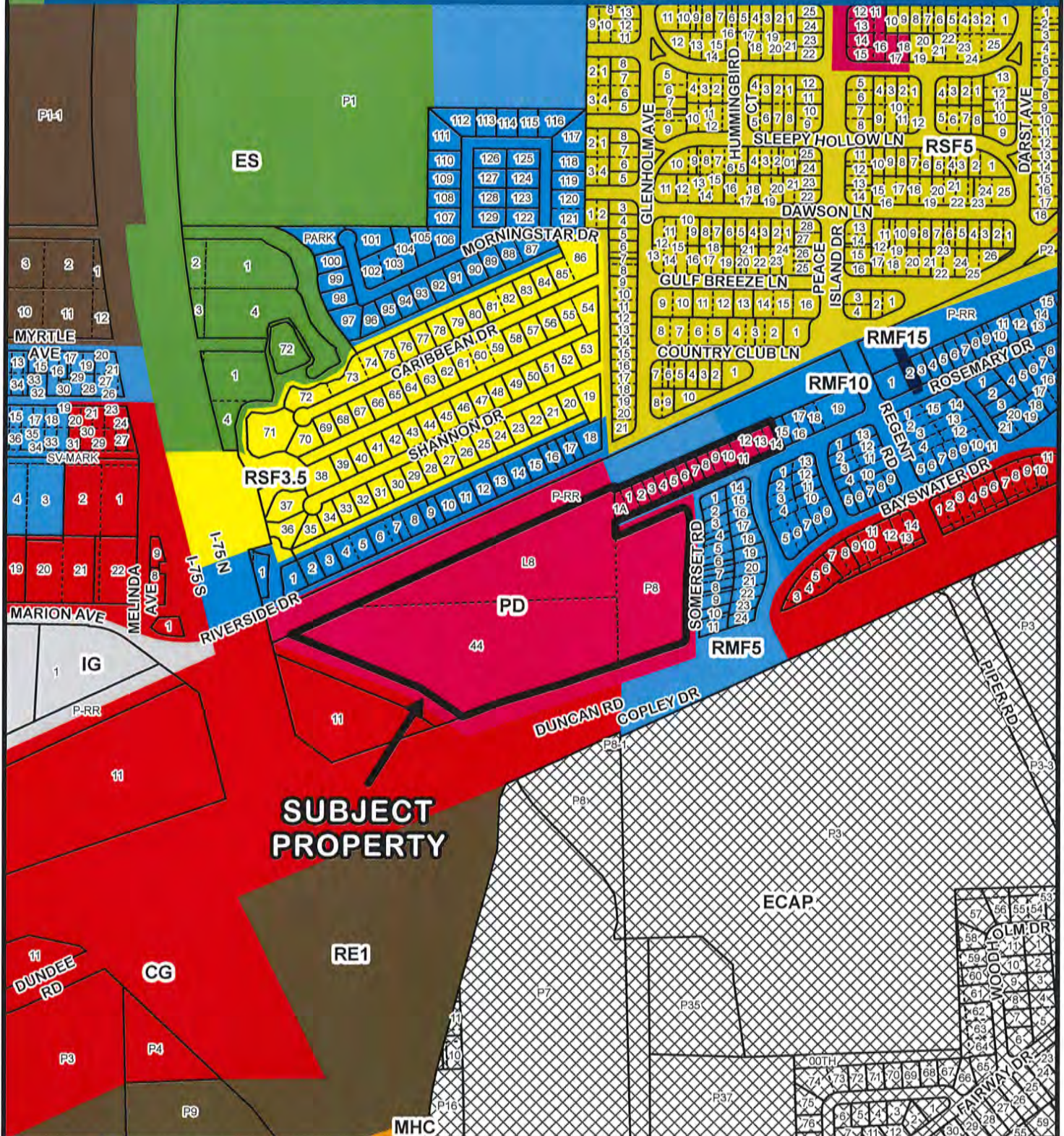


# CHARLOTTE COUNTY

Proposed Zoning Designations for PAS-20-00005 and PD-20-00004



CHARLOTTE COUNTY  
Community Development



04/41/23 East County



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JUN 15 2020

**Request:**

Seventeen and Seventy-Five LLC (applicant) is requesting approval of a Small-Scale Plan Amendment (MAP) to change the Future Land Use category of 2.4 ± acre site, located at 3300 Rosemary Drive, from Low Density Residential (LDR) and High-Density Residential (HDR)) Future Land Uses to Commercial Future Land Use. This request is limited to FLU Map amendment to Comprehensive Plan Map 1: 2030 Future Land Use. No further map or text amendments are required to support this request. A PD amendment petition was approved under DRC-19-00060 and the applicant has filed a concurrent PD Rezoning application.

**Narrative**

The subject property is approx. 2.4± acre located north of Duncan Rd, west of Regent Rd and South of Riverside Dr and Seminole Gulf Railroad. An adjacent property 6201 Duncan Rd is a planned development (17-75 Interchange Planned Development) and owned by the applicant. The subject property is new addition to the Master Concept Plan of 17-75 Interchange CPD (refer DRC-19-00060) and primarily serve for an infrastructural improvements for the project. The subject property is currently vacant. Above figure shows project boundary of 17-75 Interchange CPD. The proposed FLUM amendment will unify the land use for whole project site as required by County Code.

North of the property is Seminole Gulf Railroad then Riverside Drive and then Vacant Residential-Single-Family FLU; Zoned Residential Multifamily. East of the property is Low Density and High Density Vacant Multifamily Residential FLU; Zoned Residential Multifamily. West of the property is Commercial FLU; zoned Commercial Planned Development. South of the property is Somerset Rd and High Density Vacant Multifamily Residential FLU; Zoned Residential Multifamily.

**The following is an analysis of how the proposed amendment is consistent with the goals, objectives and policies of the Comprehensive Plan:**

The subject property will provide for infrastructure improvements for the project 17-75 Interchange CPD. The subject property is zoned residential pre 2014 and has never developed due to lack of access to the property. The request is compatible with adjacent uses and will not affect nearby residential areas. The property will provide sufficient buffer and prevent intrusion into residential areas. The existing natural landscape will be maintained on the site. The property will be serviced via Rosemary Drive and Somerset Road.

The request is consistent with FLU Policy 4.1.2 Overall Reduction in Platted Lots and FLU Policy 4.1.4 Incentives for Private Solutions towards the platted lands problem. The proposed development will contribute to the achievement of these policies.

Additional Goals, Objectives, and/or Policies which the proposed FLUM is consistent:

***Objective 6.3 US 17 area (FLUM Map Series Map #11) – Job Creation***

The project 17-75 Interchange CPD provides the ability to develop non-residential uses along this vital corridor that will lead to the creation of important non-service industry jobs. Jobs include logistics, shipping services, and commercial uses supporting residential development.

***FLU 4.1.6 (2) Buffer or transition requirements necessary to achieve compatibility***

**RECEIVED**

**JUN 15 2020**

*Specifically, subsection "a" lessen impacts and integrate development along the edges of properties where different zoning districts are present.*

The proposed FLUM will unify the land uses of the project site and provide for infrastructural improvements including stormwater / buffer / open space tract will further enhance the transition between residential uses, the existing railroad, and the approved CPD.

