

Staff Report for: PAL-21-00002 and PD-21-00006

Meeting Date:	September 13,	2021/October 26, 2021
meeting bate.	September 13,	

То:	Planning and Zoning Board /Board of County Commissioners
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From: Jie Shao, AICP, MCP, Planner, Principal (see Exhibit 1 for professional qualifications)

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

Part 1 – General	Information
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- Agent:Attorney Geri Waksler, McCrory Law Firm, 309 Tamiami Trail, Punta Gorda, FL33950
- **Owner:** Pastore Doyle Developers, LLC, 510 Cranberry Street, Suite 301, Erie, PA 16507
- **Request:** A privately initiated request to:
 - Amend the 2030 Future Land Use Map (FLUM) designation from Low Density Residential (LDR) (16.51± acres) and Commercial (COM) (8.16± acres) to Medium Density Residential (MDR), increasing density from 82 units to 188 units.
 - Amend the Charlotte County Zoning Atlas from Manufactured Home Conventional (MHC) (16.51± acres) and Commercial General (CG)(8.16± acres) to Planned Development (PD) to allow for development of a multifamily residential community, increasing density from 82 units to 188 units.
- Location: Commission District III: The subject property is located at 6105 Winchester Boulevard and 6120 Ivory Bill Drive, in the Englewood area.
- Area: Subject property contains a total of 24.67± acres.

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

Part 2 – Analysis and Conclusion

Analysis:

Current Status

On September 13, 2021 This unified application was presented to the Planning and Zoning Board, and it was recommended approval for the small-scale plan amendment application (Application Number is PAL-21-00002) and approval with conditions "a" through "o" for the PD rezoning application (Application Number is PD-21-00006).

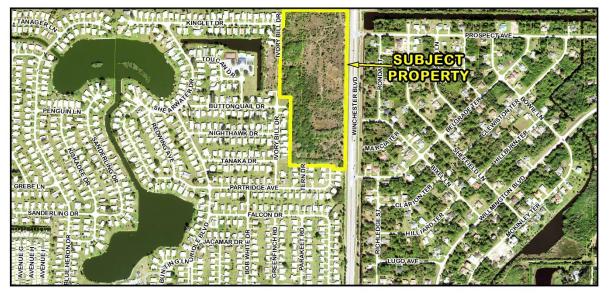
On September 21, 2021, the applicant's agent emailed staff, which states that *I object to the last* sentence of condition d - "The developer shall minimize impervious surfaces within the development wherever practicable." The site plan shows the development areas including the roads, the impervious areas are already established and there will be no further minimization efforts. This condition has no enforceable standards and who decides when something is practicable.? Please take it out. Subsequently, staff had an internal discussion and agreed with the applicant's agent's objection, the original intent of this language was to be more awareness instead of enforceable standards. Therefore, this sentence of the proposed PD condition "d" is removed.

Detail Review

The applicant/property owner, Pastore Doyle Developers, LLC is requesting a small-scale plan amendment from Low Density Residential (LDR) (16.51± acres) and Commercial (COM) (8.16± acres) to Medium Density Residential (MDR) and a companion rezoning from Manufactured Home Conventional (MHC) (16.51± acres) and Commercial General (CG)(8.16± acres) to Planned Development (PD), increasing density from 82 units to 188 units. The stated purpose of this unified application is to allow for development of a multi-family residential community up to 188 dwelling units.

The subject property consists of two parcels, totaling 24.67± acres, located on the west side of Winchester Boulevard, in the Englewood area. The parcel located at 6120 Ivory Bill Drive is currently designated as Low Density Residential (LDR) with a Manufactured Home Conventional (MHC) zoning. The parcel located at 6105 Winchester Boulevard contains approximately of 14.67 acres, of which approximately 8.16 acres of the parcel's Future Land Use Map designation was amended from Low Density Residential to Commercial Center (per 1990-2020 Comprehensive Plan) via Ordinance Number 2001-065 (Attachment A) and a companion rezoning from Mobile Home Subdivision (MHS) to Commercial General (CG) via Ordinance Number 2001-066 (Attachment B) in order to have some commercial general development on it.

The subject property is vacant and has never been developed. On October 14, 2020, the applicant, Pastore Doyle Developers, LLC., bought the entire 24.67± acres of lands, and now is seeking a small-scale plan amendment to Medium Density Residential (MDR) and a companion rezoning to Planned Development (PD) in order to have a multi-family development up to 188 dwelling units, which is approximately 7.62 units per acre.



PAL-21-00002 and PD-21-00006 Area Image

Compatibility and Impacts on Adjacent Land Uses

To the west and south, there is a mobile home community, which contains platted residential lots and essentially is built-out; this area is designated as Low Density Residential (LDR) with a Manufactured Home Conventional (MHC) zoning. Across Winchester Boulevard, to the east, there are single-family homes and some vacant platted residential lots; these areas are designated as Low Density Residential (LDR) with a Residential Single-family 3.5 (RSF-3.5) zoning. The northern property boundary is contiguous to the Charlotte County/City of North Port line. The adjacent property located immediately to the north is within the boundary of Sarasota County.

The proposed PD zoning district, if approved, would allow 188 multi-family dwelling units, shown in the PD Concept Plan (Attachment 1). The proposed residential development will have approximately 7.62 units per acre, which contains higher density than the established residential neighborhood at five units per acre located directly to the west and south, and a single-family home neighborhood located across Winchester Boulevard to the east. The proposed PD rezoning will allow the County to place sufficient conditions and enhanced landscaping and buffer requirements to ensure that no adverse impacts will be created by the proposed residential development on neighboring property owners via limiting the maximum building height to 32 feet compared to 38 feet under the existing MHC zoning and 60 feet under the existing CG zoning, and providing 25-foot PD setback with a Type B buffer compared to a required Type A buffer between single-family homes and multi-family residential development.

Base Density

The subject property is located within the West County area and a portion of the site, containing approximately 16.51, is currently designated as Low Density Residential (LDR) on the 2030 Future Land Use Map with a MHC zoning. Therefore, the base density is 82 units. 106 units of transferred density are required to be transferred onto the subject site in order to achieve the proposed residential multi-family development up to 188 dwelling units.

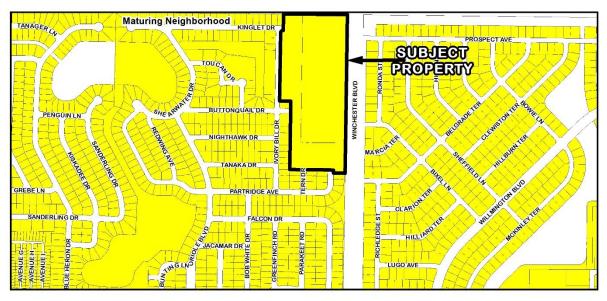


PAL-21-00002 and PD-21-00006 FLUM Designations

PAL-21-00002 and PD-21-00006 Zoning Designations

Consistency with the County's Comprehensive Plan

The subject property is designated as a Maturing Neighborhood on FLUM Series Map #2: 2050 Framework. Maturing Neighborhoods are defined in FLU Policy 4.1.1: 2050 Framework -Neighborhoods as being "substantially developed, generally 30 percent or greater, within which infill continues to occur" that is residential in nature. In these neighborhoods, "stable growth is occurring, and the majority of that growth is residential development". They are "generally served with central water and sewer service". The transfer of density to the subject property would allow for 188 dwelling units to be built, which will have an opportunity to provide multi-family units in the West County area.



PAL-21-00002 and PD-21-00006 Framework

FLU Policy 1.2.7: Transfer of Density Units (TDU) Program Intent states that the County shall allow development rights to be transferred *"to designated locations that are more appropriate for development"*, and encourage *"unsustainable and inefficient"* forms of development to be redeveloped with *"compact, higher density"* development that *"efficiently utilizes resources"*. The adoption of this FLUM amendment and rezoning would allow the construction of 188 multi-family residential units, an increase of 106 units over the existing base density, on property along a four-lane divided major roadway in the West County area and served by potable water and sanitary sewer service, consistent with this policy.

FLU Policy 1.2.11: TDU Receiving Zones lists Maturing Neighborhoods among the types of neighborhood types eligible to qualify as Receiving Zones. The required transfer of density is consistent with this policy.

In addition, the subject property is located outside of the Coastal High Hazard Area (CHHA), the proposed changes are not contrary to policies related to development within CHHA, such as **Coastal Planning (CST) Policy 4.1.4: Evacuation Provisions for all Plan Amendments**. It is staff's professional opinion that the subject property is an ideal location for multi-family development.

