

ORDINANCE
NUMBER 2021 -

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING 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 MULTI-FAMILY RESIDENTIAL COMMUNITY, INCREASING DENSITY FROM 82 UNITS TO 188 UNITS, FOR PROPERTY LOCATED AT 6105 WINCHESTER BOULEVARD AND 6120 IVORY BILL DRIVE, IN THE ENGLEWOOD AREA; CONTAINING 24.67 ACRES MORE OR LESS; COMMISSION DISTRICT III, CHARLOTTE COUNTY, FLORIDA; PETITION PD-21-00006; APPLICANT, PASTORE DOYLE DEVELOPERS, LLC; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, October 26, 2021, the Board of County Commissioners of Charlotte County, Florida ("Board") reviewed Petition PD-21-00006, submitted by applicant, Pastore Doyle Developers, LLC ("Applicant"), which requested a rezoning from Manufactured Home Conventional (MHC) (16.51± acres) and Commercial General (CG) (8.16± acres) to Planned Development (PD), increasing the density from 82 units to 188 units, on 24.67 acres more or less of property owned by the Applicant, and described as property located at 6105 Winchester Boulevard and 6120 Ivory Bill Drive, in the Englewood area, Commission District III, Charlotte County, Florida, and more particularly described in Exhibit "A" which is attached hereto and provided herein ("Property"); and

32 WHEREAS, at its October 26, 2021 meeting, the Board also
33 considered the associated request submitted by the Applicant, for a small scale
34 plan amendment for the Property, under Petition PAL-21-00002; and

35 WHEREAS, the Applicant seeks to rezone the property from
36 Manufactured Home Conventional (MHC) and Commercial General (CG) to
37 Planned Development (PD), increasing the density from 82 units to 188 units, in
38 order to allow the construction of a residential community up to 188 multi-family
39 residential units; and

40 WHEREAS, Petition PD-21-00006 has previously been heard by
41 the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on
42 the findings and analysis provided by County Staff and the evidence presented to
43 the P&Z Board, has been recommended for approval on September 13, 2021;
44 and

45 WHEREAS, after due consideration, based on the findings and
46 analysis provided by County Staff and the evidence presented to it, the Board
47 has found that approval of Petition PD-21-00006 is consistent with the County's
48 Comprehensive Plan, and that it meets the requirements for the granting of a
49 rezone; and

50 WHEREAS, based on the above findings, the Board has
51 determined it to be in the best interests of the County to rezone the subject
52 property from Manufactured Home Conventional (MHC) and Commercial
53 General (CG) to Planned Development (PD), increasing the density from 82 units
54 to 188 units.

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

SECTION 1. The following petition, made by applicant, Pastore Doyle Developers, LLC, for an amendment to the Charlotte County Zoning Atlas is hereby approved subject to the conditions contained in the attached Exhibit "B":

Petition PD-21-00006 requesting rezoning from Manufactured Home Conventional (MHC) and Commercial General (CG) to Planned Development (PD), increasing the density from 82 units to 188 units, for 24.67 acres more or less of property, located at 6105 Winchester Boulevard and 6120 Ivory Bill Drive, in the Englewood area, Commission District III, Charlotte County, Florida, and more particularly described in Exhibit "A".

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

SECTION 3. This Ordinance shall take effect upon (1) filing in the Office of the Secretary of State, State of Florida, but, (2) only after the companion plan amendment, PAL-21-00002, to this rezoning, becomes effective. The effective date of PAL-21-00002, if not timely challenged, shall be 31 days after adoption. If challenged within 30 days after adoption, PAL-21-00002 may not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that PAL-21-00002 is in compliance.

PASSED AND DULY ADOPTED this 26th day of October, 2021.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
William G. Truex, Chairman

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

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney



LR2021-0389

PAGE 1 OF 1
BOUNDARY SURVEY

LEGAL DESCRIPTION:

A TRACT OF LAND LYING IN SECTION 4, TOWNSHIP 41, SOUTH, RANGE 20 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 4, TOWNSHIP 41 SOUTH, RANGE 20 EAST; THENCE SOUTH 00°48'38" WEST, WITH AND BINDING ON THE EASTERLY LINE OF SAID SECTION 4, A DISTANCE OF 1693.49 FEET TO THE NORTHEAST CORNER OF LEMON BAY ISLES, PHASE TWO, AS RECORDED IN PLAT BOOK 16, PAGES 2-A THROUGH 2-C OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE NORTH 89°06'04" WEST, WITH AND BINDING ON THE NORTHERLY LINE OF SAID LEMON BAY ISLES, PHASE TWO, A DISTANCE OF 125.50 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF PARTRIDGE DRIVE (60 FEET WIDE); THENCE NORTH 00°53'56" EAST WITH AND BINDING ON SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 31.04 FEET; THENCE NORTH 89°06'04" WEST, WITH AND BINDING ON THE NORTHERLY LINE OF SAID LEMON BAY ISLES, PHASE TWO, A DISTANCE OF 291.00 FEET; THENCE SOUTH 88°57'44" WEST, A DISTANCE OF 60.04 FEET; THENCE NORTH 89°06'04" WEST, A DISTANCE OF 115.50 FEET TO A POINT ON THE EASTERLY LINE OF LEMON BAY ISLES, PHASE THREE, AS RECORDED IN PLAT BOOK 16, PAGE 53-A THROUGH 53-F OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE WITH AND BINDING ON THE PERIMETER OF SAID LEMON BAY ISLES, PHASE THREE, THE FOLLOWING THREE COURSES:

THENCE NORTH 00°53'56" EAST A DISTANCE OF 730.02 FEET; THENCE NORTH 89°30'02" WEST, A DISTANCE OF 120.50 FEET; THENCE NORTH 00°53'56" EAST, A DISTANCE OF 70.00 FEET TO THE MOST SOUTHEASTERLY CORNER OF LEMON BAY ISLES, PHASE FOUR, AS RECORDED IN PLAT BOOK 16, PAGES 71-A THROUGH 71-D OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE WITH AND BINDING ON THE PERIMETER OF SAID LEMON BAY ISLES, PHASE FOUR, THE FOLLOWING FOUR COURSES:

THENCE NORTH 00°53'56" EAST, A DISTANCE OF 659.50 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°35'53", A CHORD BEARING OF NORTH 45°41'53" EAST, AND A CHORD LENGTH OF 35.23 FEET; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 39.09 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°30'11" EAST, A DISTANCE OF 4.10 FEET; THENCE NORTH 00°29'49" EAST, A DISTANCE OF 176.00 FEET TO A POINT ON THE NORTHERLY LINE OF THE AFORESAID SECTION 4, SAME BEING THE NORTHEAST CORNER OF SAID LEMON BAY ISLES, PHASE FOUR; THENCE SOUTH 89°30'11" EAST, WITH AND BINDING ON SAID NORTHERLY LINE, A DISTANCE OF 682.21 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT: 10 FOOT WIDE RIGHT-OF-WAY ACQUISITION BY COUNTY ALONG WINCHESTER BOULEVARD RECORDED IN O.R. BOOK 2196, PAGE 2180.