***FLU 5.4.2 Limit Expansion of Strip Commercial***

The proposed FLUM supports and enhances project 17-75 Interchange CPD. The CPD promotes master planned development of commercial uses in a clustered, non-linear layout.

***Objective 5.7.3 General standards for Non-residential***

The proposed FLUM will not impact adjacent residential uses. Amendment to the CPD Master Concept Plan incorporate the subject property as an infrastructural improvements, the proposed uses are consistent with this Objective.

***FLU 5.7 Commercial Access***

The proposed road improvements implement this policy. County policy requires stormwater tracts to be zoned consistent with their associated project zoning. Approval of the FLUM amendment will unify the land use of the project site and will allow for an additional stormwater / buffer / open space tract to provide stormwater facilities to support the improvements to access road(s).

***FLU 5.7.4 Commercial Landscaping and Buffering***

The proposed FLUM and proposed use of the subject property as part of project 17-75 Interchange CPD provides additional commercial landscaping to protect nearby residential uses.

**Historic and Archeological Assessment**

The site is currently predominantly vacant land. In order to determine if there was any Historic or Archeological significance the National Register of Historic Places in Charlotte County and the Florida Division of Historical Resources websites were viewed. Based on the available information from these websites, no historic or archeological significance was found. If, however, during construction, any archeological significant items are located, the construction will cease, and the proper authority shall be notified immediately.

**Protected and Threatened Species**

The vegetative communities were identified and classified using the Florida Land Use Cover and Forms Classification System (FLUCCS). The table below shows the vegetative communities present for the existing conditions (Please refer to Table 1). Please refer to Figure 1 for a map with the FLUCCS IDs.



Table 1: FLUCCS vegetative cover table.

FLUCCS ID	Description
411	Pine Flatwoods
425	Freshwater Marshes
643	Wet Prairie
740H	Hydric Disturbed Land

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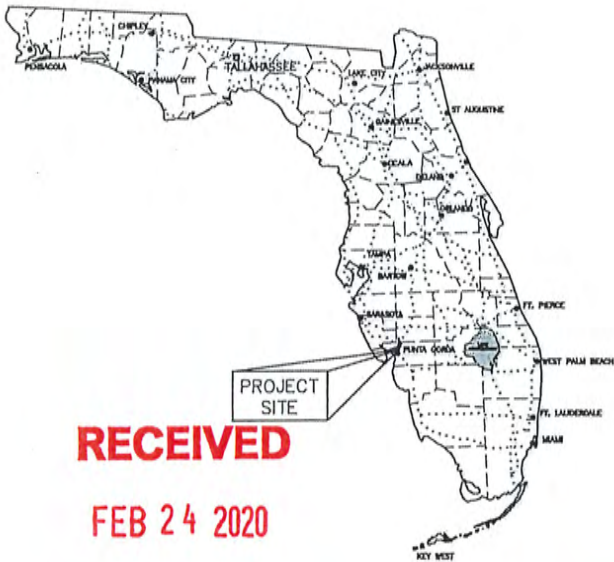
**JUN 15 2020**

Minimal wetland impacts will occur as a result of this project. The site has a total of 0.33 acres. The only known endangered species within the PD parcel area is a bald eagle. The site will be designed so that no area will be disturbed within 150' of the eagle's nest. Please refer to the Protected Species Assessment prepared by Ian Vincent & Associates.

**Conclusion:**

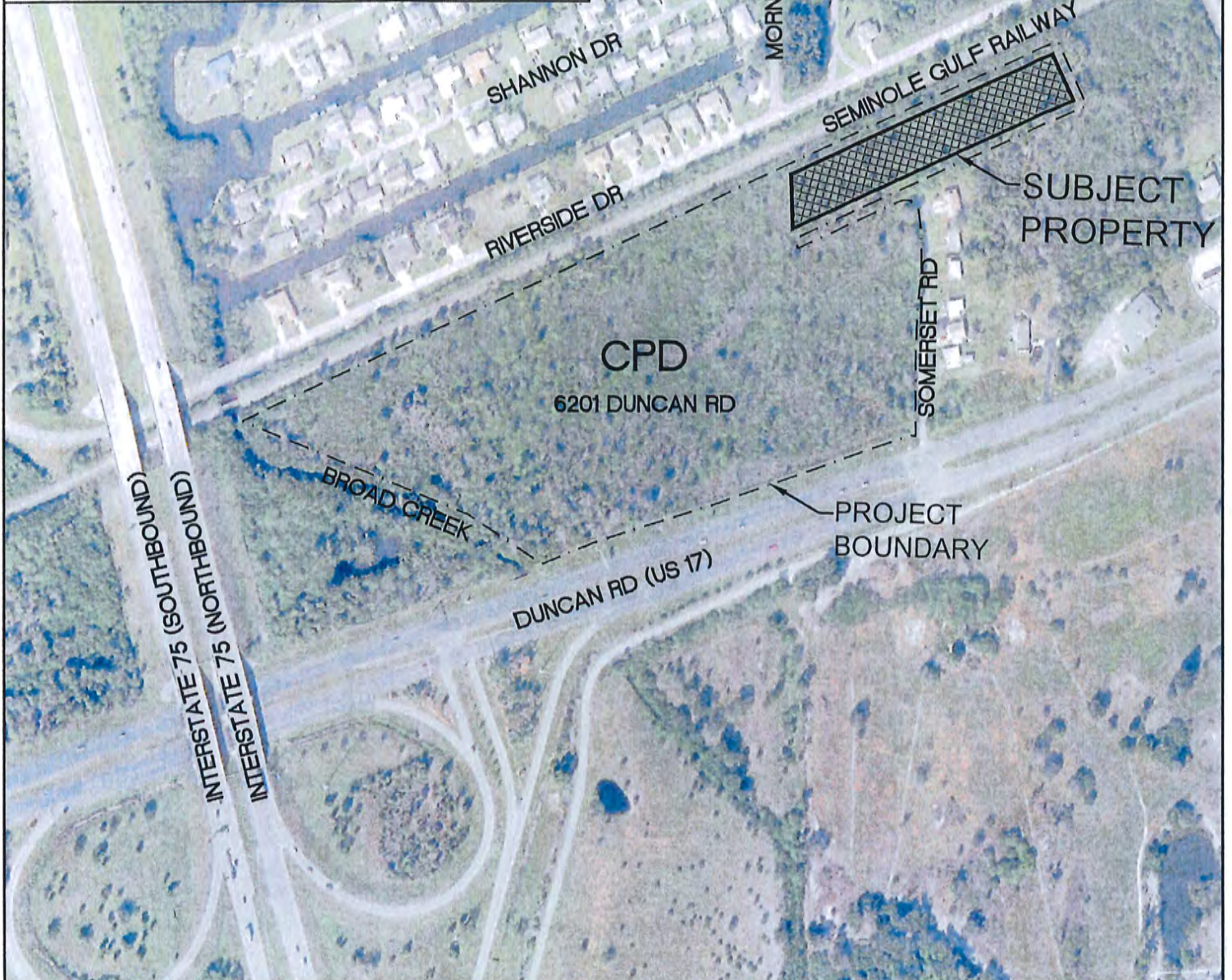
The proposed FLUM amendment will not create spot land use on FLUM. It will unify a land use for project 17-75 Interchange CPD. The proposed development on this lot will create an additional access to the CPD and possible divert the traffic from US 17. This improvement to the Rosemary Drive will also provide a needed access to the lots along this street and it creates development opportunity on those lots. A traffic report is attached to the packet for staff review.