Concurrency Issues:

- <u>Potable Water and Sanitary Sewer</u>: The subject property is in the Englewood Water District. A letter from the Englewood Water District dated April 15, 2021 states that "please be advised that the Englewood Water District hereinafter called "District", as a political subdivision and body corporate has the authority and duty to provide sewer and water service for property located within the District. Based upon information supplied, the subject property lies within the boundaries of the District and there are existing water and sanitary sewer mains within the vicinity of the property. This statement does not constitute a contract for service. The District will provide service when the owner builds the necessary utility improvements, has a signed EWD Water and Wastewater Service Agreement, pays the applicable rates, fees, and charges and complies with the rules and regulations of the District."
- <u>Student Generation</u>: The proposed plan amendment and rezoning would increase the maximum residential density on subject property from 82 to 188 units, so student populations will be expected to increase. A letter from Charlotte County Public Schools dated August 27, 2021, states that *"Charlotte County Public Schools (CCPS) appreciates the opportunity for input. At this time, we take no objection nor have any comments specific to school concurrency for the Pastore Doyle Developers, LLC application for adoption of a small-scale plan amendment to change Charlotte County FLUM from Low Density Residential and Commercial to Medium Density Residential increasing density from 82 units to 188 units; for property located at 6105 Winchester Boulevard and 6120 lvory Bill Drive, in the Englewood area. As well as no comment on amending the Zoning Atlas from Manufactured Home Conventional and Commercial General to Planned Development of a multi-family residential community. At the appropriate time, the applicant must obtain a School Concurrency Availability Determination Letter (SCADL) from CCPS indicating that sufficient capacity exists, or has been accounted for through a binding and enforceable agreement, at elementary, middle, and high school levels prior to submitting the Final Plat application as outlined in the currently approved Inter-Local Agreement."*
- <u>Traffic</u>: After reviewing the applicant's *Traffic Impact Statement prepared by* Kimley Horn and dated April 29, 2021, the Charlotte County Public Works Department Engineering Section has concluded that there will be no change in the existing Level of Service (LOS) of County roadways. A revised up-to-date *Traffic Impact Statement* will need to be submitted at the time of Final Detail Site Plan Review for any proposed future construction. The applicant will be responsible for any site related improvements and/or offsite improvements required to mitigate impacts resulting from the proposed development.

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

Onsite Wetlands

According to the submitted "Protected Species Assessment" report, prepared by Ian Vincent & Associates and dated February 2021, and the "Wetland Classification" report, the subject site contains approximately 0.45 acres of wetlands, which do not meet the criteria described in ENV Policy 3.1.1: Identification and Categorization of Wetlands as a Category I wetland.

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Furthermore, the application states that "all of the jurisdictional wetland areas proposed for impact are remnants of a man-made depressional area associated with the previous wastewater treatment facility on the parcel. The wetlands proposed for impact are dominated by exotic vegetation (primarily Brazilian pepper) and could reasonably be classified as a Brazilian pepper monoculture due to lack of significant coverage by other vegetative species. These man-made wetlands in their current state provide little habitat for wildlife utilization, are surrounded by disturbed land and development and provide only marginal water quality treatment potential. In accordance with the Southwest Florida Water Management District ERP Applicant Handbook, Volume II, the onsite wetlands meet the criteria to be classified as low quality wetlands with minimal wetland function.

The mitigation plan will consist of the purchase of mitigation bank credits in accordance with an approved Uniform Mitigation Assessment Methodology (UMAM) calculation to be verified by SWFWMD staff during the ERP permitting process. The mitigation bank is located within the same basin as the proposed wetland impacts and has been determined to provide mitigation of regional significance.

Based on the information provided above, there is no evidence to suggest that proposed wetland impacts would be contrary to the public interest."

Staff concurred with the analysis. Therefore, it is staff's professional opinion that the applicant's proposal to impact the approximately 0.45 acres of the onsite wetlands will not be contrary to ENV Policy 3.1.3: Wetland Categories.

PD Concept Plan

The PD Concept Plan associated with this PD rezoning was submitted for Site Plan Review. The petition number is DRC-21-00054. A recommendation letter was issued on May 20, 2021.

Conclusion

It is staff's professional opinion that this proposed development/change is consistent with the County's Comprehensive Plan. It should not create any detrimental impacts on the surrounding residential properties.

Conditions:

- a. Development on subject property shall occur as generally illustrated on the PD Concept Plan (Attachment 1: PD Concept Plan, Englewood Multi-family Development) submitted by the applicant, prepared by Banks Engineering, dated April 27, 2021, <u>revised September 20, 2021</u>, except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the PD Concept Plan Site Plan Review (Petition No. DRC-21-00054) conditions of recommendation of approval according to the letter dated May 20, 2021, and signed by Shaun Cullinan, Charlotte County Planning and Zoning Official, are required to be met. Such PD Concept Plan shall be valid for one year from the date of this Ordinance and may be extended per Section 3-9-45, Planned Development (PD).
- b. The base density for the subject property is 82 units. The proposal is to develop a total of 188 dwelling units. Any residential development above 82 units shall require transferred density units. The transfer of density units must be approved by the Board of County Commissioners subject to the County's Land Development Regulations 3-9-150: Transfer of Density Units, as may be amended, prior to Final Detail Site Plan or Preliminary Plat approval, whichever occurs first.

c. Permitted uses.

- i. Multi-family.
- ii. Amenities such as clubhouse, community pool, tennis court or other similar non-commercial recreational uses and structures.
- iii. Community garden.