CERTIFIED TO:
PASTORE DOYLE DEVELOPERS, LLC;
GREENE HAMRICK QUINLAN & SCHIRMER;
CHICAGO TITLE INSURANCE COMPANY

COMMUNITY NUMBER: 120061
PANEL: 0183
SUFFIX: F
FLOOD ZONE: XIAE
FIELD WORK: 2-14-2020

PROPERTY ADDRESS:
6105 WINCHESTER BLVD
6120 IVORYBILL DRIVE
ENGLEWOOD, FL 34224

SURVEY NUMBER: 404472

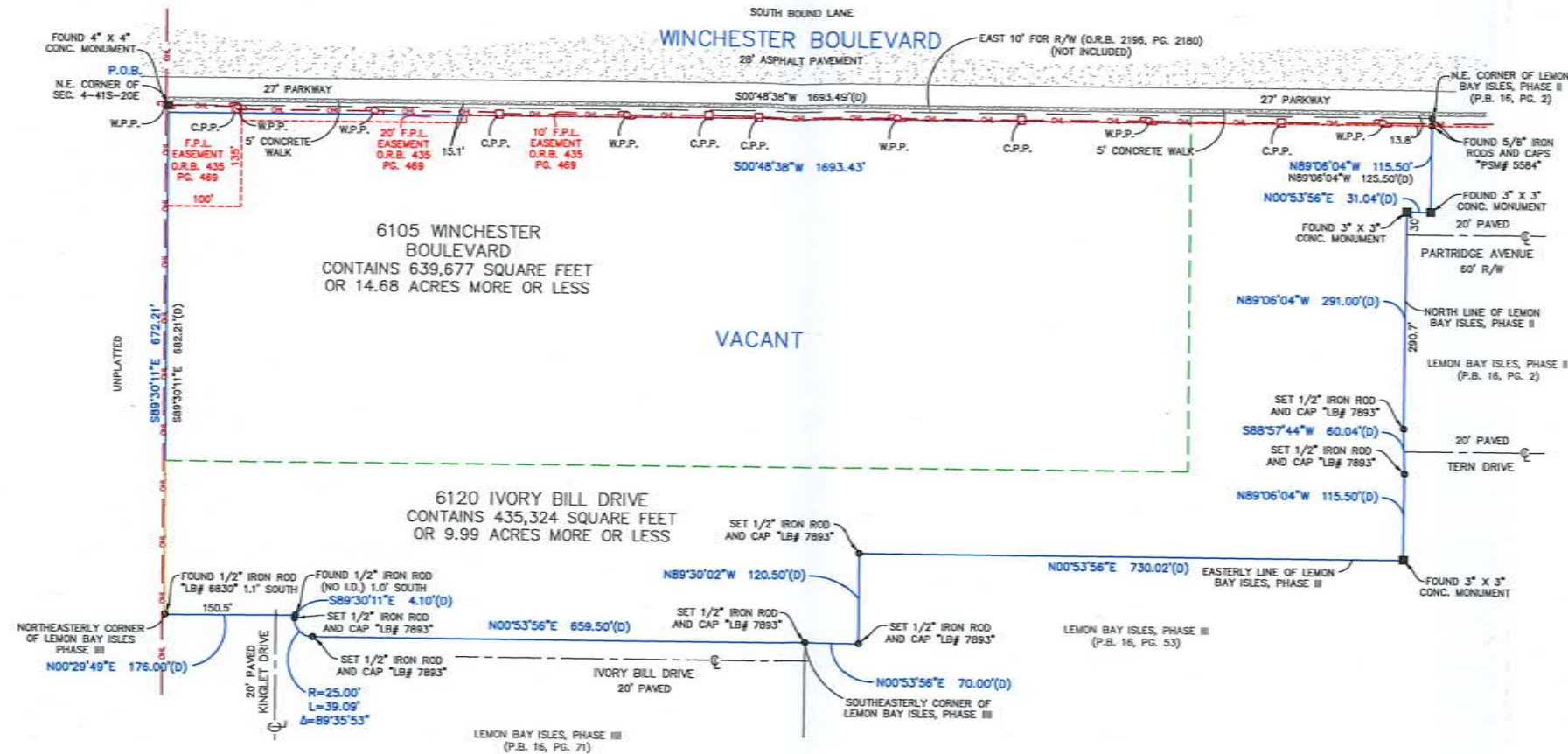
SYMBOL DESCRIPTIONS:

- | | | | |
|---|--------------------|---|-----------------|
| □ | CATCH BASIN | — | MISC. FENCE |
| — | CENTERLINE ROAD | ● | PROPERTY CORNER |
| ▨ | COVERED AREA | □ | UTILITY BOX |
| + | EXISTING ELEVATION | — | UTILITY POLE |
| ⊕ | HYDRANT | ⊕ | WATER METER |
| ⊙ | MANHOLE | ⊙ | WELL |
| — | METAL FENCE | — | WOOD FENCE |

ABBREVIATION DESCRIPTION:

- | | |
|----------|----------------------------------|
| AC | AIR CONDITIONER |
| CL | CENTERLINE |
| LA | LENGTH |
| LA.V.D. | NORTH AMERICAN VERTICAL DATUM |
| N.G.V.D. | NATIONAL GEODETIC VERTICAL DATUM |
| OH | OVERHEAD UTILITIES |
| P.C. | POINT OF CURVATURE |
| P.C.C. | POINT OF COMPOUND CURVE |
| P.K. | PARKER KYLON NAIL |
| P.R.C. | POINT OF REVERSE CURVE |
| PSM | PROFESSIONAL SURVEYOR MAPPER |
| P.T. | POINT OF TANGENCY |
| R | RADIAL / RADIUS |
| R/W | RIGHT OF WAY |

SURVEY NOTES
C.P.P. = CONCRETE POWER POLE
W.P.P. = WOOD POWER POLE



GENERAL NOTES

- LEGAL DESCRIPTION PROVIDED BY OTHERS
- THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- ONLY VISIBLE ENCROACHMENTS LOCATED

REVISIONS

- DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- FENCE OWNERSHIP NOT DETERMINED.
- ELEVATIONS IF SHOWN ARE BASED UPON N.G.V.D. UNLESS OTHERWISE NOTED.
- IN SOME INSTANCES, GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.

SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION, NOT VALID WITHOUT A RAISED EMBOSSED SEAL AND SIGNATURE.