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**FEB 24 2020**



LOCATION MAP  
FOR  
17-75 INTERCHANGE  
6201 DUNCAN RD  
PUNTA GORDA, FLORIDA



0 200 400  
( IN FEET )  
1 inch = 400 ft.

WEILER ENGINEERING CORPORATION

**WEC** excellence in engineering



## Rezoning Narrative

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**JUN 11 2020**

### Request:

Seventeen and Seventy-Five LLC (applicant) is requesting approval to rezone a 21.36± acre site located at 6201 Duncan Rd, 3300 and 3406 Rosemary Dr. A request for rezoning to Planned Development district. A Planned Development (PD) amendment petition was approved under DRC-19-00060 and hence a master concept plan. The applicant is filing a concurrent Future Land Use Map Amendment application.

### Narrative:

The subject property is approx. 21.36± acre, located north of Duncan Rd, west of Regent Rd and South of Riverside Dr and Seminole Gulf Railroad. It is currently zoned as Planned Development, RMF5 and RMF 10 and Future Land Uses of Commercial, Low Density Residential (LDR) and High-Density Residential (HDR). The subject property is currently vacant and has never developed due to lack of access.

North of the property is Seminole Gulf Railroad then Riverside Drive and then Vacant Residential-Single-Family FLU; Zoned Residential Multifamily. East of the property is Low Density and High Density Vacant Multifamily Residential FLU; Zoned Residential Multifamily. West of the property is Commercial FLU; zoned Commercial Planned Development. South of the property is Somerset Rd and High Density Vacant Multifamily Residential FLU; Zoned Residential Multifamily.

A planned development known as 17-75 Interchange PD approved under DRC-PD-08-01 and amended under DRC-19-00060. An additional 2.15± acre of land is added to 17-75 Interchange PD project as approved on the Master Concept Plan (under DRC-19-00060) and it will primarily serve for an infrastructural improvements for the project. The proposed PD rezoning is for the whole project site. This map amendment will unify the land use for whole project site as required by County Code.

The subject property was never developed due to lack of access to the property. The request is compatible with adjacent uses and will not affect nearby residential areas. The property will provide sufficient buffer and prevent intrusion into residential areas. The property will be serviced via Rosemary Drive and Somerset Road. Utilities are anticipated to be provided through the City of Punta Gorda.

The subject property is a part of 17-75 Interchange PD, to assist with staff and public review of this application, we have provided information for items listed in the Charlotte County Land Development Code Section 3-9-45 Planned Development (PD). The proposed PD meets the guidelines set forth under Section 3-9-45.

This Planned Development will not increase the intensity since the subject property will provide infrastructural improvements. The modification will not impact parking spaces, vehicular access, and traffic generation. The additional area will increase the amount of open space. The applicant owns both properties and all development regulations applicable to the existing PD area as may be amended, will also be applicable to the subject property. The PD is located at the interchange of Interstate 75 and Highway 17. Highway 17 connects Punta Gorda and Arcadia and is a heavily traveled trucking route. This area has the potential to support a very diverse assortment of uses while not adversely affecting the surrounding areas. The area is included on **FLUM Map Series Map #11** as part of the US 17 area. **Objective 6.3** which encourages the County to support development of land that will lead to job creation. The subject property will be a PD that supports US 17 as an emerging intermodal, which has been further



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supported by Charlotte County with the completion of North Piper Road and connecting this portion of US 17 to the airport.

Itemization of Planned Development Rezoning Application Item #15 Rezoning Narrative (A-E)

***A. Whether the proposed change would be contrary to the Comprehensive Plan.***

No, as outlined in the summary above and consistency narrative below, the proposed rezoning is consistent with the Comprehensive Plan.

***B. The existing land use pattern in adjacent areas.***

The proposed rezoning will be incorporated into the 17-75 Interchange PD, which has already been determined to be consistent with the adjacent area, Comprehensive Plan, and Land Development Code. The addition of this parcel will provide infrastructural improvements.

***C. The capacity of public facilities and services, including but not limited to schools, roads, recreation facilities, wastewater treatment, water supply, and stormwater drainage facilities.***

Punta Gorda has sufficient capacity to serve the project with water and sewer. The proposed project does not impact schools or recreation facilities. The subject site will provide additional stormwater drainage facilities for the upgraded public road and the overall project. A TIS was approved under DRC.

Utilities will be provided by the City of Punta Gorda. The City of Punta Gorda Utility Department uses 770gpd/acre to calculate water and wastewater flows when the exact development use is unknown. Normally we would use 64e-6 F.A.C. for this calculation, but since we do not know what type of development will occur, we cannot use this.  $21.91\text{ac} * 770\text{gpd/ac} = 16,871\text{gpd}$  for both water and sewer.

***D. Whether the proposed change will adversely influence living conditions or property values in adjacent areas.***

The proposed change will not adversely influence living conditions. The proposed change is consistent with the County's Comprehensive Plan by providing a reduction in platted lots, enhancing and creating jobs along the US 17 corridor/area, and improving public infrastructure and access.

***E. Whether the proposed change will affect public safety.***

The proposed change will have no negative affect on public safety. All phases of development will be designed to accommodate current public safety equipment. In addition, the subject property will primarily be used to accommodate stormwater from the adjacent roadway, which will be brought up to County standards and improve public safety access.

**Comprehensive Plan Consistency**

The following is an analysis of how the proposed rezoning is consistent with the goals, objectives and policies of the Comp. Plan:

The subject property will provide for infrastructure improvements for the project 17-75 Interchange PD. The request is consistent with FLU Policy 4.1.2 Overall Reduction in Platted Lots and FLU Policy 4.1.4 Incentives for Private Solutions towards the platted lands problem. The proposed development will contribute to the achievement of these policies.

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Additional Goals, Objectives, and/or Policies which the proposed rezoning is consistent:

***Objective 6.3 US 17 area (FLUM Map Series Map #11) – Job Creation***

The PD will provide the ability to develop non-residential uses along this vital corridor that will lead to the creation of important non-service industry jobs. Jobs include logistics, shipping services, and commercial uses supporting residential development.

***FLU 4.1.6 (2) Buffer or transition requirements necessary to achieve compatibility***

***Specifically, subsection "a" lessen impacts and integrate development along the edges of properties where different zoning districts are present.***

The proposed stormwater / buffer / open space tract will further enhance the transition between residential uses, the existing railroad, and the approved PD.

***FLU 5.4.2 Limit Expansion of Strip Commercial***

The proposed rezoning supports and enhances the previously approved amendment to the PD. The PD promotes master planned development of commercial uses in a clustered, non-linear layout.