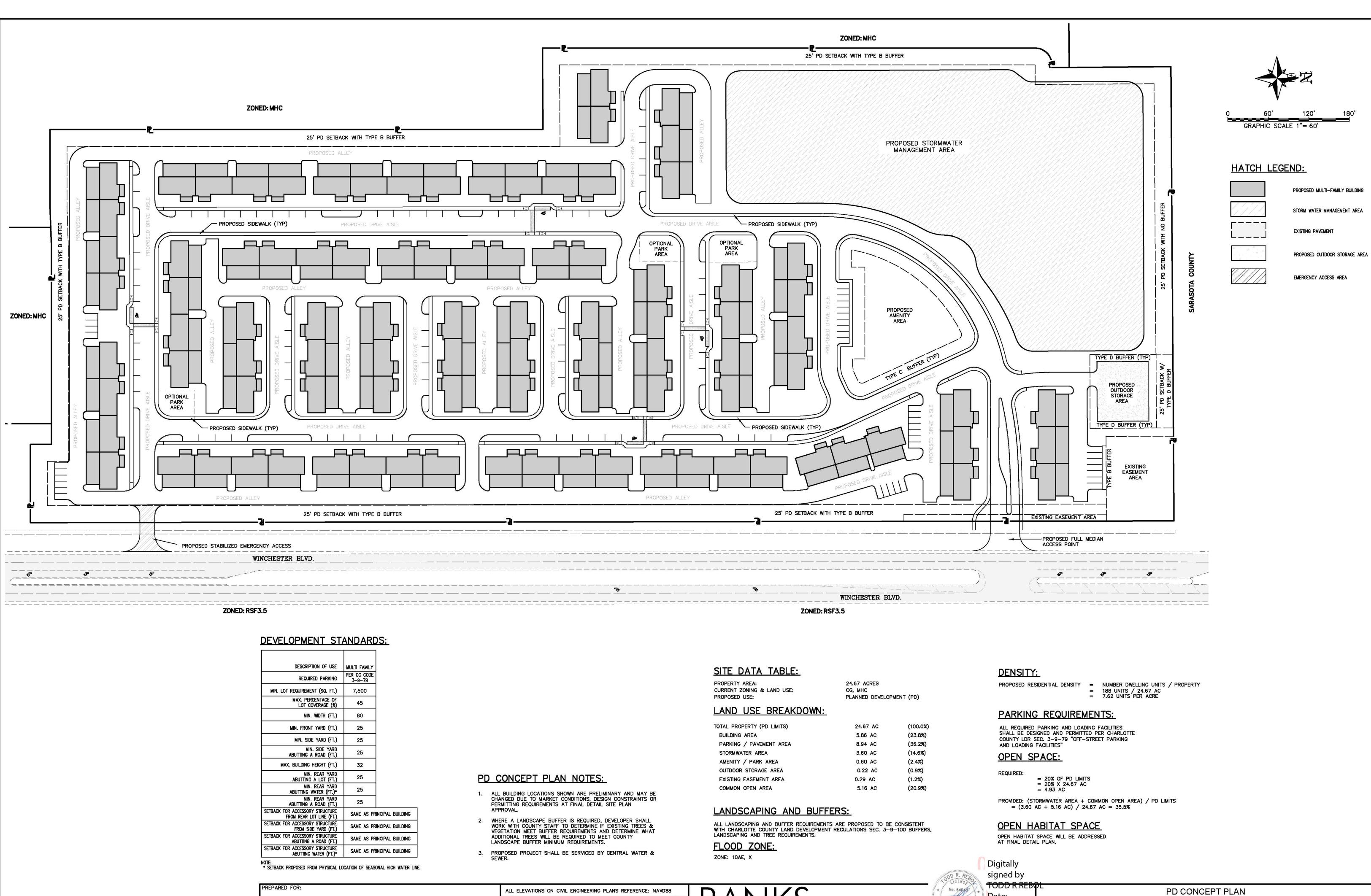
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- iv. Outdoor storage area for recreational vehicles, boats, cars, and campers, as shown on the PD Concept Plan, which shall be limited to the residents within this development.
- v. Park, public or not-for-profit.
- d. No development shall occur prior to Final Detail Site Plan approval. The developer shall minimize impervious surfaces within the development wherever practicable.
- e. The maximum building height for multi-family structures and amenities is 32 feet from the base flood elevation. Other development standards are listed on the PD Concept Plan.
- f. If any roadways are proposed within the development, they shall be constructed to Charlotte County standards. Following Final Detail Site Plan approval, all private roadways shall be required to be maintained by the developer, and subsequently, a homeowners' association or similar entity.
- g. The applicant/property owner shall provide a pedestrian/sidewalk system with a minimum width of five feet throughout the development as shown on the PD Concept Plan.
- h. There shall be one main entrance and one emergency access point located on Winchester Boulevard, which is shown on the proposed PD Concept Plan. With respect to the site related improvements and other items, County Transportation staff reserve the right to make additional comments at the time of Final Detail Site Plan development level.
- i. The development must use 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.
- j. The 25-foot PD setback is required as shown on the PD Concept Plan. Roads, buffers and landscaping may be located within the 25-foot PD setback.
- k. The site shall be developed with a unified landscaping theme. Landscaping and Buffers:
 - i. At a minimum, a type B buffer shall be required along the property boundary except for the north property boundary immediately adjacent to the proposed stormwater area.
 - ii. At a minimum, a type B buffer shall be required north of the parking spaces adjacent to the existing easement area located to the northeast of the property as shown on the PD Concept Plan.
 - iii. At a minimum, a type D buffer shall be required on all sides of the proposed outdoor storage area as shown on the PD Concept Plan.
 - iv. At a minimum, a type C buffer is required for all amenities and recreational areas.
 - v. All other landscaping and buffers shall follow Section 3-9-100, Buffers, Landscaping, and Tree Requirements.
- I. The final design of the amenity area and the storage area shall be determined at Final Detail Site Plan Review approval.
- m. If outdoor lighting in the proposed amenity area and the proposed outdoor storage area is proposed, it will be shielded or directed in such a way that the light does not shine beyond the boundaries of the subject property.
- n. The proposed amenity area may contain a clubhouse, with a swimming pool, a tennis court, or similar uses, and a parking area. If a clubhouse is constructed, it shall be built to the highest wind-bearing loads required by Charlotte County and will be made available for use as a post-storm hurricane refuge to the proposed neighborhood following a natural disaster. It is understood that the clubhouse will not be able to accommodate all residents of the community.
- o. For the school concurrency issues:
 - i. If the school concurrency process is still required under a valid interlocal agreement, prior to Final Detail Site Plan or Final Plat approval for any residential development for any Phases, the applicant/property owner must obtain a School Concurrency Availability Determination Letter (SCADL) from Charlotte County Public Schools (CCPS) indicating that sufficient capacity exists, or has been accounted for through a binding and enforceable agreement with CCPS to address school concurrency.

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

Attachment 1 PD Concept Plan Englewood Multi-family Development





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Description of USE		
DESCRIPTION OF USE	MULTI FAMILY	
REQUIRED PARKING	PER CC CODE 3-9-79	
MIN. LOT REQUIREMENT (SQ. FT.)	7,500	
MAX. PERCENTAGE OF LOT COVERAGE (%)	45	
MIN. WIDTH (FT.)	80	
MIN. FRONT YARD (FT.)	25	
MIN. SIDE YARD (FT.)	25	
MIN. SIDE YARD ABUTTING A ROAD (FT.)	25	
MAX. BUILDING HEIGHT (FT.)	32	
MIN. REAR YARD ABUTTING A LOT (FT.)	25	
MIN. REAR YARD ABUTTING WATER (FT.)*	25	
MIN. REAR YARD ABUTTING A ROAD (FT.)	25	
SETBACK FOR ACCESSORY STRUCTURE FROM REAR LOT LINE (FT.)	SAME AS PR	INCIPAL BUILDING
SETBACK FOR ACCESSORY STRUCTURE FROM SIDE YARD (FT.)	SAME AS PR	INCIPAL BUILDING
SETBACK FOR ACCESSORY STRUCTURE ABUTTING A ROAD (FT.)	SAME AS PR	INCIPAL BUILDING
SETBACK FOR ACCESSORY STRUCTURE ABUTTING WATER (FT.)*	SAME AS PR	INCIPAL BUILDING
MIN. REAR YARD ABUTTING A ROAD (FT.) SETBACK FOR ACCESSORY STRUCTURE FROM REAR LOT LINE (FT.) SETBACK FOR ACCESSORY STRUCTURE FROM SIDE YARD (FT.) SETBACK FOR ACCESSORY STRUCTURE ABUTTING A ROAD (FT.) SETBACK FOR ACCESSORY STRUCTURE	SAME AS PR SAME AS PR SAME AS PR	RINCIPAL BUILDING

PREPARED FOR:

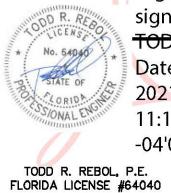
PASTORE DOYLE DEVELOPERS, LLC

510 CRANBERRY STREET, SUITE 301 ERIE, PA 16507 (814) 454-1644

TOTAL PROPERTY (PD LIMITS)	24.67 AC	(100.0%)
BUILDING AREA	5.86 AC	(23.8%)
PARKING / PAVEMENT AREA	8.94 AC	(36.2%)
STORMWATER AREA	3.60 AC	(14.6%)
AMENITY / PARK AREA	0.60 AC	(2.4%)
OUTDOOR STORAGE AREA	0.22 AC	(0.9%)
EXISTING EASEMENT AREA	0.29 AC	(1.2%)
COMMON OPEN AREA	5.16 AC	(20.9%)



61 TAMIAMI TRAIL - BLDG 5 UNIT 501 PORT CHARLOTTE, FLORIDA 33952 NE: (941) 625-1165 FAX: (941) 625-1149 ENGINEERING LICENSE # EB 6469 SURVEY LICENSE # LB 6690 WWW.BANKSENG.COM



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- REVISION DESCRIPTION

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Part 3 – Summary and Recommendation

Staff Summary:

Based upon the analysis and conclusions set forth herein, in staff's professional opinion, the application (Application No. PAL-21-00002) is generally consistent, with Charlotte County's Comprehensive Plan, Charlotte County's Code of Laws and Ordinances and other applicable guidelines.

Based upon the analysis and conclusions set forth herein, in staff's professional opinion, the application (Application No. PD-21-00006) is generally consistent, as conditioned, with Charlotte County's Comprehensive Plan, Charlotte County's Code of Laws and Ordinances and other applicable guidelines.

Planning and Zoning Board recommendation on September 13, 2021:

Approve a motion to forward application PAL-21-00002 to the Board of County Commissioners with a recommendation of **Approval**, based on the findings and analysis in the staff report dated August 30, 2021, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.

Approve a motion to forward application PD-21-00006 to the Board of County Commissioners with a recommendation of **Approval** with conditions "a" through "o", based on the findings and analysis in the staff report dated August 30, 2021, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.

Part 4: Research and Findings

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

4. Existing Future Land Use and Zoning Designations:

(see attached Future Land Use Map and Zoning Map.)