(SIGNED) KENNETH J. OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415



LB #7893
SERVING FLORIDA
6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 940-4500
STATEWIDE PHONE (800) 228-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: <http://targetsurveying.net>

EXHIBIT A

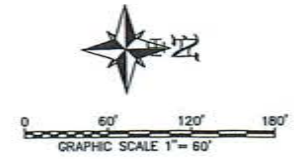
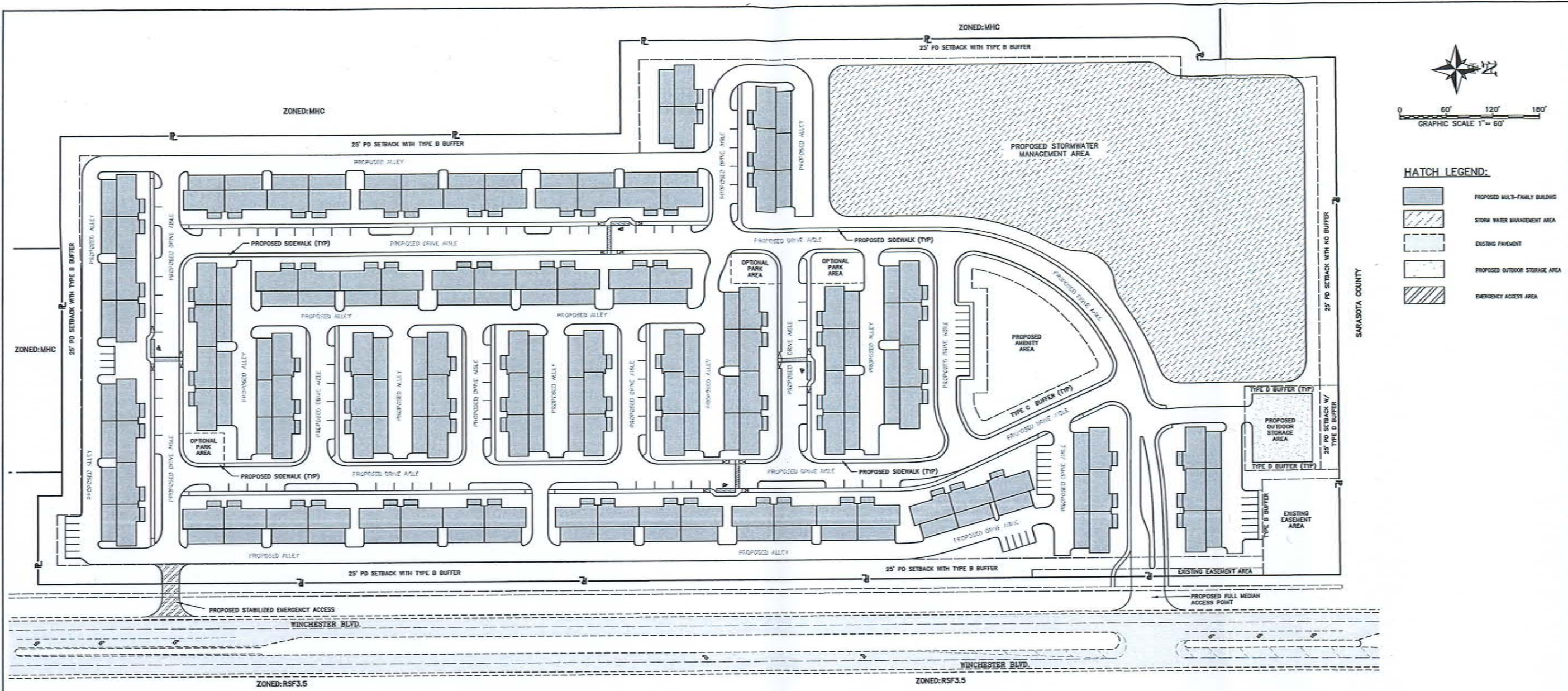
PD Conditions for Application PD-21-00006

- 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, revised September 20, 2021, 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.
 - 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 Detailed 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 along 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.
- l. 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.
- p. The applicant/property owner shall comply with the Endangered Species Act either by receiving an incidental take permit for the Florida Scrub Jay or by opting into the Charlotte County Scrub Jay Habitat Conservation Plan (HCP). If the applicant/owner elects to opt into the HCP, the fee in the amount of \$153,400 shall be paid to Charlotte County no later than 30 days after from the date the Board of County Commissioners approves this PD rezoning application and its associated small-scale plan amendment Application Number PAL-21-00002.