***Objective 5.7 General standards for Non-residential***

The PD is compatible with adjacent residential uses. Based on the concurrent application to amend the PD Master Concept Plan to incorporate a stormwater/ buffer/ open space tract, the proposed uses are consistent with this objective.

***FLU 5.7.3 Commercial Access***

The proposed road improvements implement this policy. The County policy requires stormwater tracts to be zoned consistent with their associated project zoning. Approval of the rezoning of this tract will allow for an additional stormwater/ buffer/ open space tract to provide stormwater facilities to support the improvements to access road(s).

***FLU 5.7.4 Commercial Landscaping and Buffering***

The proposed PD rezoning and proposed use of the subject property provides additional commercial landscaping to protect nearby residential uses.

**Historic and Archeological Assessment**

An archaeological/ historical memo is attached with the application. The site is currently predominantly vacant land. In order to determine if there was any Historic or Archeological significance the National Register of Historic Places in Charlotte County and the Florida Division of Historical Resources websites were viewed. Based on the available information from these websites, no historic or archeological significance was found. If, however, during construction, any archeological significant items are located, the construction will cease, and the proper authority shall be notified immediately.

**Protected and Threatened Species**

The vegetative communities were identified and classified using the Florida Land Use Cover and Forms Classification System (FLUCCS). The table below shows the vegetative communities present for the existing conditions (Please refer to Table 1). Please refer to Figure 1 for a map with the FLUCCS IDs.



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643	Wet Prairie
740H	Hydric Disturbed Land

Minimal wetland impacts will occur as a result of this project. The site has a total of 0.33 acres. The only known endangered species within the PD parcel area is a bald eagle. The adjacent site within the existing PD zoning district will be designed so that no area will be disturbed within 150' of the eagle's nest. Please refer to the Protected Species Assessment prepared by Ian Vincent & Associates dated for April 2018.

**Conclusion:**

The proposed rezoning will not create spot land use. It will unify a land use for project 17-75 Interchange PD. The proposed development on this lot will create an additional access to the PD and possible divert the traffic from US 17. This improvement to the Rosemary Drive will also provide a needed access to the lots along this street and it creates development opportunity on those lots. Requested **draft condition of approval** for the proposed rezoning is attached to this narrative in following pages. A traffic report is attached to the packet for staff review.

## Proposed Conditions of Approval for PD Rezoning

### Planned Development Rezoning Conditions:

- a. Development on subject property shall occur as detailed in the PD Concept Plan submitted by the applicant, prepared by The Weiler Engineering Corporation, dated October 11, 2019 and revised on July 13, 2020, except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the Site Plan Review conditions of approval per letter dated February 5, 2020 are required to be met. Creation of individual lots within Parcel 1 or Parcel 2 may be done as a minor amendment to the Final Site Plan. Lots and parcels may be platted or re-platted as necessary.
- b. Permitted uses:
  - i. Within Parcel 1: Railroad siding - rail to truck transfer station.
  - ii. Within Parcel 2:
    - 1. All permitted and conditional principal uses in the CG zoning district shall be allowed. No special exceptions shall be allowed.
    - 2. Mini-warehouses may have accessory outdoor storage areas that are equal to, or less than, the square footage of the mini-warehouse storage units, for recreational vehicles only, including boats, travel trailers, RVs and campers.
    - 3. Truck stops.
    - 4. Light manufacturing and assembly in a completely enclosed building.
    - 5. Lumber and building supply establishments and yards.
    - 6. Wholesale sales.
    - 7. Mass transit terminals and yards.
  - iii. Within Parcel 3: Stormwater and signage.
- c. Development applications for each parcel shall include submittal of a revised Traffic Impact Statement based on the use proposed.
- d. All development is subject to the following Development Standards:
  - i. The maximum Floor Area Ratio is 1.0 (100 percent).
  - ii. The maximum lot coverage is 55 percent.
  - iii. The setback requirements are the same as the requirements under the CG zoning district.
- e. The maximum building height for this-development shall be 60 feet measured from base flood elevation points as these may apply to the project site.
- f. The maximum height for outside storage is 50 feet, and the maximum height for equipment is 60 feet.
- g. Conditions specific to the use of the property as a railroad siding are as follows:
  - i. The railroad siding is subject to the provisions of American Railway Engineering and Maintenance-of-Way Association (AREMA) safety and construction standards.
  - ii. The interim staging of off-loaded containers awaiting shipment shall not exceed fourteen (14) days.
  - iii. Off-loaded containers shall not be stacked higher than three containers.
  - iv. No hazardous waste material shall be transferred at the site.
  - v. There shall be a paved access route for on-site loading or unloading areas.
  - vi. All loading and unloading of containers shall be done by side loader only.
- h. Except for train deliveries, the operation hours for railroad sidings shall be from 7:00 AM to 7:00 PM during the weekdays, and weekend operation is not allowed.

- i. No on-site development beyond the land clearing shall occur prior to Final Site Plan Review approval.
- j. The developer shall minimize impervious surfaces within the development wherever practicable.
- k. The roadways for this development shall be constructed to Charlotte County standards. The applicant will be improving two undeveloped County roads, Rosemary Drive and Somerset Road, to Charlotte County's standards.
- l. 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. When available, the developer must also extend re-used water utility lines along with the potable water and sanitary sewer lines throughout the development.
- m. The site shall be developed with a unified landscaping theme.
- n. 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 the irrigation system throughout the development.
- o. 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.
- p. Landscaping and Buffer requirements:
  - i. Within the 25-foot setback, no pavement or other structure are permitted, except for the construction of a wall, berm, fence or pedestrian access.
  - ii. At a minimum, a type "B" buffer must be placed within the 25-foot PD setback along the westerly property line, that is adjacent to the property zoned Commercial General. A type "D" buffer must be placed along the northerly lot line, along the Atlantic Coastline Railroad line and west of Lot "1A" of Block "A. A type "D" buffer must also be placed along the westerly right-of-way line of Somerset Road, and along the southerly property line adjacent to Duncan Road (U.S. 17). A type "A" buffer must be placed within the 25-foot PD setback along the north, east and southerly property lines of Parcel Three (3).
- q. This development is subject to the provisions of Chapter 3-5, Article XXIV, Charlotte County Commercial Design Standards.
- r. Exterior signage shall meet the existing Sign Code, Section 3-9-95. No special exception or variance shall be granted for any signage on the site.
- s. Access to Duncan Road at Somerset Road shall be subject to Florida Department of Transportation review and approval.