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

	Maximum Density. Residential densities shall not exceed five dwelling units per acre. If zoned Environmentally Sensitive, the density is one dwelling unit per ten acres.
	 Maximum Intensity for Sub-neighborhood Commercial Uses Range of acreage: 0.4 to 3 acres Maximum building coverage of a site: 60% Maximum floor area ratio: 0.6
	 Special Provisions for Recreational Vehicle Park use 1. Recreational vehicle parks shall be located on properties with a minimum of 15 acres. The entire site does not have to be dedicated to recreational vehicle use; the property may contain a mixture of mobile homes and recreational vehicles. 2. A minimum of ten percent of the site must be set aside for recreational amenities, which may include but not be limited to passive recreational trails, central community clubhouse facilities, pools, and tennis courts. 3. Recreational vehicle parks shall not be located directly adjacent to single-family lots unless an adequate buffer consisting of wall or berm and vegetative plantings with a minimum width of ten feet is provided in order to protect adjacent single-family uses from adverse impacts. 4. Recreational vehicle parks shall not be granted access to or egress from a development site through local, residential roadways unless a traffic study is submitted and the County determines that the use of the road(s) by the proposed development does not create a traffic safety hazard; any necessary developerfunded improvements to the existing rights-of-way will not receive any impact fee credits. Special Provisions for Sub-neighborhood Commercial Use
	1. Sub-Neighborhood Commercial Centers must have sufficient buffering to prevent intrusion into residential areas and may be developed only as a Planned Development (PD) with no residential uses or Commercial Neighborhood (CN).
Commercial (COM)	General Range of Uses This category provides for full range of sales and service activities. These uses may occur in self-contained centers, multi-story structures, campus parks, municipal central business districts, or along arterial highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and design will depend on location factors, particularly compatibility with adjacent uses, availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be located to protect adjacent residential use from such impacts as noise or traffic. In wellfield protection areas uses are prohibited that involve the use, handling, storage, generation or disposal of hazardous toxic material or substances, or waste or petroleum products. Maximum Intensity Maximum FAR shall not exceed 1.0. Development should be consistent with the applicable underlying zoning classification standards and land development regulations.

Zoning:	Development Standards:
Manufactured Home Conventional (MHC)	 The purpose and intent of this district is to allow manufactured homes and single-family detached dwelling units and related uses on individual platted lots. Minimum lot area is 7,500 square feet. Minimum lot width is 60 feet. Setbacks: Front: 25 feet Side (interior): 7.5 feet Side (street): 15 feet Rear (interior): 15 feet Rear (street): 25 feet Abutting water: 20 feet Maximum lot coverage of all buildings is 40 percent. Maximum building height is 38 feet. Maximum density (units per acre): 5 units per acre.
Commercial General (CG)The purpose and intent of this district is to allow general commercial activity.• Minimum lot area is 12,000 square feet.• Minimum width is 100 feet.• Setbacks: • Front: 15 feet• Side (interior): 0 feet • Side (street): 10 feet • Rear (interior or street): 10 feet • Abutting water: 20 feet• Lot coverage of all buildings: 55%• Height: 60 feet	

Table 1

5. Proposed Future Land Use and Zoning Designations:

(see attached Future Land Use Map and Zoning Map.)

FLUM:	Development Standards:		
Medium Density Residential (MDR)	<u>General Range of Uses</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.		
	Maximum Density. Residential densities may not exceed 10 dwelling units per acre. If zoned Environmentally Sensitive, the density is one dwelling unit per ten acres. Maximum Intensity for Sub-neighborhood Commercial Uses		
	 Range of acreage: 0.4 to 3 acres 		
	 Maximum building coverage of a site: 60% 		

	 Maximum floor area ratio: 0.6 Special Provisions for Recreational Vehicle Park use Recreational vehicle parks shall be located on properties with a minimum of 15 acres. The entire site does not have to be dedicated to recreational vehicle use; the property may contain a mixture of mobile homes and recreational vehicles. 			
	2. A minimum of ten percent of the site must be set aside for recreational amenities, which may include but not be limited to passive recreational trails, central community clubhouse facilities, pools, and tennis courts.			
	3. Recreational vehicle parks shall not be located directly adjacent to single-family lots unless an adequate buffer consisting of wall or berm and vegetative plantings with a minimum width of ten feet is provided in order to protect adjacent single-family uses from adverse impacts.			
	4. Recreational vehicle parks shall not be granted access to or egress from development site through local, residential roadways unless a traffic study submitted and the County determines that the use of the road(s) by the propose development does not create a traffic safety hazard; any necessary develope funded improvements to the existing rights-of-way will not receive any impact for credits.			
	Special Provisions for Sub-neighborhood Commercial Use			
	1. Sub-Neighborhood Commercial Centers must have sufficient buffering prevent intrusion into residential areas and may be developed only as a Planne Development (PD) with no residential uses or Commercial Neighborhood (CN).			
. <u> </u>	Development (PD) with no residential uses or Commercial Neighborhood (CN).			
Zoning:	Development (PD) with no residential uses or Commercial Neighborhood (CN). Development Standards:			
Zoning:				
Zoning: Planned Development (PD)	Development Standards:Minimum Lot and Yard Requirements.There are no minimum lot and yardrequirements for this district, provided no structure shall be located closer to theperipheral 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 thePD abuts water, the minimum setback shall be 20 feet. However, minimum lot andyard requirements other than those contained in this section and section 3-9-88			
Planned Development	Development Standards:Minimum Lot and Yard Requirements.There are no minimum lot and yardrequirements for this district, provided no structure shall be located closer to theperipheral 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 thePD abuts water, the minimum setback shall be 20 feet. However, minimum lot andyard requirements other than those contained in this section and section 3-9-88may also be established through the final site plan approval process.Maximum Height of Structures.There is no maximum height for structures in thisdistrict, except as required by section 3-9-88, "Waterfront property," as the samemay be amended.Maximum height limits other than those contained in section 3-			

Table 2

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

Direction:	Existing Land Use:	FLUM Designation:	Zoning District Designation:
North	Vacant lands belonging to the City of North Port	N/A	N/A
East	Winchester Boulevard Vacant platted residential lots Single-family homes	Low Density Residential (LDR)	Single-family Residential 3.5 (RSF-3.5)
South	Mobile homes	Low Density Residential (LDR)	Manufactured Home Conventional (MHC)
West	Mobile homes	Low Density Residential (LDR)	Manufactured Home Conventional (MHC)

Table 3

7. Buildout Calculations (square footage or density):

The proposed FLUM amendment to Medium Density Residential (MDR) and its companion rezoning to Planned Development would allow a maximum of 188 multi-family units to be built on the subject property. Currently, the subject property has a base density of 82 units, requiring a transfer of density units using the County's TDU program if this FLUM amendment and rezoning are approved. The proposed residential development will be located within a designated Maturing Neighborhood. The subject property is qualified as a receiving zone based on the following:

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

Density shall not be transferred into:

- 1. Lands within Managed Neighborhoods (FLUM Series Map #2).
- 2. Lands within the Resource Conservation and Preservation FLUM categories.

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

4. Lands within the Prime Aquifer Recharge Area (FLUM Series Map #6).

5. Lands within the one-half mile setback of the Watershed Overlay District and Tippen Bay and Long Island Marsh (FLUM Series Map #4).

6. Land within a Public Water System Wellhead Protection Area (FLUM Series Map #7) unless public potable water and sanitary sewer services are available.

7. Land on a barrier island, except that density may be transferred within Manasota Key or Sandpiper Key.

- 8. Is subject property in a Community, Special Planning Area or Overlay District?.....No The subject property is not located in any 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 The subject property is not located adjacent to any existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves. (SPAM Maps, #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) The subject property is located outside the boundary of the Charlotte Harbor Aquatic Preserves.
- **b.** Lemon Bay Aquatic Preserve Management Plan? (SPAM Map #53)

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

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

A letter from Florida Master Site File dated February 5, 2021, states that *"in response to your inquiry of February 4, 2021, the Florida Master Site File lists no previously recorded cultural resources within the following parcels located within Charlotte County, Florida. Parcel ID Numbers: 412004232002 & 412004279001*

When interpreting the results of this 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.

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."

File Number: PAL-21-00002 and PD-21-00006 Page 15 of 24 pages

- **12.** Are there wetlands on the property?Yes, according to the submitted "Protected Species Assessment" report prepared by Ian Vincent & Associates, dated February 2021, the subject property contains approximately 0.45 acres of wetland forested mixed.
 - a. Number of acres of Category I:None
 - b. Number of acres of Category II:Possible

13. Natural Resources:

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

The submitted "Protected Species Assessment" report prepared by Ian Vincent & Associates, dated February 2021, states that "search of available online resources revealed that the subject property is located within an 18.6-mile radius designated as Core Foraging Area of several wood stork (Mycteria americana) nesting colonies. Each of the documented colonies appears to be greater than 5 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.