Attachment 1
PD Concept Plan
Englewood Multi-family Development



HATCH LEGEND:

[Blue Hatched Box]	PROPOSED MULTI-FAMILY BUILDING
[Diagonal Line Hatched Box]	STORM WATER MANAGEMENT AREA
[Dashed Line Box]	EXISTING PAVEMENT
[White Box]	PROPOSED OUTDOOR STORAGE AREA
[Cross-hatched Box]	EMERGENCY ACCESS AREA

DEVELOPMENT STANDARDS:

DESCRIPTION OF USE	MULTI-FAMILY PER CC CODE 3-9-79
REQUIRED PARKING	7,500
MIN. LOT REQUIREMENT (SQ. FT.)	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 A ROAD (FT.)	25
SETBACK FOR ACCESSORY STRUCTURE FROM REAR LOT LINE (FT.)	SAVE AS PRINCIPAL BUILDING
SETBACK FOR ACCESSORY STRUCTURE FROM SIDE YARD (FT.)	SAVE AS PRINCIPAL BUILDING
SETBACK FOR ACCESSORY STRUCTURE ABUTTING A ROAD (FT.)	SAVE AS PRINCIPAL BUILDING
SETBACK FOR ACCESSORY STRUCTURE ABUTTING WATER (FT.)	SAVE AS PRINCIPAL BUILDING

NOTE: * SETBACK PROPOSED FROM PHYSICAL LOCATION OF SEASONAL HIGH WATER LINE.

PD CONCEPT PLAN NOTES:

- ALL BUILDING LOCATIONS SHOWN ARE PRELIMINARY AND MAY BE CHANGED DUE TO MARKET CONDITIONS, DESIGN CONSTRAINTS OR PERMITTING REQUIREMENTS AT FINAL DETAIL SITE PLAN APPROVAL.
- WHERE A LANDSCAPE BUFFER IS REQUIRED, DEVELOPER SHALL WORK WITH COUNTY STAFF TO DETERMINE IF EXISTING TREES & VEGETATION MEET BUFFER REQUIREMENTS AND DETERMINE WHAT ADDITIONAL TREES WILL BE REQUIRED TO MEET COUNTY LANDSCAPE BUFFER MINIMUM REQUIREMENTS.
- PROPOSED PROJECT SHALL BE SERVICED BY CENTRAL WATER & SEWER.

SITE DATA TABLE:

PROPERTY AREA:	24.67 ACRES
CURRENT ZONING & LAND USE:	CC, MHC
PROPOSED USE:	PLANNED DEVELOPMENT (PD)

LAND USE BREAKDOWN:

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	5.18 AC	(20.9%)

LANDSCAPING AND BUFFERS:

ALL LANDSCAPING AND BUFFER REQUIREMENTS ARE PROPOSED TO BE CONSISTENT WITH CHARLOTTE COUNTY LAND DEVELOPMENT REGULATIONS SEC. 3-9-100 BUFFERS, LANDSCAPING AND TREE REQUIREMENTS.

FLOOD ZONE:

ZONE: 10AE, X

DENSITY:

PROPOSED RESIDENTIAL DENSITY	=	NUMBER DWELLING UNITS / PROPERTY
	=	188 UNITS / 24.67 AC
	=	7.62 UNITS PER ACRE

PARKING REQUIREMENTS:

ALL REQUIRED PARKING AND LOADING FACILITIES SHALL BE DESIGNED AND PERMITTED PER CHARLOTTE COUNTY LDR SEC. 3-9-79 "OFF-STREET PARKING AND LOADING FACILITIES"

OPEN SPACE:

REQUIRED:	= 20% OF PD LIMITS
	= 20% X 24.67 AC
	= 4.93 AC

PROVIDED: (STORMWATER AREA + COMMON OPEN AREA) / PD LIMITS
= (3.60 AC + 5.18 AC) / 24.67 AC = 35.5%

OPEN HABITAT SPACE:

OPEN HABITAT SPACE WILL BE ADDRESSED AT FINAL DETAIL PLAN.

PREPARED FOR:
PASTORE DOYLE DEVELOPERS, LLC
510 CRANBERRY STREET, SUITE 301
ERIE, PA 16507
(814) 454-1644

NO.	DATE	REVISION DESCRIPTION	BY

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

4151 TAHAMM TRAIL - BLDG 5 UNIT 501
FORT CHARLOTTE, FLORIDA 33553
PHONE: (841) 825-1185 FAX: (841) 825-1149
ENGINEERING LICENSE # EB 8469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM



Digitally signed by
TODD R. REBOL
Date:
2021.09.20
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PD CONCEPT PLAN									
ENGLEWOOD MULTI-FAMILY DEVELOPMENT									
CHARLOTTE COUNTY, FLORIDA									
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET		
04-21-21	4511	PD CON SP	TRR	GAE	TRR	1"=60'	3		