## LEGAL DESCRIPTION

SCHEDULE "A" FIRST AMERICAN TITLE INSURANCE COMPANY TITLE COMMITMENT FILE NO. 2039-2505557

LOT 44, PINEAPPLE CENTER, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 7, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, LESS AND EXCEPT THOSE PORTIONS TAKEN BY ORDERS OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 318, PAGE 653, OFFICIAL RECORDS BOOK 518, PAGE 579, AND OFFICIAL RECORDS BOOK 518, PAGE 645, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

ALSO,

A PARCEL OF LAND LOCATED IN THE NORTH 1/2 OF SECTION 4, TOWNSHIP 41 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, BEING A PORTION OF BLOCK "Y" LYING NORTH OF US HIGHWAY 17 AND WINDSOR ROAD LYING BETWEEN ROSEMARY DRIVE AND US HIGHWAY NO. 17, GOLF CLUB ESTATES, AS PER THE RECORDED PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 43 OF SAID PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 4, TOWNSHIP 41 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA FOR A POINT OF REFERENCE: THENCE SOUTH 01 DEGREES 32 MINUTES 50 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 4, 1289.39 FEET TO THE INTERSECTION OF SAID EAST LINE WITH THE WESTERLY PROLONGATION OF ROSEMARY DRIVE AS SHOWN ON SAID PLAT OF GOLF CLUB ESTATES AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE SOUTH 01 DEGREES 32 MINUTES 50 SECONDS EAST ALONG SAID EAST LINE OF SAID NORTHWEST 1/4 AND THE WESTERLY LINE OF SAID GOLF CLUB ESTATES, 535.44 FEET TO THE INTERSECTION OF SAID LINE WITH THE NORTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF US HIGHWAY NUMBER 17 AS SHOWN ON FLORIDA LOT RIGHT-OF-WAY MAP SECTION 010073-2502, SHEET 12 OF 13; THENCE NORTH 71 DEGREES 02 MINUTES 28 SECONDS EAST ALONG SAID LIMITED ACCESS RIGHT-OF-WAY LINE 211.61 FEET; THENCE NORTH 72 DEGREES 05 MINUTES 59 SECONDS EAST, ALONG SAID LIMITED ACCESS RIGHT-OF-WAY LINE, 88.05 FEET TO THE WESTERLY LINE OF SOMERSET ROAD AS PER SAID PLAT OF GOLF CLUB ESTATES; THENCE NORTH 00 DEGREES 07 MINUTES 25 SECONDS WEST, ALONG SAID WESTERLY LINE 140.10 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE EAST; THENCE 187.86 FEET, ALONG SAID WESTERLY LINE AND THE ARC OF SAID CURVE HAVING A RADIUS OF 2063.25 FEET, A CENTRAL ANGLE OF 05 DEGREES 13 MINUTES 11 SECONDS AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 02 DEGREES 10 MINUTES 48 SECONDS WEST, ALONG SAID WESTERLY LINE AND THE ARC OF SAID CURVE HAVING A RADIUS OF 2063.25 FEET, A CENTRAL ANGLE OF 15 DEGREES 35 MINUTES 01 SECOND, AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 00 DEGREES 31 MINUTES 00 SECONDS EAST 218.86 FEET TO A POINT OF COMPOUND CURVATURE; THENCE 44.23 FEET ALONG SAID WESTERLY LINE AND THE ARC OF SAID COMPOUND CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 101 DEGREES 22 MINUTES 26 SECONDS AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 63 DEGREES 33 MINUTES 01 SECONDS WEST 36.86 FEET TO THE END OF SAID CURVE AND SAID SOUTHERLY RIGHT-OF-WAY LINE OF ROSEMARY DRIVE PER SAID PLAT OF GOLF CLUB ESTATES; THENCE SOUTH 85 DEGREES 47 MINUTES 55 SECONDS WEST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND THE WESTERLY PROLONGATION THEREOF, 298.85 FEET TO THE POINT OF BEGINNING.

ALSO,

THAT PART OF U.S. GOVERNMENT LOT 3 LYING SOUTH OF THE ATLANTIC COASTLINE RAILROAD IN SECTION 4, TOWNSHIP 41 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, AS SHOWN ON SURVEY RECORDED IN OFFICIAL RECORDS BOOK 138, PAGE 899, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, BEING ALSO DESCRIBED AS LOT 5, ACCORDING TO THE PLAT OF LANDS OF THE PUNTA GORDA PINERY RECORDED IN PLAT BOOK 1, PAGE 12, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

ALL THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS (PARCEL SURVEYED):

A PARCEL OF LAND LOCATED IN THE NORTH 1/2 OF SECTION 4, TOWNSHIP 41 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, BEING A PORTION OF GOVERNMENT LOT 3, LOT 44, PINEAPPLE CENTER AS PER THE RECORD PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 7, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, SAID PARCEL ALSO BEING A PORTION OF VACATED BLOCK "Y" LYING NORTH OF US HIGHWAY 17 AND WINDSOR ROAD LYING BETWEEN ROSEMARY DRIVE AND US HIGHWAY NO. 17, GOLF CLUB ESTATES, AS PER THE RECORD PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 43 OF SAID PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 4, TOWNSHIP 41 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA FOR A POINT OF REFERENCE: THENCE SOUTH 01°31'27" EAST, ALONG THE EAST LINE OF THE NW 1/4 OF SAID SECTION 4, 1081.78 FEET TO THE INTERSECTION OF SAID EAST LINE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF THE ATLANTIC COASTLINE RAILROAD AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE SOUTH 85°12'48" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 1222.19 FEET TO THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE AND THE NORTH LINE OF SAID LOT 44, PINEAPPLE CENTER; THENCE SOUTH 85°10'14" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND NORTHERLY LINE OF SAID LOT 44, 278.55 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF ORANGE CREEK BOULEVARD AS SHOWN ON SAID PLAT OF PINEAPPLE CENTER; THENCE SOUTH 67°50'39" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 585.36 FEET; THENCE SOUTH 55°58'27" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 214.60 FEET TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF US HIGHWAY NO. 17; THENCE NORTH 88°09'55" EAST, ALONG SAID LIMITED ACCESS RIGHT-OF-WAY LINE, 150.21 FEET; THENCE NORTH 72°58'47" EAST, ALONG SAID LIMITED ACCESS RIGHT-OF-WAY LINE, 300.12 FEET; THENCE NORTH 71°03'34" EAST, ALONG SAID LIMITED ACCESS RIGHT-OF-WAY LINE, 448.78 FEET; THENCE NORTH 72°05'39" EAST, ALONG SAID LIMITED ACCESS RIGHT-OF-WAY LINE, 88.05 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SOMERSET ROAD AS SHOWN ON SAID PLAT OF GOLF CLUB ESTATES; THENCE NORTH 00°07'25" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE 140.10 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE EAST; THENCE 187.86 FEET ALONG SAID WESTERLY LINE AND THE ARC OF SAID CURVE HAVING A RADIUS OF 2063.25 FEET, A CENTRAL ANGLE OF 05°13'11", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 02°10'48" EAST 187.80 FEET TO THE POINT OF REVERSE CURVATURE; THENCE 217.53 FEET ALONG SAID REVERSE CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 799.79 FEET, A CENTRAL ANGLE OF 15°35'01", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 00°31'00" EAST 218.86 FEET; THENCE 44.23 FEET ALONG SAID COMPOUND CURVATURE; THENCE 44.23 FEET ALONG SAID COMPOUND CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 101°22'26", AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 63°35'01" WEST 36.86 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID ROSEMARY DRIVE AS SHOWN ON SAID PLAT OF GOLF CLUB ESTATES; THENCE SOUTH 85°47'55" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND THE WESTERLY PROLONGATION THEREOF TO THE INTERSECTION WITH SAID EAST LINE OF THE NORTHWEST 1/4 OF SECTION 4; THENCE NORTH 01°32'50" WEST, ALONG SAID EAST LINE OF THE NORTHWEST 1/4 OF SECTION 4, 216.94 FEET TO THE POINT OF BEGINNING.