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

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

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

The subject site contains upland habitats which are being utilized by the gopher tortoise (Gopherus polyphemus). Thirty-nine (39) potentially-occupied gopher tortoise burrows were observed on the parcel. A 100% gopher tortoise survey and relocation permit from the Florida Fish and Wildlife Conservation Commission will be required prior to development of the site if gopher tortoise burrows cannot be avoided during construction.

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

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

Possible impacts on the onsite wetland 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)
- 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).....No14. Coastal Planning:

- a. Is the subject site within the **Coastal Planning Area**? (FLUM Map #13)......**Yes** The subject property is located within Zone Three 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: A portion of the subject property is located within Flood Zone 10AE, which is an area determined to be within the 1.0 percent chance (100-year flood) floodplain with a determined base flood elevation of ten feet. The remaining property is located within Flood Zone X. Flood Zone "X" is an area in which areas determined to be outside the 0.2% annual chance floodplain. (per FEMA Codes)
- e. Storm Surge Evacuation Zone: The site is located within Evacuation Zone "B".
- f. Is the subject site within the Coastal High Hazard Area? (FLUM Map #14)No
- g. Could the proposed changes impact evacuation times?No

15. Charlotte County Facilities and Services:

a. Nearest Park:

Name: Ann Dever Memorial Regional Park at Oyster Creek Classification: Regional Address: 6791 San Casa Drive, in the Englewood area Distance: Approximately 1.8 miles to the southwest of the subject site

b. Nearest Police Station:

Name: District 1

Address: 6868 San Casa Drive, in the Englewood area Distance: approximately 2.1 miles to the southwest of the subject site

c. Nearest Fire/EMS Station:

Name: Charlotte County Station No. 13 Address: 6868 San Casa Road, in the Englewood area Response Time: Approximate response time is 4-6 minutes

d. Nearest Library:

Name: Englewood Charlotte Public Library Address: 3450 North Access Road, in the Englewood area Distance: Approximately 1.4 miles to the southeast of the subject site

e. Nearest Hospital:

Name: Bayfront Health Port Charlotte Address: 2500 Harbor Boulevard, in the Port Charlotte area Distance: approximately 18.3 miles to the northeast of the subject site

f. Nearest Potential Emergency Shelter:

Name: Lemon Bay High School

Address: 2201 Placida Road, in the Englewood area

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Distance: Approximately 3.6 miles to the southwest of the subject site

g. Nearest Public Schools:

1. Elementary:

Name: Vineland Elementary School Address: 467 Boundary Boulevard, in the Rotonda area Distance: Approximately 3 miles to the southeast of the subject site

2. *Middle:*

Name: L.A. Ainger Middle School Address: 245 Cougar Way, in the Rotonda West area Distance: Approximately 2.5 miles to the southeast of the subject site

3. High:

Name: Lemon Bay High School Address: 2201 Placida Road, in the Englewood area Distance: Approximately 3.6 miles to the southwest of the subject site

16. Concurrency:

a. Roads Level of Service:.....No negative impact.

b. Potable Water Level of Service:

1. Provider's Name:.....Englewood Water District (SPAM Map #83)

	225 gallons per ERU per day	
Permitted Facility Capacity	Current Facility Usage	Proposed Land Use Estimated water needs
5,360,000 gallons per day	2,550,000 gallons per day	29,140 gallons per day

Table 4

2. *Analysis*: The subject property is in the Englewood Water District (EWD) service area. EWD's water treatment plant is approved to provide 5,360,000 gallons of potable water per day (gpd), and currently provides an average of 2,550,000 gpd. If the Board of County Commissioners (Board) approves this unified application, up to 188 multi-family residential dwelling units could be built on the subject property, generating an estimated demand of 29,140 gpd for potable water. EWD has sufficient capacity to serve this demand. (see Utility Availability Letter, dated April 15, 2021)

c. Sanitary Sewage Level of Service:

1. Provider's Name:.....Englewood Water District (Eastport) (SPAM Map #86)

	190 gallons per ERU per day	
Permitted Facility Capacity	Current Facility Usage	Proposed Land Use Estimated sewer needs
3,000,000 gallons per day	1,865,000 gallons per day	24,769 gallons per day

Table 5

 Analysis: The subject property is in the Englewood Water District (EWD) service area. EWD wastewater treatment plant is approved to treat 3,000,000 gpd of wastewater, and currently treats an average of 1,865,000 gpd. If the Board approves this unified application up to 188 multi-family residential dwelling units could be built on the subject property, generating an estimated 24,769 gpd of wastewater. EWD has sufficient capacity to serve this demand. (see Utility Availability Letters, dated April 15, 2021)

d. Park and Recreation Level of Service:

- 1. Level of Service:.....Adopted Level of Service is 16 Park, Recreation & Open Space points (16 PROS points) per 1,000 population.
- 2. Analysis:A 2009 analysis shows that the County currently has 17.2 PROS points per 1,000 population.
- e. Schools:.....School concurrency will be determined at Final Site Plan Approval.
- 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:

<u>New arterials</u>: flood free in the 100-year rainfall event.

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

<u>New local residential streets</u>: 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.

<u>New parking facilities</u>: 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.

<u>Analysis</u>: 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:

This application does not require comments from any other government or agency.

- 19. Has a public hearing been held on this property within the last year?Yes
- **20. 2050 Comprehensive Plan:** Goals, Objectives, and Policies that may be relevant to the proposed amendment:

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

Part 5 – Approval Criteria

- **21. Standards for Rezoning Approval:** For the rezoning of land, the final action of the Board shall be made after giving due consideration to the following criteria:
 - a. Would the proposed change be consistent with the Comprehensive Plan?

Finding: The proposed rezoning from Manufactured Home Conventional (MHC) and Commercial General (CG) to Planned Development (PD) would be consistent with the County's Comprehensive Plan provided that the proposed FLUM amendment to Medium Density Residential (MDR) is approved. The PD zoning district is appropriate within the MDR FLUM designation, and the proposed multi-family development up to 188 dwelling units, which is approximately 7.62 units per acre, is only possible within the proposed MDR FLUM designation.

b. The existing land use pattern in adjacent areas:

Finding: The subject property is located in the west County area. Across Winchester Boulevard, to the east, there are single-family homes and some vacant platted residential lots. To the west and south, there is a mobile home community, which contains platted residential lots and essentially is built-out. The northern property boundary is contiguous to the Charlotte County/City of North Port line. The adjacent property located immediately to the north is within the boundary of Sarasota County.

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

Finding: The proposed plan amendment and rezoning would increase the maximum residential density on subject property from 82 to 188 units, so student populations will be expected to increase. A letter from Charlotte County Public Schools dated August 27, 2021, states that "Charlotte County Public Schools (CCPS) appreciates the opportunity for input. At this time, we take no objection nor have any comments specific to school concurrency for the Pastore Doyle Developers, LLC application for adoption of a smallscale plan amendment to change Charlotte County FLUM from Low Density Residential and Commercial to Medium Density Residential increasing density from 82 units to 188 units; for property located at 6105 Winchester Boulevard and 6120 Ivory Bill Drive, in the Englewood area. As well as no comment on amending the Zoning Atlas from Manufactured Home Conventional and Commercial General to Planned Development of a multi-family residential community. At the appropriate time, the applicant must obtain a School Concurrency Availability Determination Letter (SCADL) from CCPS indicating that sufficient capacity exists, or has been accounted for through a binding and enforceable agreement, at elementary, middle, and high school levels prior to submitting the Final Plat application as outlined in the currently approved Inter-Local Agreement."

After reviewing the applicant's Traffic Impact Statement prepared by Kimley Horn and dated April 29, 2021, the Charlotte County Public Works Department Engineering Section has concluded that there will be no change in the existing Level of Service (LOS) of County roadways. A revised up-to-date Traffic Impact Statement will need to be submitted at the time of Final Detail Site Plan Review for any proposed future construction. The applicant will be responsible for any site related improvements and/or offsite improvements required to mitigate impacts resulting from the proposed development.

The subject property is in the Englewood Water District. A letter from the Englewood Water District dated April 15, 2021 states that "please be advised that the Englewood Water District hereinafter called "District", as a political subdivision and body corporate has the authority and duty to provide sewer and water service for property located within the District. Based upon information supplied, the subject property lies within the boundaries of the District and there are existing water and sanitary sewer mains within the vicinity of the property. This statement does not constitute a contract for service. The District will provide service when the owner builds the necessary utility improvements, has a signed EWD Water and Wastewater Service Agreement, pays the applicable rates, fees, and charges and complies with the rules and regulations of the District."