ALONG WITH LOTS 1A, 1 THROUGH 14, BLOCK A GOLF CLUB ESTATES ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 43, IN THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

CONTAINING 18.765 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

BEARINGS ARE GRID BEARINGS BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, REFERENCING THE NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT (NAD 83/90).

## PROJECT DATA:

PROJECT: 17-75 INTERCHANGE  
3200 ROSEMARY DRIVE  
PUNTA GORDA, FLORIDA 33950

OWNER/DEVELOPER: SEVENTEEN AND SEVENTY-FIVE LLC  
WILLIAM DEMPSEY CHEFFY PASSIDOMO  
821 5TH AVENUE SOUTH  
NAPLES, FLORIDA 34102  
654.259.7 S.F. - 21.91 ACRES

TOTAL SITE AREA: CITY OF PUNTA GORDA UTILITIES

WATER & SEWER: R. JEFF WEILER, P.E. NO. 46027  
WEILER ENGINEERING CORPORATION  
201 W. MARION AVE. SUITE 1306  
PUNTA GORDA, FLORIDA 33950  
941.505.1700

ENGINEER: DAVID S. DAGASTINO, P.S.M. NO. 5762  
DAGASTINO & WOOD, INC.  
35415 JASPER ROAD SUITE A  
NAPLES, FLORIDA 34109  
239.352.6085

SURVEYOR: NGVD 1929 AS SHOWN ON SURVEY

VERTICAL DATUM: AEB

FLOOD INFORMATION: COMMUNITY / PANEL NUMBER 120061 0211 F  
REVISED / EFFECTIVE DATE: 05 MAY 2003

EXISTING ZONING: PLANNED DEVELOPMENT (19.76 ACRES) AND RMF-R (2.15)

PROPOSED ZONING: PLANNED DEVELOPMENT (21.91 ACRES)

## LOT AND SITE DEVELOPMENT STANDARDS

PD PERIMETER SETBACK: 25 FEET

LOT DIMENSIONS (MIN): PER CG ZONING DISTRICT -  
AREA 12,000 SF / WIDTH 100 FEET

LOT SETBACKS (MIN): PER CG ZONING DISTRICT -  
FRONT OR STREET 10 FEET  
SIDE 0 FEET  
BACK 10 FEET

BUILDING HEIGHT: PER CG ZONING DISTRICT (60 FEET)

BUILDING COVERAGE: PER CG ZONING DISTRICT (55%)

FAR (MAX): PER CG ZONING DISTRICT (1.0)

ISR (MAX): 83% (LOTS)

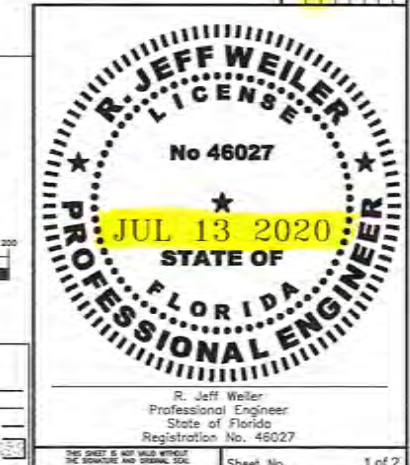
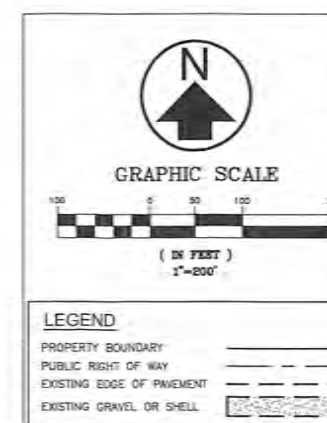
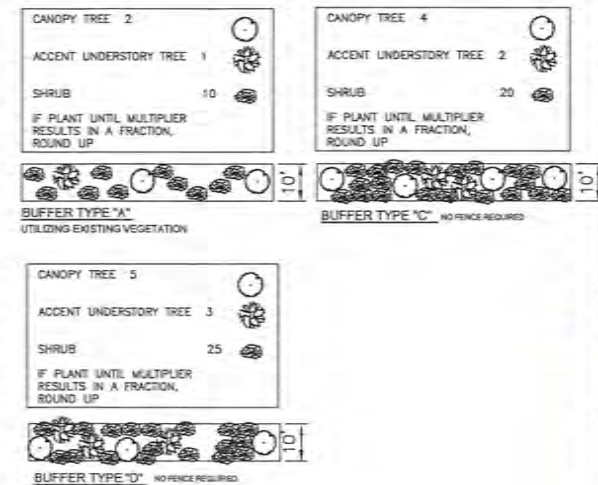
BUFFER: PER PD CONDITIONS OF APPROVAL

SCHEDULE OF USES: PER PD CONDITIONS OF APPROVAL

PARCEL 3: 137,214SF (3.15AC) - STORMWATER, ROADS, UTILITIES, AND SIGNAGE.

NOTES:  
1. DRAINAGE EASEMENTS MAY BE MODIFIED ON A PER SITE BASIS.  
2. ON-SITE STORMWATER MAY BE PROVIDED WITHIN EASEMENT OR TRACT(S), DEPENDING ON FINAL DESIGN.

PARCEL 1: 338,026SF (7.76AC) - RAILROAD SIDING (INCLUDES 1.82AC FOR EAGLE PRESERVE)  
PERMITTED USES:  
ALL PERMITTED PRINCIPAL USES IN COMMERCIAL GENERAL (CG)  
ADDITIONAL USES:  
- RAILROAD SIDING, RAIL TO TRUCK TRANSFER  
PARCEL 2: 479,180SF (11AC) - PRINCIPAL AND ACCESSORY USES  
PERMITTED USES:  
ALL PERMITTED PRINCIPAL USES IN COMMERCIAL GENERAL (CG)  
ADDITIONAL USES:  
- MINI WAREHOUSE  
- ACCESSORY OUTDOOR STORAGE OF BOATS, & RVs  
- LIGHT MANUFACTURING & ASSEMBLY IN ENCLOSED BUILDING  
- TRUCK STOP  
- LUMBER AND BUILDING SUPPLY & YARDS  
- WHOLESALE SALES  
- MASS TRANSIT TERMINAL AND YARDS



Design:	MDC
Drawn:	MDC
Checked:	KD
Approved By:	AS NOTED
Scale:	18055.D01
Job No:	18055.D01
Date Issued:	10/11/2019
Revisions:	07/13/2020 MDC
Description:	UPDATED BUFFER TYPES

PLANNED DEVELOPMENT  
CONCEPT PLAN for  
17-75 INTERCHANGE

Revisions:	07/13/2020 MDC
Description:	UPDATED BUFFER TYPES

RECEIVED  
JUL 13 2020

USER: mking PLOTTED THE PD CONCEPT PLAN (G) LAYOUT OF W:\2019\18055.D01\_17-75 Interchange\DWG\Concept Plan\18055.D01\_17-75 Interchange.dwg ON Jul 13, 2020 @ 8:45am





## MEMORANDUM

**Date:** July 16, 2020  
**To:** Ken Quillen, AICP, Senior Planner  
**From:** Ravi Kamarajugadda, Project Manager  
**Subject:** 17 & 75, LLC, File numbers: PAS-20-00005 and PD-20-00004

---

**General Location:** 6201 Duncan Road and 3300-3506 Rosemary Drive, Punta Gorda

### Analysis:

After reviewing the traffic impact statement submitted with the application, there were minor issues, County informed Consultant and waiting on their responses.

However, regarding the access onto US 17 (Duncan Road), the applicant is responsible to get all the necessary permit/approval from Florida Department of Transportation.

At the site plan level applicant is responsible to submit a detailed traffic study identifying the access points and impact on the surrounding roadway network. Applicant is also responsible for all site related improvements.

With respect to the site related improvements and other items, County Transportation staff reserve the right to make additional comments at the time of detailed site plan development level.



## MEMORANDUM

**Date:** July 10<sup>th</sup>, 2020  
**To:** Kenneth Quillen Jr., AICP, Senior Planner  
**From:** Ryan Pieper, Environmental Specialist  
**Subject:** PAS-20-00005 and PD-20-00004

---

A habitat and protected species assessment and FLUCCS maps have been provided by Ian Vincent and Associates, dated March 2020. The subject property includes 18.99 acres of pine flatwoods, 3.64 acres of temperate hardwoods, .33 acres of wet prairie, and 1.58 acres of disturbed land.

The wet prairie lacks a significant canopy, if wetland areas are discovered to be present on the property, an avoidance of at least 25 feet must be maintained or proper State and Federal permitting must be secured.

Search of available online resources revealed that the subject property is located within the Consultation Area of the Florida scrub jay (*Aphelocoma coerulescens*). However, review of the Charlotte County Natural Resources Department Florida Scrub Jay Territory Search Database revealed that the subject property is not a scrub jay review area parcel, and therefore, does not require any additional review relative to the Florida scrub jay. Thus, the Florida scrub jay is not likely to affect the future development of the subject property.

The subject parcel is located within the Focal Area of the Florida bonneted bat (*Eumops floridanus*) FWS Consultation Area. No evidence of utilization by the Florida bonneted bat was observed onsite during the site inspection. However, any impacts which require federal permits will likely trigger FWS review for the species and roosting surveys for the species will likely be required to determine if the site is being actively utilized by Florida bonneted bats.

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



Ryan Piper (Memo continued)

July 10, 2020

Page 2 of 2 pages

Search of available online resources revealed that the subject property is located within the Consultation Area of the Red-cockaded woodpecker (*Picoides borealis*). The nearest documented red-cockaded woodpecker (RCW) sighting is greater than 1 mile east of the subject property. In accordance with FWC survey guideline protocol suitable pine trees were inspected for the presence of RCW nesting cavities. The red-cockaded woodpecker is not anticipated to be utilizing the subject parcel, and therefore, is not likely to affect the future development of the property. However, applicable environmental regulatory agencies may require a species specific survey relative to the red-cockaded woodpecker prior to development of the property.

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

A bald eagle's nest (Nest ID CH030) is located within the project limits. An incidental take permit from the USFWS was issued in August of 2019. The permit is provided as an attachment.

The subject site contains upland habitats which could potentially be utilized by the gopher tortoise (*Gopherus polyphemus*). No gopher tortoise burrows, or evidence of the species were located on the parcel. If gopher tortoise burrows are found on the parcel, a 100% gopher tortoise survey and relocation permit from the Florida Fish and Wildlife Conservation Commission will be required prior to development of the site if gopher tortoise burrows cannot be avoided during construction.

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

RP



This record search is for informational purposes only and does **NOT** constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does **NOT** provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333 for project review information.

May 20, 2020

**RECEIVED**

**MAY 22 2020**

Kelly Bhutada, Planner  
The Weiler Engineering Corp.  
201 W Marion Ave  
Punta Gorda, FL 33950  
941-505-1700 Phone

In response to your inquiry of May 20, 2020, the Florida Master Site File lists no cultural resources found in the designated area of Charlotte County, Florida.

**T41S R23E Section 04**

When interpreting the results of our search, please consider the following information:

- This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.
- Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.
- While many of our records document historically significant resources, the documentation of a resource at the Florida Master Site File does not necessarily mean the resource is historically significant.
- Federal, state and local laws require formal environmental review for most projects. This search **DOES NOT** constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333.

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

Eman M. Vovsi, Ph.D.  
Florida Master Site File  
[Eman.Vovsi@DOS.MyFlorida.com](mailto:Eman.Vovsi@DOS.MyFlorida.com)





SITE

SOLANA

RECEIVED  
MAY 22 2020

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community. Sources: Esri, HERE, Garmin, Intermap, Inetmap P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Radarsat NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong). (c) OpenStreetMap contributors, and the GIS User Community





**RECEIVED**

**FEB 24 2020**

Robin Palmer  
Weiler Engineering  
201 W Marion Ave Suite 1306  
Punta Goda Fl 33950  
Sent via email: rpalmer@weilerengineering.org

RE: Water and Wastewater Service Availability  
6201 Duncan Road 412304177001

This letter is issued to identify the procedure to determine the availability of water and sewer services to the above referenced property. The subject location is in the City Utility Service Area. Utility availability means, the subject parcel has the ability to connect to the existing water system and the existing gravity sewer system, and obtain water and sewer capacity required by the subject parcel. Parcels which are un-developed, or planned for re-development, or planned for change of use, will require site specific information to evaluate utility availability status. In the event utility service is not available at the capacity required by the subject parcel, off-site utility line extensions or improvements from the City utility system to the subject location will be required to obtain utility availability. Off-site utility improvements necessary to obtain utility availability are the responsibility of the specially benefitted properties, property owner, or developer.

A preliminary review based on viewing the subject parcel(s) on the Charlotte County GIS site, ccgis.com, indicates the property is undeveloped. Utility improvements may be necessary to obtain utility service to the subject parcel(s). We recommend meeting in our office to determine site specific information, and review capacity and location of existing utility lines. Off-site utility improvements may be required to obtain utility service to the subject parcel. Off-site utility line extensions will be required to meet the future development scenarios consistent with the Utility planning scenarios.

The following conditions apply to owner/developer constructed utility system improvements.

1. Owner/Developer shall be responsible for the design, funding, construction of all on-site and off-site water and sewer facilities necessary to provide service which may include up-grading of existing off-site utility facilities.
2. All utility construction plans, permits, and shop drawings must be reviewed and approved by the City of Punta Gorda Utility Department.
3. Owner/Developer shall obtain all necessary regulatory approvals, including Florida Department of Environmental Protection, City of Punta Gorda, Charlotte County, and FDOT.
4. All off-site utility improvements must be contributed to the City as a developer contributed asset prior to approval to place in service.
5. Service is contingent upon sufficient water and sewer plant capacity at time of connection. (Capacity is based on a first come-first serve basis at time of connection and impact fee payments).

Please call our office at 575 3339 if you would like to schedule a utility availability meeting. If you should have any questions, please do not hesitate to call this office.