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

Finding: The proposed PD rezoning will allow the County to place sufficient conditions and enhanced landscaping and buffer requirements to ensure that no adverse impacts will be created by the proposed residential development on neighboring property owners via limiting the maximum building height to 32 feet compared to 38 feet under the existing MHC zoning and 60 feet under the existing CG zoning, and providing 25-foot PD setback with a Type B buffer compared to a required Type A buffer between single-family homes and multi-family residential development. Therefore, the proposed changes shall not adversely influence living conditions in adjacent areas.

e. Would the proposed change affect public safety?

<u>Finding</u>: Public safety should not be affected by this proposed zoning change from Manufactured Home Conventional (MHC) (16.51± acres) and Commercial General (CG)(8.16± acres) to Planned Development (PD).

Attachment A Ordinance Number 2001-065

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0 R D I N A N C E NUMBER 2001- 065

AN ORDINANCE PURSUANT TO SECTION 163.3187 (1) (c), FLORIDA STATUTES, ADOPTING AN APPROVED SMALL SCALE AMENDMENT TO THE CHARLOTTE COUNTY COMPREHENSIVE PLAN, PETITION PA-99-12-43, KERRY H. KEATHLEY, CO-TRUSTEE, PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Charlotte County Board of County Commissioners, in a public hearing held on Tuesday, $\underline{December 2000}$, 2001, reviewed land use amendment Petition PA-99-12-43, which amendment is a small scale comprehensive plan amendment; and

WHEREAS, Kerry H. Keathley, Co-Trustee, has filed Petition PA-99-12-43

seeking amendment to the Charlotte County Comprehensive Plan from Low Density Residential to Commercial Center on the 1997-2010 Future Land Use Map for 8.16 acres more or less of property which is owned by Kerry H. Keathley, Co-Trustee, P. O. Box 547, Placida, Florida 33946-0547, described as a portion of Lot 8, Section 4, Township 41 South, Range 20 East, Charlotte County, Florida; and

WHEREAS, Petition PA-99-12-43 has previously been heard before the Charlotte County Planning and Zoning Board ("P & Z Board") and, based on the findings and analysis presented in the Planning Division Report dated January 31, 2000, and the evidence presented to the P & Z Board, has been recommended for approval; and

WHEREAS, after due consideration, the Charlotte County Board of County Commissioners has found that the requirements and conditions of Section 163.3187(1)(c), F.S., as they relate to this Petition, have been met.

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NOW, THEREFORE, BE IT ORDAINED by the Board of County

Commissioners of Charlotte County, Florida:

Section 1. Approval. The following amendment to the Charlotte County

Future Land Use Map be and hereby is approved:

Petition PA-99-12-43 by the applicant, Kerry H. Keathley, Co-Trustee, requesting a small scale comprehensive plan amendment from Low Density Residential to Commercial Center on the 1997-2010 Future Land Use Map on 8.16 acres more or less of property described as a portion of Lot 8, Section 4, Township 41 South, Range 20 East, Charlotte County, Florida, and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein.

Section 2. Effective date. This ordinance shall take effect upon filing in the

Office of the Secretary of State, State of Florida.

PASSED AND DULY ADOPTED this // day of December 2001.

BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, .ORIDA B∖ Mac V. Horton

ATTEST: Barbara T. Scott, Clerk of Circuit Court and Ex-officio Clerk to the Board of County Commissioners

Deputy Clerk

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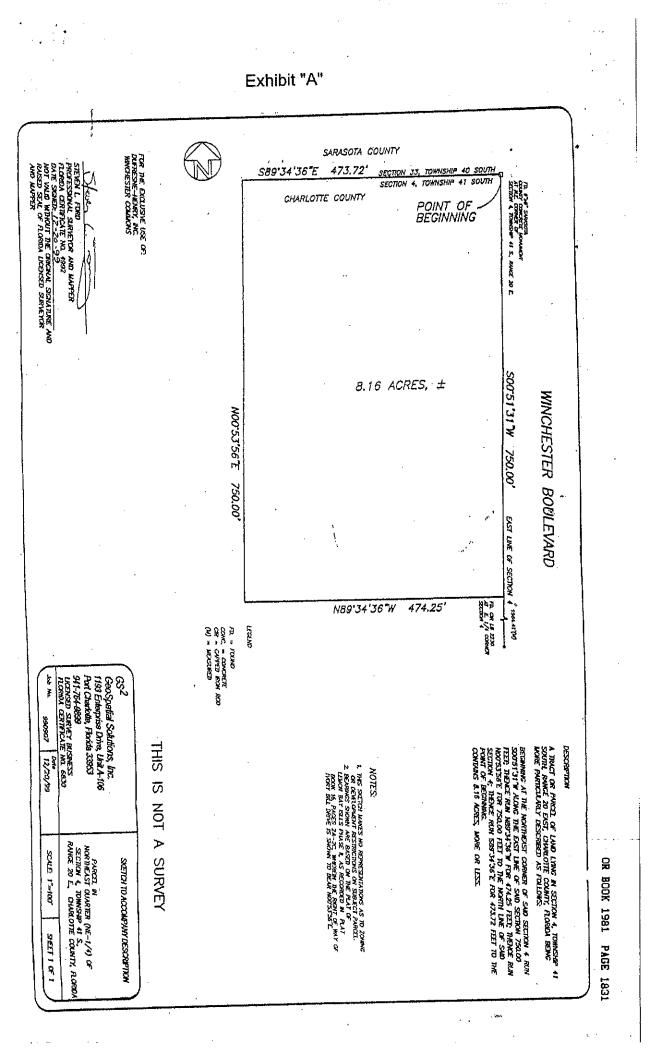
LR2000-140, c01-118

11/27/2001

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Reneé Francis Lee, County Attorney

OR BOOK 1981 PAGE 1830



Attachment B Ordinance Number 2001-066

ORDINANCE NUMBER 2001- 866

AN ORDINANCE APPROVING AN AMENDMENT TO THE CHARLOTTE COUNTY ZONING ATLAS FOR THE CHARLOTTE COUNTY BOARD OF COUNTY COMMISSIONERS, REZONING 8.16 ACRES MORE OR LESS FROM MOBILE HOME SUBDIVISION (MHS) TO COMMERCIAL GENERAL (CG), PETITION #Z-99-12-42, PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on Tuesday, <u>Determine</u>, 2001, the Board of County Commissioners in a public hearing reviewed Petition Z-99-12-42 which requested a rezoning of 8.16 acres more or less from Mobile Home Subdivision (MHS) to Commercial General (CG) on property owned by Kerry H. Keathley, Co-Trustee, P. O. Box 547, Placida, Florida 33946-0547, described as a portion of Lot 8, Section 4, Township 41 South, Range 20 East, Charlotte County, Florida; and

WHEREAS, the applicant/owner, Kerry H. Keathley, Co-Trustee, seeks a rezoning which would permit commercial development on this property; and

WHEREAS, after due consideration, the Board of County Commissioners has found that the request is consistent with the Charlotte County Comprehensive Plan and has determined it to be in the best interest of the public to rezone this property from MHS to CG.

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CHARLOITE COUNTY, BARBARA T. SCOTT, CLERK

FEES

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FILE 873156 OR BOOK 1981 PAGE 1832 RECORDED 12/28/01 @ 01:49

NOW, THEREFORE, BE IT ORDAINED by the Board of County

Commissioners of Charlotte County, Florida:

<u>SECTION 1</u>. That the following petition for a zoning amendment to the

Charlotte County Zoning Atlas is hereby approved:

Rezoning of property owned by Kerry H. Keathley, Co-Trustee, from Mobile Home Subdivision (MHS) to Commercial General (CG) on 8.16 acres more or less of property described as a portion of Lot 8, Section 4, Township 41 South, Range 20 East, Charlotte County, Florida, and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein.

SECTION 2. That the zoning for this property shall run with the property and

shall apply to any subsequent owners, heirs and assigns.

<u>SECTION 3.</u> This ordinance shall take effect upon filing in the Office of the

Secretary of State, State of Florida.

PASSED AND DULY ADOPTED this // day of December 2001.

BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNT FLORIDA By Mac V. Horton, Chai

ATTEST: Barbara T. Scott, Clerk of Circuit Court and Ex-Officio Clerk to the Board of County Commissioners

Bγ Deputy Clerk

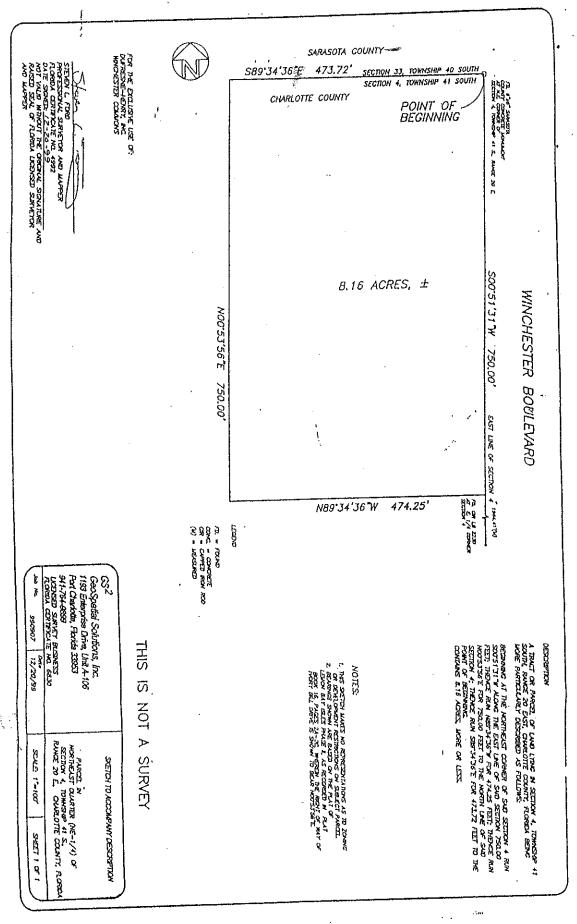
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Reneé Francis Lee, County Attorney ゃっや

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Exhibit "A"



BOOK 1981 PAGE 1834

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Qualifications of Jie Shao

Position: Principal Planner

Years with Charlotte County: 17

Position Summary & Experience: I have worked as a Planner for Charlotte County Community Development Department for over 17 years. My duties include reviewing and making recommendations on plan amendments, zoning map changes and text amendments to the County's Comprehensive Plan as well as the Land Development Regulations to the Planning and Zoning Board and the Board of County Commissioners.

Education:

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

Professional Associations and Certifications:

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

Related Past Experience:

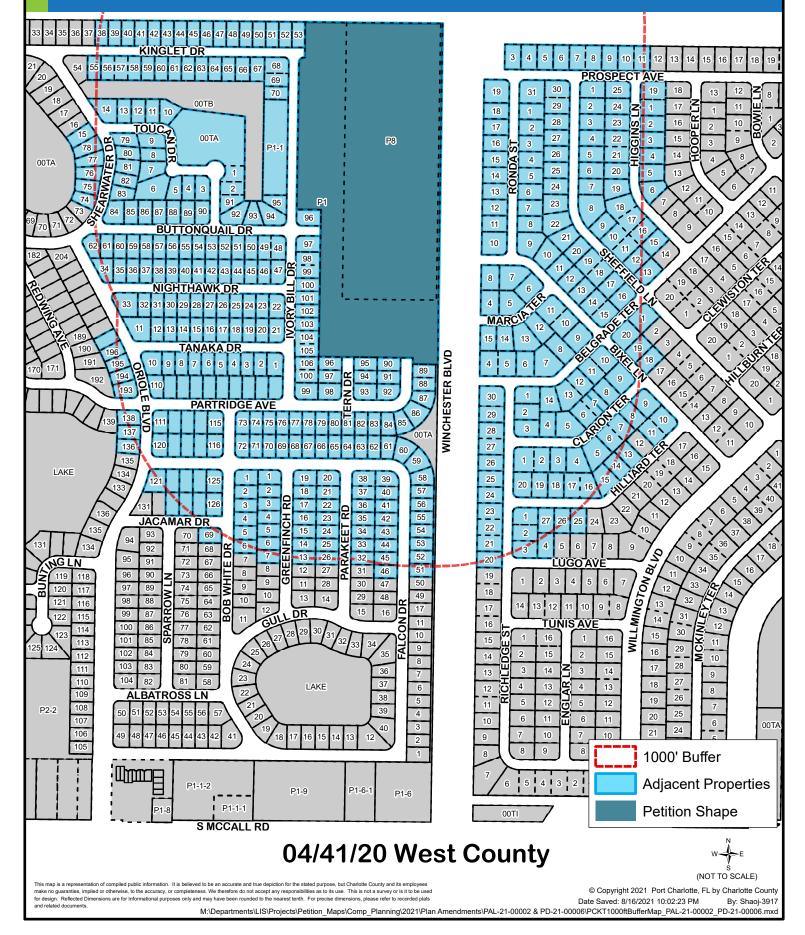
• Planner, Architectural Graphics Designer, University Instructor in Architecture, Suzhou Planning Bureau/Institute of Urban Construction & Environmental Protection (1990-1994)

Exhibit 1

CHARLOTTE COUNTY

1000' buffer of PAL-21-00002 and PD-21-00006





CHARLOTTE COUNTY Location Map for PAL-21-00002 and PD-21-00006

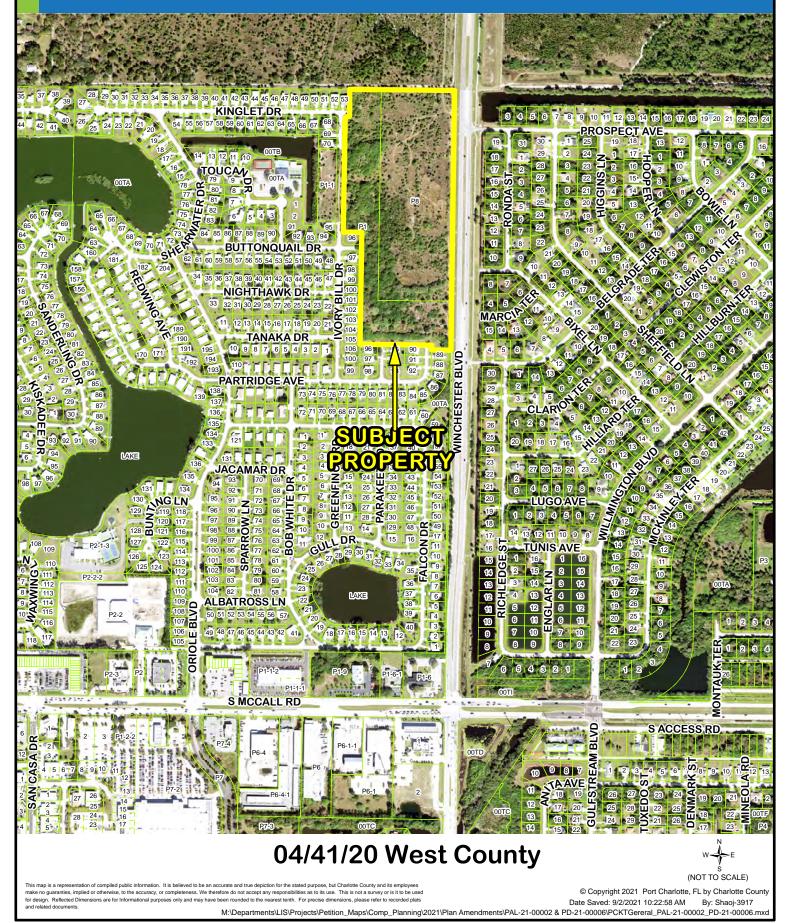




y have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats Date Saved: 8/12/2021 11:20:06 AM By: Shaoj-3917 M:\Departments\LIS\Projects\Petition_Maps\Comp_Planning\2021\Plan Amendments\PAL-21-00002 & PD-21-00006\PCKTLocationMap_PAL-21-00002_PD-21-00006.mxd