Sincerely,

Steve Adams





February 5, 2020

Weiler Engineering  
Attn: Christopher or Robin  
201 W. Marion Ave. #1306  
Punta Gorda FL 33950

Re: DRC-19-00060 17-75 Interchange LLC – PD Concept Plan  
October 17, 2019 agenda **Revised Letter**

Dear Chris:

County staff has reviewed your PD Concept Plan for 17-75 Interchange. The proposed development consists of commercial development such as fast food, restaurants, offices, gas station, rail to truck transfer station or other uses as approved in the previously approved DRC-PD-08-01 concept plan. This project site is 21.91 +/- acres and is located at 3300 Rosemary Dr., Punta Gorda, FL. in Section 04, Township 41 South, Range 23 East.

**It is the decision of the Zoning Official to approve the PD Concept Plan for DRC-19-00060. The following conditions must be met:**

1. Not in CCU service area. Contact the City of Punta Gorda regarding availability of services. Sandra Weaver - CCU
2. Shall be consistent with the Comprehensive Plan and shall comply with all conditions set forth in PD rezoning. Shall rezone from RMF-5 and RMF-10 to PD and amend Future Land Use from LDR and HDR to Commercial. Elizabeth Nocheck - Planning
3. Fire hydrant required to be within 300' of the building. If the building(s) is required to have a fire sprinkler system, then the Fire Department connection (FDC) shall be within 100' of the fire hydrant.
4. Roadways shall be at least 20' wide of clear space for fire department access.
5. Per County Ordinance 3-3-4(5) Fire hydrants shall be installed as may be necessary so that the distance between hydrants does not exceed 600 feet. The minimum flow from any hydrant shall be such that it is designed to deliver 1250 G.P.M. at 20 pounds P.S.I. residual pressure for a minimum of two hours.
6. FDC shall be a 5" Storz connection with a height of 30" above finish grade and at a 30-degree angle. Scott Morris - Fire



7. Provide complete traffic study at the final DRC approval. Being U.S. 17 is a State maintained road, please coordinate with FDOT staff for their approval. Ravi Kamarajugadda – PW Traffic
8. Please provide signing and marking information for the proposed development. Jason Ouimet – PW signs and marking
9. Building subject to further review at building permitting. Please be aware of ADA requirements. Property in a flood zone 8AE. Design Flood Elevation is 9' NGVD. Julia Galofre – BCS
10. Stormwater Plan approval per Charlotte County Stormwater Management Ordinance No. 89-37 is required. Please contact Mr. R. Phil Aiuto, P.E. at 941-575-3650 with any questions. Phil Aiuto – Stormwater
11. A habitat and protected species assessment and FLUCCS map has been provided by Ian Vincent & Associates dated April 2018. The property consists of 17.19 acres of pine flatwoods, 1.60 acres of temperate hardwoods, .33 acres of wet prairie, and .64 acres of hydric disturbed land.
12. Search of the FWC Bald Eagle Nest Locator website revealed that nest ID # CH030 is located within the project limits. Survey data indicates that the nest was last observed as active in 2012 and was not surveyed in subsequent years. Although no eagles were observed during the site inspection, the nest appears to be in suitable condition for nesting by the species and is anticipated to be treated as an active nest by the FWS. Any proposed development within 660' of the nest will require preparation of a bald eagle management plan and may result in the need to obtain a permit from FWS if any development is proposed within 330' of the nest.
13. Search of available online resources revealed that the subject property is located within an 18.6 mile radius designated as Core Foraging Area of several Wood Stork nesting colonies. The subject property lacks any habitats which are suitable for foraging by the species and each of the documented colonies appear to be greater than 3 miles from the subject property. Under current regulations, the proximity of the off-site nesting colonies is not likely to affect the future development of the subject property.
14. Search of available online resources revealed that the subject property is located within the Consultation Area of the Florida Scrub Jay. However, review of the Charlotte County Natural Resources Department Scrub Jay Territory Search Database revealed that the subject property is not a scrub jay review area parcel, and therefore, does not require any additional review relative to the Florida Scrub Jay. Thus, the Florida Scrub Jay is not likely to affect the future development of the subject property.

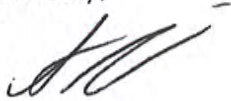


15. The subject property is located within the Focal Area of the Florida Bonneted Bat FWS Consultation Area. No evidence of utilization by the Florida Bonneted Bat was observed onsite during the site inspection. However, any impacts which require Federal permits will likely trigger FWS review for the species and roosting surveys for the species will likely be required to determine if the site is being actively utilized by Florida Bonneted Bats.
16. Search of available online resources revealed that the subject property is located within the Consultation Area of the Red-Cockaded Woodpecker. The nearest documented red- cockaded woodpecker sighting is greater than 1 mile east of the subject property. In accordance with FWC survey guideline protocol, suitable pine trees were inspected for the presence of RCW nesting cavities. No RCW nest cavities or other evidence of utilization by the Red-Cockaded Woodpecker was observed onsite during the site inspection. The Red-Cockaded Woodpecker is not anticipated to be utilizing the subject parcel, and therefore, is not likely to affect the future development of the property. However, applicable environmental regulatory agencies may require a species specific survey relative to the red-cockaded woodpecker prior to the development of the property.
17. The project must comply with Chapter 3-5, Article IV, Clearing, Filling and Soil Conservation requirements of the County Code. Best Use Management Plans must be documented on final site plans and utilized during all land clearing and development activities.
18. The project must comply with Chapter 3-5, Article XVI, Open Space/Habitat Reservation Trust requirements of the County Code. Given the presence of habitat for use by listed species, the Final site and Landscape plans should depict and label as preserved, in perpetuity a minimum of 5% of the development area for preservation area with calculations shown to meet or exceed requirements. Ryan Pieper – Natural Resources
19. Landscaping, buffers, and tree requirements must be consistent with the conditions established in the PD rezoning and meet all applicable regulations of Section 3-9-100: Buffers, Landscaping, and Tree Requirements.
20. Prior to or at the time of building permit application, provide a completed Tree Permit Application as appropriate for this site, along with a tree inventory of location, types, sizes of trees overlaid on a site plan of the building, parking, and other site amenities. Identify the trees proposed to be removed and preserved. All trees to be preserved or removed must be in accordance with Section 3-9-100: Buffers, Landscaping, and Tree Requirements, of the County Code. Tree permits must be obtained prior to any land clearing/ fill activity or the issuance of any building permits. Elizabeth Nocheck - Landscaping

21. The approved uses and accessory uses are conceptual and are subject to change at the rezoning by the BCC and may have conditions. Maryann Franks - Zoning

Concept Plans are approved by the Board of County Commissioners. Concept Plan approval is valid for 12 months calculated from the Board of County Commissioners approval date. If you wish to request a 12-month extension, you must make this request in written form a minimum of 30 days prior to the expiration date. The current fee for a time extension request is \$85.00.

Sincerely,



Shaun Cullinan  
Planning and Zoning Official

SC/dlc

cc: 17-75 Interchange LLC  
821 54<sup>th</sup> Avenue South  
Naples FL 34102