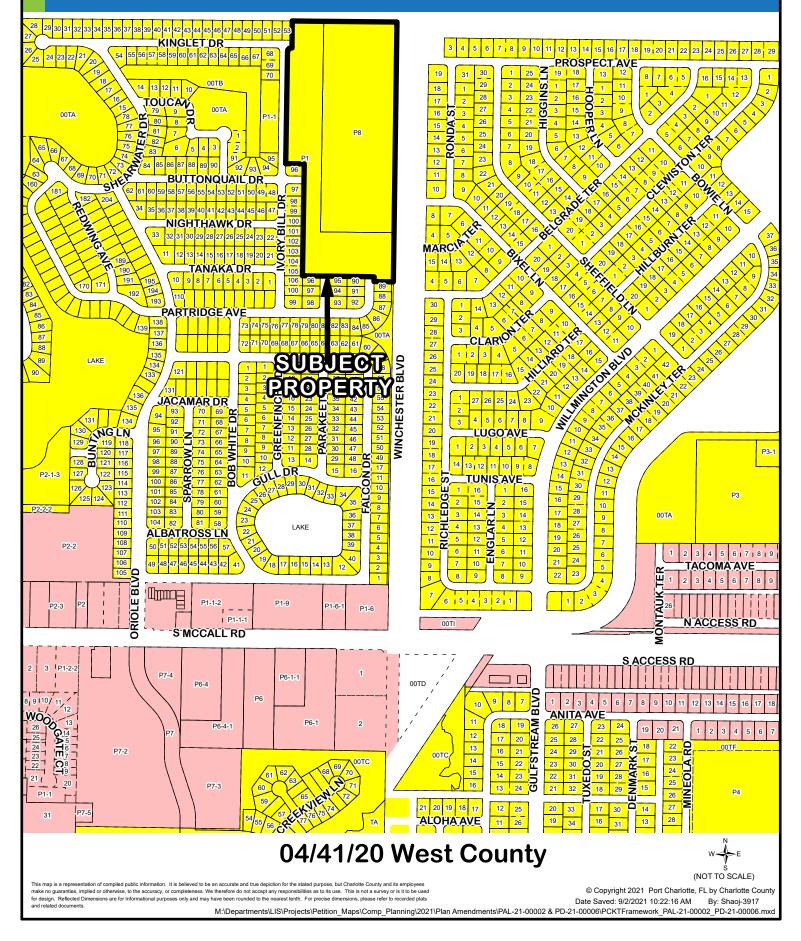
CHARLOTTE COUNTY Area Image for PAL-21-00002 and PD-21-00006





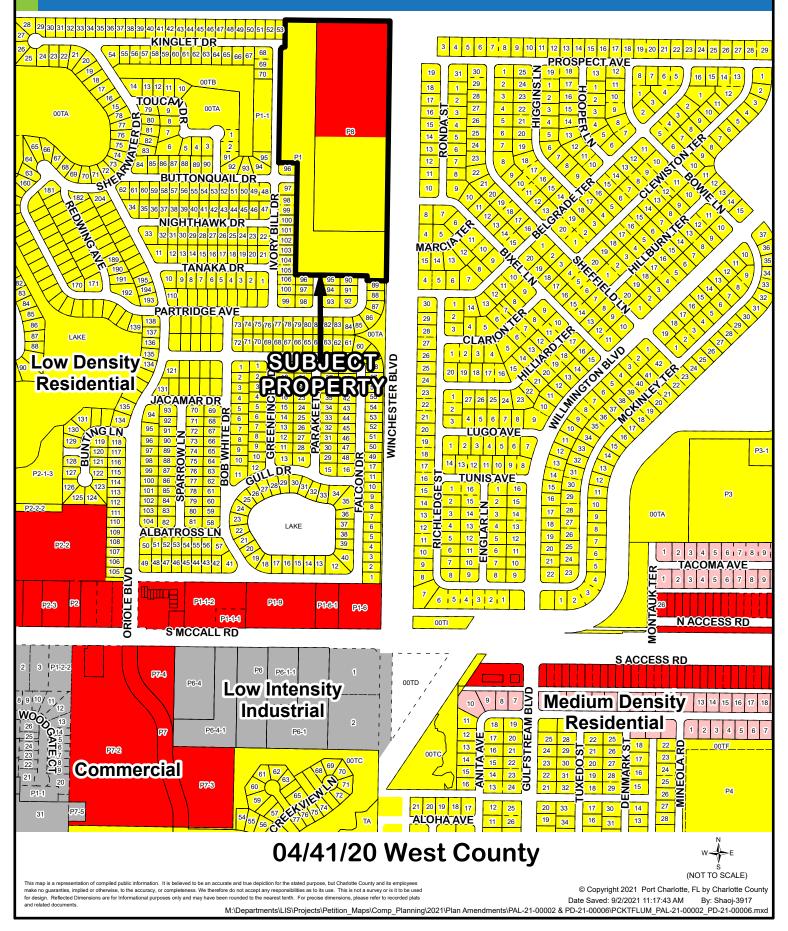
CHARLOTTE COUNTY Framework for PAL-21-00002 and PD-21-00006





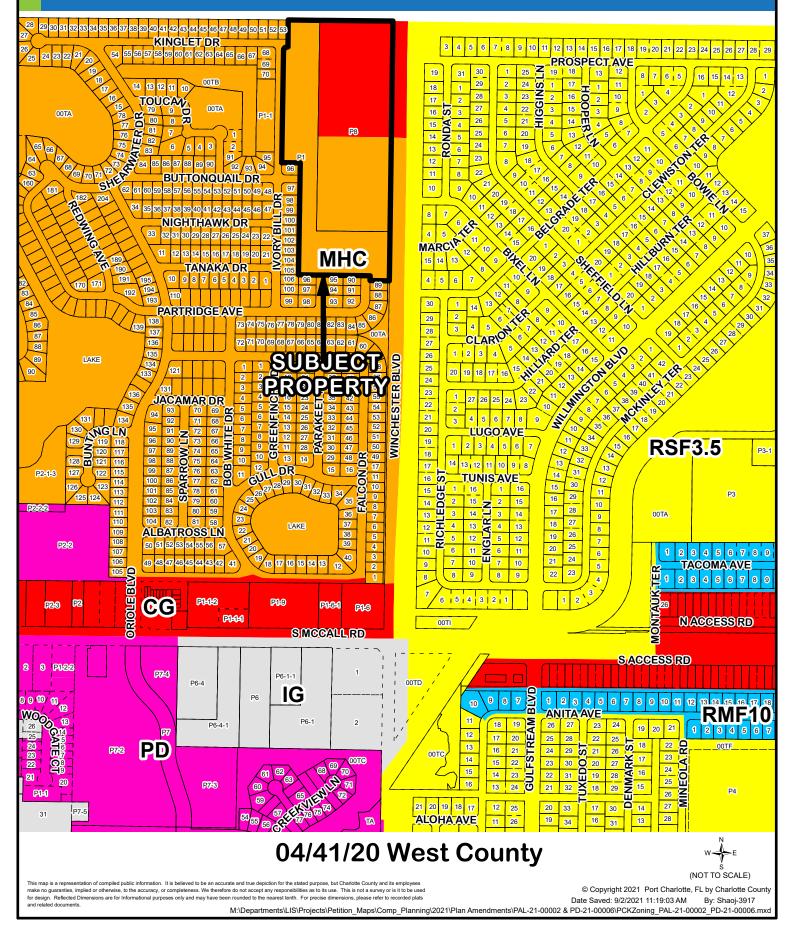
CHARLOTTE COUNTY *FLUM Designations for PAL-21-00002 and PD-21-00006*





CHARLOTTE COUNTY *Zoning Designations for PAL-21-00002 and PD-21-00006*





Ian Vincent & Associates Environmental Consulting Services

August 23, 2021

Geri L. Waksler, Esq. McCrory Law Firm 309 Tamiami Tr. Punta Gorda, FL 33950

Reference: WINCHESTER BOULEVARD PARCELS PUBLIC INTEREST DISCUSSION

The Following information is provided relative to the potential for the proposed wetland impacts on the subject parcel being contrary to the public interest:

All of the jurisdictional wetland areas proposed for impact are remnants of a man-made depressional area associated with the previous wastewater treatment facility on the parcel. The wetlands proposed for impact are dominated by exotic vegetation (primarily Brazilian pepper) and could reasonably be classified as a Brazilian pepper monoculture due to lack of significant coverage by other vegetative species. These man-made wetlands in their current state provide little habitat for wildlife utilization, are surrounded by disturbed land and development and provide only marginal water quality treatment potential. In accordance with the Southwest Florida Water Management District ERP Applicant Handbook, Volume II, the onsite wetlands meet the criteria to be classified as *low quality wetlands* with minimal wetland function.

The mitigation plan will consist of the purchase of mitigation bank credits in accordance with an approved Uniform Mitigation Assessment Methodology (UMAM) calculation to be verified by SWFWMD staff during the ERP permitting process. The mitigation bank is located within the same basin as the proposed wetland impacts and has been determined to provide "mitigation of regional significance".

Based on the information provided above, there is no evidence to suggest that proposed wetland impacts would be contrary to the public interest.

Sincerely, Ian Vincent and Associates

. Ian M. Wincent

Ian M. Vincent Principal Ecologist

4050 Rock Creek Drive ¤ Port Charlotte, FL 33948 (941) 457-6272 www.IVAenvironmental.com